

loss and are praying for him at this sad time.

Mr. RANGEL, at the request of Mr. BOEHNER, will have a bipartisan delegation attending the services on Friday to celebrate the life of Jack Kemp. He was a patriot. He loved America. And in his service and leadership to our country, God truly did bless America.

Mr. BRADY of Pennsylvania. I urge the adoption of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 401.

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

A motion to reconsider was laid on the table.

□ 1345

AUTHORIZING USE OF EMANCIPATION HALL FOR KING KAMEHAMEHA CELEBRATION

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 80) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 80

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 7, 2009, to celebrate the birthday of King Kamehameha.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the concurrent resolution now under consideration.

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

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution authorizes the use of Emancipation Hall in the Capitol Visitor Center for the birthday celebration of King Kamehameha.

King Kamehameha is credited with unifying all the islands of Hawaii into the Kingdom of Hawaii in 1810. During his rule, he established trade with other countries, promoted agriculture, and reigned in peace after the unification until his death in 1819.

In honor of his lasting legacy to the people of Hawaii, every year he is remembered in a statewide celebration for his accomplishments as King. The celebration will be on a Sunday so it won't disrupt the use of the CVC or tours of the Capitol.

I urge Members to support this resolution.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this resolution, which does authorize the use of the Capitol Visitor Center for the purpose of celebrating the birthday of King Kamehameha.

The ceremony, which will take place in Emancipation Hall in close proximity to his famed statue in the National Statuary Hall Collection, appropriately honors the birth of the legendary warrior. In addition to uniting and protecting the Hawaiian Islands, King Kamehameha established the principal Hawaiian law pertaining to the peaceful treatment of civilians during wartime, which today serves as a universal model for human rights.

I thank Chairman BRADY for taking up this resolution, and I urge my colleagues to join me in support.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentleman from Hawaii, the sponsor of the resolution, Ms. MAZIE HIRONO.

Ms. HIRONO. I thank the gentleman for yielding.

Aloha. Mr. Speaker, I rise today in support of H. Con. Res. 80, which would authorize the use of Emancipation Hall in the Capitol Visitor Center for the 40th Annual Kamehameha Day Lei Draping Ceremony. And, of course, I encourage and invite all my colleagues to join us in this ceremony.

I would like to thank Chairman BRADY for his leadership and for allowing this bill to be brought forward in an expeditious manner. I would also like to thank the cosponsors of this bill, my fellow Pacific Island delegation members: Congressman ABERCROMBIE, Congressman FALCOMA, Congresswoman BORDALLO, and Congressman SABLAN, for their support.

The Kamehameha Day Lei Draping Ceremony has been hosted by the Hawaii congressional delegation and the Hawaii State Society of Washington, D.C. since 1969. The ceremony has been held on or about June 11 to coincide

with the celebration of Kamehameha Day, a State holiday in Hawaii. This year the event in D.C. will be held on Sunday, June 7.

While the Kamehameha Day Lei Draping Ceremony has been held for decades, with the Kamehameha statue being moved to Emancipation Hall, a concurrent resolution must be passed to authorize the use of this space for this year's ceremony.

Why do we celebrate and acknowledge King Kamehameha I? He was the first monarch to unify the Hawaii Islands and was the living embodiment of a leader. Born in 1782, Kamehameha I was daring, visionary, strong, and courageous, not just the kind of courage you find on the field of battle but the courage to forgive others for the greater good of all.

As a young man on the Island of Hawaii, Kamehameha participated in a raid and surprised two local fishermen who then attacked him with a paddle, leaving him for dead. These same fishermen were presented to Kamehameha for judgment for this act 12 years later as Kamehameha was then a young chief. He could have sent them to their deaths with the slightest utterance, but he did not. Instead, he blamed himself for attacking innocent people and, astonishingly, gave the fishermen gifts of land and set them free.

History records this act as the basis for the Law of the Splintered Paddle, a law which provided for the safety of noncombatants in wartime. It is a law that undoubtedly saved many lives during Kamehameha's later unification of all of the Hawaiian Islands. While this may have seemed like a simple gesture of kindness, this act took real courage and vision.

As King of all Hawaii, Kamehameha appointed Governors for each island, made laws for the protection of all his people, planted taro, built houses and irrigation ditches, restored important cultural sites, encouraged industries like farming and fishing, managed the island's natural resources, and entered into trading agreements with other nations. The flag design he ordered for his kingdom later became the Seal of the State of Hawaii. He would rule until 1819.

I would like to close by thanking the staff of the Committee on House Administration, the Office of the Architect of the Capitol, and the Office of the Sergeant At Arms, who have been real partners in making this annual event possible for these many decades.

