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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 23, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

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

CELEBRATING THE 150TH ANNIVERSARY OF ALLEGHANY COUNTY, NORTH CAROLINA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to celebrate the 105th anniversary of Alleghany County, North Carolina. Alleghany County was created by an act of the North Carolina legislature in 1859. The county sits astride the Appalachian Mountains and the North Carolina High Country and boasts some of the most beautiful mountain scenery in North Carolina.

Since its creation in 1859, Alleghany County has been called home by countless hard-working North Carolinians, from farmers to small business owners who know the value of a hard day's work.

One of Alleghany's most notable native sons, Robert Doughton, served here in the House of Representatives for 42 years, from 1911 to 1953. Congressman Doughton was chairman of the House Ways and Means Committee for 18 of his 42 years in Congress. He also played a decisive role in creating the Blue Ridge Parkway, which we all know as one of the most beautiful scenic roads in America.

Today, Alleghany hosts the 6,000 acre Doughton Park named in his honor and known for its excellent wildlife viewing. The Blue Ridge Parkway itself also cuts a scenic path through Alleghany County, just a stone's throw from the county seat, the town of Sparta.

Alleghany County is a place of unique beauty and character, right off the beaten path. From the pristine waters of the New River to the distinct sounds of its local Blue Grass musical heritage, it is a one-of-a-kind place found only in the great State of North Carolina. The people here are friendly and welcoming, good-natured and full of common sense. I am proud to represent them in Congress and proud to join them in celebrating the 105th anniversary of this fine county.

CONTROLLING RUNAWAY FEDERAL SPENDING

Madam Speaker, I would also like to speak briefly this morning about the runaway Federal spending that we are seeing occurring in this Congress.

Here are the facts on spending from this year:

A $2 trillion deficit for FY 2009;

The second tranche of the TARP allowed to be spent, $350 billion;

The stimulus package, H.R. 1, $787 billion, but over $1 trillion with debt costs;

The omnibus appropriations bill, $409 billion.

President Obama's budget increased total spending to $4 trillion in 2009, or 28 percent of GDP, the highest Federal spending as a percentage of GDP since World War II. Federal spending is out of control.

Republicans in the last week or so have offered many, many amendments, most of which were designed to cut Federal spending. However, the Democrats don't want to hear those amendments. They say they would take too much time. Apparently, the Democrats can't spend the people's money fast enough.

Republicans believe Congress has the time to practice fiscal discipline. Republicans are going to stand up for the American people and fight runaway Federal spending.

TRUE FACTS ON THE STATE OF HEALTH CARE IN AMERICA

Madam Speaker, the other issue that needs to be addressed is the misleading comments made almost every day on this floor about the uninsured in this country. We hear over and over and over again a figure that 47 million Americans don't have health care. That is not true.

First of all, the number of people who are uninsured in this country is only 45.7 million: 9½ million of them are illegal aliens; 12 million of them are eligible for public programs, but they choose not to participate; 7.3 million have incomes of $84,000 a year and choose not to purchase insurance; and those only temporarily uninsured, 9.1 million. That brings us to 7.8 million who are American citizens, lower income and long-term uninsured.

We have to continue to correct the misleading numbers given on this floor every day by our colleagues across the aisle, and we are going to continue to do that.

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THE ECONOMIC CASE FOR HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to highlight the economic need for health care reform. Indeed, as my friend from North Carolina just indicated, there are a lot of misleading statistics on health care. In fact, we just heard a few from her.

We have heard a great deal about the human costs of failing to reform health care. Forty-six million Americans lack health care insurance. A child without insurance, for example, is 5 times more likely to die of appendicitis than a child that has access to health care insurance.

The loss of any life is truly incalculable. However, there are those who would rather avoid talking about that child. They prefer to discuss the dollars and cents of health care. For those who worry only about the cost of reform, I would like to discuss the tremendous economic cost of doing nothing.

We know the cost of doing nothing. Without reform, small businesses will pay $2.4 trillion in health care for their employees over the next decade. Reforming the system and controlling costs could save those small businesses $800 billion by 2018 and save 168,000 jobs, unless we do nothing.

Currently, 46 million Americans lack health insurance. We know the economic costs of that. In 2008, Federal, State and local governments paid $442.9 billion to reimburse the uncompensated costs for visits to health clinics and hospitals by the uninsured. That places a tax burden on every American of $627 a year, Madam Speaker. If we continue doing nothing, the tax burden in inflation-adjusted dollars will nearly triple by 2030.