Mahalo nui loa.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. BRADY, thank you for yielding.

Mr. Speaker, Representative HIRONO has given an excellent history of Kamehameha and the reasoning behind the

celebration of his birthday as a State holiday in Hawaii. For the benefit of the Members and those who may not be familiar with the question of the statue itself and what it represents in the broader context, for those who may not be familiar with it, I would like to perhaps give a little bit of perspective, a little history on it.

When people come from all over the world, not just the country itself, the Nation itself, to the Capitol, when they tour the Capitol, the most open capitol of any in the world, perhaps in the history of the world, we take pride, do we not, in the fact that this Capitol is open and available and accessible to all people, and we take some degree of pride, and rightfully so, that we are able to exhibit some of the history of this Nation for all to see and that each State has the opportunity to present for consideration of all of us two statues.

One, of course, for us is Father Damien, who has just been named as a saint in the Roman Catholic Church. He came from Belgium to the United States to then, of course, the territory of Hawaii and ministered to those who had Hansen's disease, leprosy, on the Island of Molokai on the peninsula of Kalaupapa. His ministrations to those who had been abandoned, those who literally had been exiled to Kalaupapa resulted in the consideration by the Roman Catholic Church of miracles having been taken place in his name as a result of his dedication.

The other statue representative of what we feel Hawaii is all about, of course, is Kamehameha. He's a legendary figure. The things that Representative HIRONO cited, of course, are part of history. But when we use the word "legendary" to describe someone, it genuinely fits Kamehameha the Great.

In his youth as part of this legendary history, he was known as a courageous warrior. He was said to have overturned the Naha Stone in Hilo, Hawaii, which indicated his almost superhuman strength and foreshadowed his inevitable conquest of all of Hawaii. I suppose it is the equivalent or a parallel could be drawn to the seizure of the Excalibur sword from the ground by the legendary King Arthur. This is the stature of Kamehameha. He did, in fact, unify the islands. And when he passed away in 1819, the phrase that was used with his passing is that "only the stars know his final resting place." So the legend became even more of a tale to be told not only throughout the islands but throughout the world.

So when people see that statue, when they observe that statue, they're somewhat shocked. It's monumental. I recall very, very clearly that in the rather obscure corner in Statuary Hall where Kamehameha originally resided here in the Capitol, it was somewhat difficult to find. People were not quite sure why it was there. It was said that because of the great weight of the statue itself it had to go there in order to

be supported by the flooring of the Capitol. So in that position, Mr. Speaker, the really triumphant power and grace of the statue was not necessarily fully available to those who came to Statuary Hall. As a result, the Architect of the Capitol said to me, when we were first discussing the question of the visitor center and what is now Emancipation Hall, that he wanted very much to have the statue of Kamehameha in a very prominent position when the new visitor center was opened. He was certain that it would occupy an enormous presence there. It does that today. And we are very, very grateful for the opportunity for all to come and to view it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I would like to yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 80, authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha the Great.

First, I want to thank the chairman of the House Committee on House Administration, my colleague Mr. BRADY, for managing this important legislation, and I thank also my colleague and dear friend from the other side of the aisle from California for his support of the bill. I also want to commend my colleague, the gentlewoman from Hawaii, Congresswoman HIRONO, for her leadership as the author of this proposed legislation and, of course, my colleague Mr. ABERCROMBIE for his support as well.

Mr. Speaker, the Kamehameha Lei Draping Ceremony in Statuary Hall of the U.S. Capitol has been hosted by the Hawaii congressional delegation and Hawaii State Society of Washington, D.C. since 1969. For almost 40 years now we have conducted this ceremony each year on or about the second week of June to coincide with the celebration of King Kamehameha Day in the State of Hawaii. We do this every year.

Mr. Speaker, the King Kamehameha statue has now been moved to Emancipation Hall of the U.S. Capitol Visitor Center, and in doing so, section 103 of Public Law 110-437, it now requires the enactment of a congressional resolution to authorize this special ceremony to take place to honor King Kamehameha the Great.

Mr. Speaker, as my good friend, the gentleman from Hawaii, had commented, I didn't appreciate where the King Kamehameha statue was placed in Statuary Hall. It was somewhat behind the bus, so to speak. And somewhat, in my own personal opinion, it was demeaning. Sometimes I've come to see in Statuary Hall a bunch of

chairs surrounding the statue. And in my personal opinion, Mr. Speaker, I'm so happy now it's being moved to Emancipation Hall.