As health insurance costs continue to rise, and they will, and as more Americans find themselves unable to afford insurance, and they will, those reimbursement costs will, of course, skyrocket. We know the cost of doing nothing, and we cannot afford that cost.

Americans have the most expensive health care system in the world. True, the quality of care at the highest levels is second to none. However, the dramatically rising costs each year render more and more people unable to access that quality care.

As chairman of Fairfax County, Virginia, Board of Supervisors, one the primary concerns I heard from county retirees was the rapidly rising cost of health care. Senior citizens and those on fixed incomes were especially concerned that the ever-growing premiums were forcing them to choose between health care and other necessities. Private industry is also feeling that pinch. Companies such as IBM have begun to eliminate retiree health care benefits altogether, precisely because of rising health care costs.

In 1960, health care costs in the United States were 5 percent of our Gross Domestic Product. Today, they represent 18 percent, and if we do nothing, the costs will rise to a staggering 34 percent of our entire GDP by 2040. Madam Speaker, our children will be paying seven times more for health care costs than we paid in 1960. That level of cost increase is unconscionable and unsustainable.

Workers currently receiving employer-provided health insurance are increasingly faced with two devastating scenarios; either the level of care they receive is reduced to counter the costs, or their health care costs rise each year, far outpacing their rise in wages. For many workers, they see both in a double whammy of paying more for less. This is evident in the growth in the average employer-sponsored health insurance family deductible. In just 7 years year, Madam Speaker, from 1999 to 2006, the average deductible grew 50 percent. For firms with less than 50 employees, the deductible increased from roughly $1,300 in 1999 to over $2,000 in 2006.

Currently 43 percent of those smaller firms offer their employees health care coverage. As costs continue to rise, this number will shrink and more Americans will find themselves uninsured and unable to afford affordable options. If we can continue to do nothing, government spending on health care will suffer equally. Spending on Medicare and Medicaid, currently 6 percent of GDP, will rise if we do nothing to 15 percent by 2040.

Studies have shown that slowing the cost growth in health care by 1.5 percentage points a year will result in dramatic decreases in the Federal budget deficit. By 2030, Federal deficits would be 3 percent of GDP smaller than it otherwise would have been, saving us hundreds of billions of dollars a year, something my friend from North Carolina just indicated she was concerned about. If we do nothing, we condemn our future to rapidly increasing budget deficits and a dearth of funding available for other essential government functions.

Madam Speaker, I support comprehensive health care reform.

RECESS

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

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARNAHAN) at noon.

PRAYER

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

Lord, the summer solstice has already passed. So quietly and relentlessly daylight grows shorter. The full expression of family joy on a weekend holiday or a brief summer vacation is abruptly ended with the news of a Metro train crash. The bright light is suddenly dimmed when the cloud of fragile life passes by.

Lord, we lift up in prayer all those who died or were injured in yesterday's tragedy here in Northeast Washington. Be with their families, neighbors and friends.

As You restore confidence and peace to the fragile systems of routine in our workaday world, Lord, we bless You and praise You for all of the good days and the good times we try to hold onto as best we can, because they carry us through the times that are not so good.

Lord of the ages, it is You who hold all together and oversee the seasons of everyone's life, even as summer days grow shorter. Both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POE of Texas led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1777. An act to make technical corrections to the Higher Education Act of 1965, and for other purposes.

H.R. 2967 STOPS LOOPHOLE ABUSE

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of H.R. 2967, a bill I introduced to save 324 jobs in my district and save American taxpayers billions of dollars.

Kraft paper companies have abused a loophole in the alternative fuels mixture tax credit to claim billions of dollars of subsidies with no benefit to the taxpayer. Their gimmicks have not encouraged alternative fuel use, and they

are actually costing us jobs in recycled paper mills which should be growing our economy.

These mills, like the Catalyst paper mill in Snowflake, Arizona, cannot compete against rivals who claim Federal subsidies. Catalyst has been forced to let go more than a quarter of its workers, and is at risk of shutting down entirely.

This Congress has a duty to restore fiscal responsibility and help keep folks at work. This bill will help save jobs and eliminate waste. I urge my colleagues to give it their support.

THE SONS AND DAUGHTERS OF IRAN

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

Mr. POE of Texas. Mr. Speaker, the turmoil continues in Iran with the little man from the desert, President Mahmud Ahmadinejad, claiming victory in the apparent fraudulent presidential elections.

Leave it to the students of Iran to continue to protest, in spite of the government's shooting of students and others who risk their lives for the human right to peaceably assemble and freedom of speech.

Backed by the government-controlled press and the religious leaders, Ahmadinejad is trying to quell the hundreds of thousands who say his claim to the imperial throne of the presidency is a fraud.

The sons of liberty and the daughters of democracy in Iran who wish to exercise the right of free speech and freedom to assemble should resolve this drama peaceably in order to ensure their human rights. And I hope our American policy would be morally and verbally supportive, as stated by President Kennedy years ago when he said, ''Let every Nation know, whether it wishes us well or ill, that we will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to ensure the survival and the success of liberty.''

And that's just the way it is.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 22, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, June 22, 2009 at 5:29 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to the Western Balkans first declared in Executive Order 13219 of June 26, 2001.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–51)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2009.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *June 22, 2009.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 407) to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 407

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2009''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2009, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2009, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2009, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of

the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2010.

SEC. 3. CODIFICATION OF 2008 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''$117'' and inserting ''$123'';

(2) in subsection (b), by striking ''$230'' and inserting ''$243'';

(3) in subsection (c), by striking ''$356'' and inserting ''$376'';

(4) in subsection (d), by striking ''$512'' and inserting ''$541'';

(5) in subsection (e), by striking ''$728'' and inserting ''$770'';

(6) in subsection (f), by striking ''$921'' and inserting ''$974'';

(7) in subsection (g), by striking ''$1,161'' and inserting ''$1,228'';

(8) in subsection (h), by striking ''$1,349'' and inserting ''$1,427'';

(9) in subsection (i), by striking ''$1,517'' and inserting ''$1,604'';

(10) in subsection (j), by striking ''$2,527'' and inserting ''$2,673'';

(11) in subsection (k)—

(A) by striking ''$91'' both places it appears and inserting ''$96''; and

(B) by striking ''$3,145'' and ''$4,412'' and inserting ''$3,327'' and ''$4,667'', respectively;

(12) in subsection (l), by striking ''$3,145'' and inserting ''$3,327'';

(13) in subsection (m), by striking ''$3,470'' and inserting ''$3,671'';

(14) in subsection (n), by striking ''$3,948'' and inserting ''$4,176'';

(15) in subsections (o) and (p), by striking ''$4,412'' each place it appears and inserting ''$4,667'';

(16) in subsection (r), by striking ''$1,893'' and ''$2,820'' and inserting ''$2,002'' and ''$2,983'', respectively; and

(17) in subsection (s), by striking ''$2,829'' and inserting ''$2,993''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking ''$142'' and inserting ''$150'';

(2) in subparagraph (B), by striking ''$245'' and ''$71'' and inserting ''$259'' and ''$75'', respectively;

(3) in subparagraph (C), by striking ''$96'' and ''$71'' and inserting ''$101'' and ''$75'', respectively;

(4) in subparagraph (D), by striking ''$114'' and inserting ''$120'';

(5) in subparagraph (E), by striking ''$271'' and inserting ''$286''; and

(6) in subparagraph (F), by striking ''$227'' and inserting ''$240''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking ''$677'' and inserting ''$716''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking ''$1,091'' and inserting ''$1,154''; and

(B) in paragraph (2), by striking ''$233'' and inserting ''$246''.

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

''Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,154	W–4	$1,380
E–2	$1,154	O–1	$1,219
E–3	$1,154	O–2	$1,260
E–4	$1,154	O–3	$1,347
E–5	$1,154	O–4	$1,427
E–6	$1,154	O–5	$1,571
E–7	$1,194	O–6	$1,771
E–8	$1,260	O–7	$1,912
E–9	[1] $1,314	O–8	$2,100
W–1	$1,219	O–9	$2,246
W–2	$1,267	O–10	[2] $2,463
W–3	$1,305		

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,419.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,643.''.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking ''$271'' and inserting ''$286'';

(B) in subsection (c), by striking ''$271'' and inserting ''$286''; and

(C) in subsection (d), by striking ''$128'' and inserting ''$135''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking ''$462'' and inserting ''$488'';

(B) in paragraph (2), by striking ''$663'' and inserting ''$701'';

(C) in paragraph (3), by striking ''$865'' and inserting ''$915''; and

(D) in paragraph (4), by striking ''$865'' and ''$165'' and inserting ''$915'' and ''$174'', respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking ''$271'' and inserting ''$286'';

(B) in subsection (b), by striking ''$462'' and inserting ''$488''; and

(C) in subsection (c), by striking ''$230'' and inserting ''$243''.