Mr. Speaker, King Kamehameha was one of the greatest Hawaiian warrior kings known among the Polynesian people. After some 2,000 years of tremendous rivalries among the warring chiefs of the Hawaii Islands, it was prophesied among the Hawaiian priests that there will one day be born a high chief who will be a slayer of other high chiefs and he will unite all of the Hawaiian Islands under one rule.

□ 1400

King Kamehameha fulfilled that prophecy, after almost 10 years of fighting against other rival chiefs of the Hawaiian Islands. King Kamehameha was taught the ancient arts, the martial arts, known among the Hawaiian people as lua.

He also learned military tactics and the art of warfare from his warrior chief, Kekuaupio. He was able to lift the ancient Naha Stone, as referred to by my colleague, Mr. ABERCROMBIE. This stone weighed 4,500 pounds and is still in the City of Hilo, if anybody wants to see how big this stone was.

Mr. Speaker, King Kamehameha was about 6 feet, 8 inches and weighed almost 300 pounds. So if you were a warrior, you better watch out if you see King Kamehameha coming at you.

King Kamehameha was a true warrior king, because he would always be in the front line leading his warriors in combat. And he was ferocious in battle, and he had no fear for his life.

One of his favorite sports to prove agility and combat readiness was the ability of a warrior to dodge spears thrown at you at the same time. King Kamehameha was able to do this with six spears thrown at him at the same time.

See if you can do that, my good friend from California.

He would grab two spears, parry the other two spears, and let the other two go by him. That's how you do it, Mr. Speaker.

Mr. Speaker, King Kamehameha unified the islands and established peace and stability. He was shrewd in building prosperity for his people by encouraging agricultural development and promoting commercial trade in Europe and even with the United States. While he was open to new ideas, he was cautious and circumspect in the old way.

At the time King Kamehameha instituted, as noted by my good friend Congresswoman HIRONO, the Law of the Splintered Paddle, or Mamalahoe, as among the Hawaiian people, which protected elderly men and women and children from any harm as they'd travel along the roadside.

Mr. Speaker, the first King Kamehameha Day was proclaimed on June 11, 1871, by his great grandson, King Kamehameha V. The proposed legislation recognizes the United States is built upon diversity, and we all share the same ideals of freedom and democracy and a commitment to justice for all

people. These ideals embody the legacy of King Kamehameha the Great.

The SPEAKER pro tempore (Mr. ALTMIRE). The time of the gentleman has expired.

Mr. BRADY of Pennsylvania. I yield the gentleman an additional 30 seconds.

Mr. FALEOMAVAEGA. It is only fitting that we honor, not only honor the birth date of this great Hawaiian warrior king, but we continue to have the special ceremony of draping hundreds of flower leis on his statue, on the statue that now stands prominently in the Emancipation Hall of the U.S. Capitol Visitor Center.

I urge my colleagues to support this legislation.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I urge all Members to support H. Con. Res. 80, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge Members to pass this resolution honoring King Kamehameha, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 80.

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

A motion to reconsider was laid on the table.

**PUBLIC CONTRACT LAW
TECHNICAL CORRECTIONS**

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1107) to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1107

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Purpose; conformity with original intent.
- Sec. 3. Enactment of Title 41, United States Code.
- Sec. 4. Conforming amendment.
- Sec. 5. Conforming cross-references.
- Sec. 6. Transitional and savings provisions.
- Sec. 7. Repeals.

SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.

(a) PURPOSE.—The purpose of this Act is to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts".

(b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws by this Act, the intent is to conform to the understood policy, intent, and purpose of Congress in the original enactments, with such amendments and corrections as will remove ambiguities, con-

tradictions, and other imperfections, in accordance with section 205(c)(1) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93-554 (2 U.S.C. 285b(1)).

SEC. 3. ENACTMENT OF TITLE 41, UNITED STATES CODE.

Certain general and permanent laws of the United States, related to public contracts, are revised, codified, and enacted as title 41, United States Code, "Public Contracts", as follows:

TITLE 41—PUBLIC CONTRACTS

Subtitle	Sec.
I. FEDERAL PROCUREMENT POLICY	101
II. OTHER ADVERTISING AND CONTRACT PROVISIONS	6101
III. CONTRACT DISPUTES	7101
IV. MISCELLANEOUS	8101
Subtitle I—Federal Procurement Policy	
DIVISION A—GENERAL	
Chapter	Sec.
1. Definitions	101
DIVISION B—OFFICE OF FEDERAL PROCUREMENT POLICY	
11. Establishment of Office and Authority and Functions of Administrator	1101
13. Acquisition Councils	1301
15. Cost Accounting Standards	1501
17. Agency Responsibilities and Procedures	1701
19. Simplified Acquisition Procedures	1901
21. Restrictions on Obtaining and Disclosing Certain Information	2101
23. Miscellaneous	2301
DIVISION C—PROCUREMENT	
31. General	3101
33. Planning and Solicitation	3301
35. Truthful Cost and Pricing Data	3501
37. Awarding of Contracts	3701
39. Specific Types of Contracts	3901
41. Task and Delivery Order Contracts	4101
43. Allowable Costs	4301
45. Contract Financing	4501
47. Miscellaneous	4701

DIVISION A—GENERAL

CHAPTER 1—DEFINITIONS

SUBCHAPTER I—SUBTITLE DEFINITIONS

Sec.
101. Administrator.
102. Commercial component.
103. Commercial item.
104. Commercially available off-the-shelf item.
105. Component.
106. Federal Acquisition Regulation.
107. Full and open competition.
108. Item and item of supply.
109. Major system.
110. Nondevelopmental item.
111. Procurement.
112. Procurement system.
113. Responsible source.
114. Standards.
115. Supplies.
116. Technical data.

SUBCHAPTER II—DIVISION B DEFINITIONS

131. Acquisition.
132. Competitive procedures.
133. Executive agency.
134. Simplified acquisition threshold.

SUBCHAPTER III—DIVISION C DEFINITIONS

151. Agency head.
152. Competitive procedures.
153. Simplified acquisition threshold for contract in support of humanitarian or peacekeeping operation.

SUBCHAPTER I—SUBTITLE DEFINITIONS

§ 101. Administrator

In this subtitle, the term "Administrator" means the Administrator for Federal Procurement Policy appointed under section 1102 of this title.

§ 102. Commercial component

In this subtitle, the term "commercial component" means a component that is a commercial item.

§ 103. Commercial item

In this subtitle, the term "commercial item" means—

- (1) an item, other than real property, that—
 - (A) is of a type customarily used by the general public or by nongovernmental entities for purposes other than governmental purposes; and
 - (B) has been sold, leased, or licensed, or offered for sale, lease, or license, to the general public;
- (2) an item that—
 - (A) evolved from an item described in paragraph (1) through advances in technology or performance; and
 - (B) is not yet available in the commercial marketplace but will be available in the commercial marketplace in time to satisfy the delivery requirements under a Federal Government solicitation;
- (3) an item that would satisfy the criteria in paragraph (1) or (2) were it not for—
 - (A) modifications of a type customarily available in the commercial marketplace; or
 - (B) minor modifications made to meet Federal Government requirements;
- (4) any combination of items meeting the requirements of paragraph (1), (2), (3), or (5) that are of a type customarily combined and sold in combination to the general public;
- (5) installation services, maintenance services, repair services, training services, and other services if—
 - (A) those services are procured for support of an item referred to in paragraph (1), (2), (3), or (4), regardless of whether the services are provided by the same source or at the same time as the item; and
 - (B) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government;
- (6) services offered and sold competitively, in substantial quantities, in the commercial marketplace based on established catalog or market prices for specific tasks performed or specific outcomes to be achieved and under standard commercial terms and conditions;
- (7) any item, combination of items, or service referred to in paragraphs (1) to (6) even though the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor; or
- (8) a nondevelopmental item if the procuring agency determines, in accordance with conditions in the Federal Acquisition Regulation, that the item was developed exclusively at private expense and has been sold in substantial quantities, on a competitive basis, to multiple State and local governments.

(A) those services are procured for support of an item referred to in paragraph (1), (2), (3), or (4), regardless of whether the services are provided by the same source or at the same time as the item; and

(B) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government;

(6) services offered and sold competitively, in substantial quantities, in the commercial marketplace based on established catalog or market prices for specific tasks performed or specific outcomes to be achieved and under standard commercial terms and conditions;

(7) any item, combination of items, or service referred to in paragraphs (1) to (6) even though the item, combination of items, or service is transferred between or among separate divisions, subsidiaries, or affiliates of a contractor; or

§ 104. Commercially available off-the-shelf item

In this subtitle, the term "commercially available off-the-shelf item"—

- (1) means an item that—
 - (A) is a commercial item (as described in section 103(1) of this title);
 - (B) is sold in substantial quantities in the commercial marketplace; and
 - (C) is offered to the Federal Government, without modification, in the same form in which it is sold in the commercial marketplace; but
- (2) does not include bulk cargo, as defined in section 40102(4) of title 46, such as agricultural products and petroleum products.