(f) DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE TO PARENTS.—Section 1315 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''$163'' and inserting ''$569''; and

(B) in paragraph (3), by striking ''$4,038'' and inserting ''$13,456'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''$115'' and inserting ''$412''; and

(B) in paragraph (3), by striking ''$4,038'' and inserting ''$13,456'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''$109'' and inserting ''$387''; and

(B) in paragraph (3), by striking ''$5,430'' and inserting ''$18,087''; and

(4) in subsection (g), by striking ''$85'' and inserting ''$308''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2008.

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

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, this is the last week before the July 4 break, and we have a series of bills to suitably commemorate July 4 with bills that will really aid our veterans who have made July 4 possible.

I rise in support of the Veterans' Compensation Cost-of-Living Adjustment Act of 2009, S. 407, which is a companion to the House bill, H.R. 1533, which was introduced by one of our new members on the Committee on Veterans' Affairs and sure to be one of our body's most productive members, Mrs. KIRKPATRICK of Arizona. I thank the gentlelady for her leadership on this important bill.

The House leadership demonstrated its commitment to our Nation's veterans, their families, and their survivors by getting this bill to the floor, after reporting from the Committee on Veterans' Affairs, and by getting this companion bill, sponsored by Senator AKAKA, to the floor shortly after receipt in the House.

As it has done every year since 1976, Congress, with the passage of this measure, directs the Secretary of Veterans' Affairs to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, DIC, to their survivors and dependents along with other benefits in order to keep pace with the rising cost of living.

This disability COLA would become effective on December 1 of this year and will be equal to that provided on an annual basis to Social Security recipients. Last year, the COLA was set at 5.8 percent, an increase we all agree was direly needed, as the financial crush of the recession closed in on many of our disabled veterans' households.

While it is likely to be a lesser percentage of an increase this year, the measure will now move to the President's desk for his signature. Enactment ensures that veterans get a matching increase to the Social Security COLA on that date.

Mr. Speaker, this bill will benefit each of the nearly 3 million disabled veterans and their survivors, whether they are from the World War I era through the current conflicts in Iraq and Afghanistan.

We would be derelict in our duty if we failed to guarantee that those who sacrificed so much for this country receive benefits and services that keep pace with their needs. We fund the war; let's make sure that we fund the warrior and his or her families and their survivors.

I urge my colleagues to support passage of the Veterans' Compensation Cost-of-Living Adjustment Act, S. 407, without delay.

I reserve the balance of my time.

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

I agree with the chairman in the sense that this is the perfect time of the year to bring these bills forward. These are excellent bills that will help our veterans, and I rise in strong support of S. 407, the Veterans' Compensation Cost-of-Living Act of 2009.

I would like to thank my House colleagues, Mr. HALL of New York, chairman of the Disability Assistance and Memorial Affairs Subcommittee, and the gentleman from Colorado (Mr. LAMBORN), the ranking Republican on the subcommittee, as well as the House bill's sponsor, Mrs. KIRKPATRICK of Arizona, for their leadership on H.R. 1533 which passed on March 30, 2009.

Mr. Speaker, S. 407 would increase effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. The COLA adjustment includes veterans' disability compensation, additional compensation for dependents, clothing allowance dependency, and indemnity compensation to surviving spouses and children.

Mr. Speaker, this is an important annual authorization which provides much-needed assistance to our Nation's veterans, and I encourage all of my colleagues to support the bill.

□ 1215

Again, Mr. Speaker, I would like to thank the Subcommittee on Disability Assistance and Memorial Affairs Chairman John Hall and Ranking Member Doug Lamborn on these issues. I would also like to thank Committee Chairman Bob Filner and Ranking Member Steve Buyer for moving this bill forward for consideration.

I urge my colleagues to support S. 407 and yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. 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 material on S. 407.

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

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of S. 407; with all good intended purpose, this bill will increase the rates of compensation for veterans with service-connected disabilities and rates of dependency indemnity compensation, DIC, for the survivors of certain disabled veterans. It will also increase of the Cost of Living Allowance, COLA. At this time, I would like to thank my good friend Senator DANIEL AKAKA, Chairman of the Senate Veterans Affairs Committee and majority ranking members for introducing this bill as well as the Committee Minority Member Senator RICHARD BURR who is the original cosponsor, so are Committee Members JOHN D. ROCKEFELLER IV, PATTY MURRAY, BERNARD SANDERS, SHERROD BROWN, JIM WEBB, JON TESTER, MARK BEGICH, ROLAND BURRIS, ARLEN SPECTER, JOHNNY ISAKSON, ROGER F. WICKER, MIKE JOHANNS, LINDSEY GRAHAM, Senators FRANK R. LAUTENBERG, BLANCHE LINCOLN, and OLYMPIA J. SNOWE.

Mr. Speaker, this very important legislation could not have come at a time then it is most critical to address the needs of service-connected disabled veterans and survivors during these challenging economic times in our country. The testimonies offered by Bradley G. Mayes, Director, Compensation and Pension Service, Veterans Benefits Administration, Department of Veteran Affairs, etc., in the April 29, 2009 Committee hearing have further substantiated this measure and all voted in favor without dissent.

This measure will also mandate an increase in the Cost of Living Allowance, COLA, for our disabled veterans and survivors.

Mr. Speaker, it is very important that we take care of our veterans. According to VA, as set forth in its fiscal year 2010 budget, the department will provide disability compensation to 3,154,217 veterans with service-connected disabilities in fiscal year 2010. I am pleased with the undivided attention we give to this legislation which underscores how much we appreciate our veterans' selfless military service to protect our country and the freedom and liberty we enjoy.

Again, I thank Senator DANIEL AKAKA and his Veterans Committee for this legislation and strongly urge my colleagues for their full support.

Mr. FILNER. I urge my colleagues to unanimously support S. 407.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 407.

The question was taken.

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

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

The yeas and nays were ordered.

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

WEB SITE INCLUSION OF VA SCHOLARSHIPS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1172) to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1172

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

SECTION 1. PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE.

(a) AVAILABILITY OF SCHOLARSHIP INFORMATION.—By not later than June 1, 2010, the Secretary of Veterans Affairs shall include on the Internet website of the Department of Veterans Affairs—

(1) a list of organizations that provide scholarships to veterans and their survivors and, for each such organization, a link to the Internet website of the organization;

(2) a statement that the information described in paragraph (1) is not an all-inclusive list of scholarships available to veterans and their survivors; and

(3) a statement that the Secretary has not verified the information available on the Internet websites of the organizations referred to paragraph (1) and that the Secretary does not endorse any offer made by any sponsor of any such the website.

(b) MAINTENANCE OF SCHOLARSHIP INFORMATION.—The Secretary of Veterans Affairs shall make reasonable efforts to notify schools and other appropriate entities of the opportunity to be included on the Internet website of the Department of Veterans Affairs pursuant to subsection (a).

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

The Chair recognizes the gentleman from California.

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

I thank the Speaker and also I thank my distinguished colleague from Arkansas, Congressman BOOZMAN, for introducing this bill, H.R. 1172, and for his bipartisan leadership working as the ranking member of the Subcommittee on Economic Opportunity with Chair STEPHANIE HERSETH SANDLIN of South Dakota. That committee is, I think, a model of bipartisan cooperation and we thank the gentleman from Arkansas for his efforts in that regard.

As many veterans service organizations have testified to our committee, the lack of program awareness continues to be a major barrier preventing veterans from accessing the benefits they have earned. The same is also true for non-VA related education assistance such as grants and scholarships. This legislation provides a commonsense solution to provide useful scholarship information to our Nation's veterans and their dependents. Providing a list of all available scholarships on the VA Web site will allow veteran advocates to reach a larger population and simplify the search for veterans and their families.

I am confident our Internet savvy veterans will come to rely on this tool to obtain up-to-date information on how to supplement their education benefits administered by the VA. Again I thank Congressman BOOZMAN for introducing this bill. I urge all my colleagues to join us.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I rise in support of H.R. 1172, as amended, a bill to direct the Secretary of Veterans Affairs to include on the Internet Web site of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors.

Mr. Speaker, the goal of this bill, H.R. 1172, is to provide a place on the VA Web site that lists as many sources

of scholarships for veterans as reasonably possible.

Beginning with the World War II GI Bill, the Department of Veterans Affairs has administered education programs designed to provide a wide range of education and training opportunities to veterans. Over the years, that mission expanded to include veterans, dependents, and survivors.

Since World War II, the number of degree-granting institutions and nondegree-training schools has significantly increased. According to the U.S. Department of Education, there are about 4,314 degree-granting institutions and about 2,222 nondegree-training entities that qualify for title IV education assistance programs.

Each of these may also offer non-Federal financial aid directly or indirectly to veterans through association with organizations such as foundations, but it is the very expansion of these sources that makes it imperative to assist veterans in accessing scholarship information.

With the proliferation of schools, the rapidly increasing cost of education and training, and the sources of potential financial assistance for veterans, there is a need for a centralized source of financial assistance where a veteran can find links to at least some of the aid available. For example, an Internet search for ''veterans scholarships'' yielded 8,570 sources of information. Mr. Speaker, I believe that the VA should also include sources of financial assistance for dependents and survivors if providers of such financial aid notify VA about the availability of such assistance.

During the legislative hearing on H.R. 1172, VA expressed some concerns about the bill. In response to their concerns, in cooperation with Chairwoman HERSETH SANDLIN of the Subcommittee of Economic Opportunity, the committee amended the bill to better define the bill's objectives and to include appropriate limitations on VA's role in providing scholarship information to veterans. I appreciate the opportunity to work in bipartisan cooperation in making these changes. The substitute states that VA shall make reasonable efforts to notify schools and appropriate entities, such as foundations, of the opportunity to be linked by the VA Web site as a provider of scholarships for veterans.

The bill, as amended, also requires VA to include statements on its Web site noting that VA does not endorse or guarantee any assistance offered by an entity included on the Web site, nor should the individual consider the list to be all inclusive.

Finally, the amended bill sets an effective date of June 1, 2010, to enable VA to concentrate on getting the new post-9/11 GI Bill up and running, which is so important before adding to their workload. I believe this bill's provisions will help veterans identify scholarships intended for their use.

I urge my colleagues to support the bill.

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

Mr. FILNER. I would like to recognize the gentlelady from South Dakota (Ms. HERSETH SANDLIN) for as much time as she may consume, but I also want to thank her for her incredible leadership as Chair of the Subcommittee on Economic Opportunity. Lots of bills have come forward from this committee and will continue to do so, and we thank her for her leadership.

Ms. HERSETH SANDLIN. I thank the gentleman, the distinguished chairman of the Veterans' Affairs Committee, for yielding and for his kind words in support of the work of the Subcommittee on Economic Opportunity.

I rise today in strong support of H.R. 1172, as amended. I would like to thank the chairman, Mr. FILNER, Ranking Member BUYER, and the sponsor of the bill, subcommittee ranking member, Mr. BOOZMAN, for their leadership and bipartisan support of this bill, which the full committee passed on June 10.

As Mr. BOOZMAN discussed, this legislation directs the Secretary of the VA to include a list of organizations that provide scholarships to veterans and their survivors on its official Web site. This list will help increase the educational opportunities available to veterans and their survivors by providing an easy-to-find portal to this information.

A key part of the VA's responsibility to our veterans is properly managing and providing the educational benefits our veterans have earned through their service. Legislation such as H.R. 1172 helps fulfill this responsibility and will give veterans and their survivors easier access to college scholarships for which they are eligible.

As Chair of the Economic Opportunity Subcommittee, I am extremely pleased to work with Ranking Member BOOZMAN in a bipartisan manner to improve educational benefits for veterans. We have held a series of important hearings on the post-9/11 GI bill, as well as other educational assistance programs, such as the Vocational Rehabilitation and Education Service. I appreciate Mr. BOOZMAN's efforts and cooperation on this important oversight, and I am pleased to support his bill today.

I urge all of my colleagues to support this legislation.

Mr. BOOZMAN. Mr. Speaker, I would like to again extend my thanks to the Subcommittee on Economic Opportunity chairwoman, STEPHANIE HERSETH SANDLIN, for her assistance on this bill, and also for her leadership in so many ways. STEPHANIE has done a tremendous job.

Again, I would also like to thank the full committee chairman, BOB FILNER, the ranking member, STEVE BUYER, and the committee staff on both sides that have worked very hard on this.

Mr. Speaker, I ask all of my colleagues to support H.R. 1172, as amended, and urge its immediate passage.

With that, having no further speakers, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. 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 material on H.R. 1172, as amended.

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

There was no objection.

Mr. FILNER. Mr. Speaker, I urge my colleagues to support H.R. 1172, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1172, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1016) to amend title 38, United States Code, to provide advance appropriations authority for certain medical care accounts of the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1016

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Budget Reform and Transparency Act of 2009''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the provision of health care services to veterans could be more effectively and efficiently planned and managed if funding was provided for the management and provision of such services in the form of advance appropriations.

SEC. 3. PRESIDENTS' BUDGET SUBMISSIONS.

Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(36) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following accounts of the Department of Veterans Affairs:

''(A) Medical Services.

''(B) Medical Support and Compliance.

''(C) Medical Facilities.

''(D) Information Technology Systems.

''(E) Medical and Prosthetic Research.''.

SEC. 4. ADVANCE APPROPRIATIONS FOR CERTAIN ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) ADVANCE APPROPRIATIONS FOR CERTAIN ACCOUNTS.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 116 the following new section:

"§ 117. Advance appropriations for certain accounts

''(a) IN GENERAL.—For each fiscal year, beginning with fiscal year 2011, discretionary new budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (c) shall—

''(1) be made available for that fiscal year; and

''(2) include, for each such appropriations account, advance discretionary new budget authority that first becomes available for the first fiscal year after the budget year.

''(b) ESTIMATES REQUIRED.—The Secretary shall include in documents submitted to Congress in support of the President's budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the accounts of the Department specified in subsection (c) for the fiscal year following the fiscal year for which the budget is submitted.

''(c) ACCOUNTS SPECIFIED.—The accounts specified in this subsection are the following accounts of the Department of Veterans Affairs:

''(1) Medical Services.

''(2) Medical Support and Compliance.

''(3) Medical Facilities.

''(4) Information Technology Systems.

''(5) Medical and Prosthetic Research.

''(d) ANNUAL REPORT.—Not later than July 31 of each year, the Secretary shall submit to Congress an annual report on the sufficiency of the Department's resources for the next fiscal year beginning after the date of the submittal of the report for the provision of medical care. Such report shall also include estimates of the workload and demand data for that fiscal year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 116 the following new item:

''117. Advance appropriations for certain accounts.''.

SEC. 5. COMPTROLLER GENERAL STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) STUDY OF ADEQUACY AND ACCURACY OF BASE LINE MODEL PROJECTIONS.—The Comptroller General shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model (in this section referred to as the ''Model''), its equivalent, or other methodologies utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs with respect to the fiscal year involved and the subsequent four fiscal years.

(b) REPORTS.—

(1) IN GENERAL.—Not later than the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary of Veterans Affairs a report.

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year concerning the year for which the budget is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall be made available to the public by the Comptroller General.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives.

SEC. 6. REPORT TO CONGRESS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, shall submit to the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate and House of Representatives a report on the requirements of this Act and the amendments made by this Act. Such report shall include—

(1) the Secretary's plans for improving the capability of the Department of Veterans Affairs to better and more accurately estimate future health care costs and demands; and

(2) a description of impediments, statutory or otherwise, to providing future year estimates and advance appropriations for the Medical Services, Medical Support and Compliance, Medical Facilities, Information Technology Systems, and Medical and Prosthetic Research accounts of the Department.

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

The Chair recognizes the gentleman from California.

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

Mr. Speaker, this is undoubtedly one of the most significant bills that this Congress will pass in this or any other session. The Veterans Health Care Budget Reform and Transparency Act was introduced in February, and this bipartisan measure is a response to years of chronic underfunding of the VA medical care system.

During the last two decades, the VA budget has been in place at the start of the fiscal year barely four times. We all know that this delay in providing vital funding puts the provision of health care to veterans at a risk and hampers the VA's ability to plan its health care expenditures, hire needed health care professionals, and plan needed construction.

In an unprecedented step, nine veterans groups formed the Partnership for Veterans Health Care Budget Reform. These groups, including The American Legion, AMVETS, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, Veterans of Foreign Wars, and the Vietnam Veterans of America, formed to advocate for a VA health care budget that is sufficient, timely, and predictable.

These groups put forward the idea that resources for VA health care should be provided through advanced appropriations so that when the fiscal year starts on October 1, the VA will know what its budget is a year in advance. That is what will happen when H.R. 1016 passes. It will ensure the VA can best plan and utilize taxpayer dollars to provide veterans with the health care they have earned and deserved. It provides the framework with which we can realize advanced appropriations for VA medical care accounts.

As part of the annual budget submission, the President will be required to submit a request for certain VA accounts for the fiscal year following the fiscal year for which the budget is submitted. As part of the administration's FY 2011 budget, the President will include budget estimates for VA medical care, information technology, and medical and prosthetic research accounts for FY 2012. The VA will be required to provide detailed estimates in the budget documents it submits annually to Congress.

Each July, the VA will be required to report to Congress if it has the resources it needs for the upcoming fiscal year in order for the Congress to address any funding imbalances. This will help to safeguard against the VA facing budget shortfalls such as it did just a few years ago.

H.R. 1016 provides the framework for advanced appropriations, and we look to our colleagues on the Appropriations Committee to provide the dollars. I want to express our thanks to our colleague, CHET EDWARDS, who chairs the Military Construction/VA Subcommittee, for providing advanced funding for the VA medical care accounts for 2011, providing for an 8 percent increase for fiscal year 2011 above the historic fiscal year 2010 levels.

□ 1230

I want to thank also Chairman OBEY for supporting advanced appropriations and Chairman SPRATT of the Budget Committee for including advanced appropriations language in his budget resolution.

All of us, working together, have succeeded in providing veterans with their top legislative priority. They spoke and we listened. I ask the rest of the House to join us in support of this bill, H.R. 1016, which passed unanimously from the Veterans' Affairs Committee last week.

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

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

Mr. Speaker, I rise in strong support of H.R. 1016, as amended, a bill that would authorize appropriations for several veterans health care accounts a year in advance beginning with fiscal year 2011. I also thank Chairman FILNER for bringing this bill forward and trying to solve a problem that we've had in the past.

The goal of the bill is to provide an increased level of fiscal certainty regarding operations of the VA hospital

system. By funding the accounts for medical services, medical support and compliance, medical facilities, information technology systems, and medical and prosthetic research, the Department of Veterans Affairs should be able to manage its health care personnel needs in day-to-day operations. I would note that the last three accounts that I mentioned were included in the bill by an amendment offered by the ranking member, Mr. BUYER, and adopted by the full committee. Adding these accounts has improved the bill by providing more complete medical funding needs.

Advanced funding alone will not solve the VA's ability to provide quality medical care. Without accurate predictive data, advanced appropriations will not necessarily provide the right amount of funding the VA needs to operate its health care system. Therefore, the bill also contains provisions that require a combination of reports and analysis to determine the quality of the data VA will be using in its financial model to determine funding needs.

Mr. Speaker, this bill, while not a perfect solution, is a very reasonable way to allow the advanced funding concept to be tested in practice, and I urge all of my colleagues to support H.R. 1016, as amended.

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

Mr. FILNER. Mr. Speaker, I would like to yield 5 minutes to the gentlewoman from Illinois (Mrs. HALVORSON). She is a new member of our committee and of this Congress, but she has added a dynamic element to our deliberations, and we thank her for her commitment to veterans.

Mrs. HALVORSON. Mr. Speaker, I rise in support of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009, which was introduced under the leadership of the chairman of the Committee on Veterans' Affairs, Mr. FILNER. I want to thank Mr. FILNER and the Subcommittee on Health Care chairman, Mr. MICHAUD, for their great leadership on this issue.

The Veterans Affairs health care system includes 153 medical centers with a facility in each State, Puerto Rico, and the District of Columbia. Almost 5.5 million people received care in the VA health care facilities in 2008, and VA's outpatient clinics registered over 60 million visits. This is one of the largest health care providers in the country.

However, in fiscal year 2009, for only the third time in the past 20 years, VA received its budget prior to the start of the new fiscal year. It isn't reasonable to expect that one of the largest, fastest-growing health care providers in the country can operate in the most efficient and effective manner if they don't know what their budgets will be.

The current budget process continues to hamper and threaten VA health care delivery. When VA does not receive its funding in a timely manner, it is forced to ration its care. So much-needed medical staff cannot be hired, equipment cannot be procured, waiting times increase, and the quality of care suffers.

H.R. 1016 will solve many of these problems and fund the VA 1 year in advance. It will allow the VA to spend money more efficiently while at the same time providing better and more comprehensive care for our veterans. H.R. 1016 will make sure that the VA has the resources that it needs in a timely manner so that it can provide quality care without having to question what funds will be available next month.

I am here today in an attempt to serve our veterans' best interest and to fight to make sure they receive the best care possible. To that end, I stand in favor of H.R. 1016 and strongly urge my colleagues to vote ''yes.''

I thank the chairman for yielding.

Mr. BOOZMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield 3 minutes to another new Member from New Mexico (Mr. TEAGUE). He's also on a committee that has half of our committee's new members. They have added a real element of dynamism. We thank Mr. TEAGUE for his commitment to veterans also.

Mr. TEAGUE. Mr. Speaker, I rise today in support of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009. I would like to thank the distinguished gentleman from California, BOB FILNER, for introducing this bill. I'm happy to be a cosponsor of this legislation. It is through his leadership, as chairman of the Committee on Veterans' Affairs, that we will finally be able to make advanced appropriations of the VA's health budget a reality.

I simply do not believe that it is right that we have lapsed in our care for our veterans when they have never lapsed in the defense of our country. I do not think that it's right that out of the last 22 budgets that we have passed for the VA, 19 of them have been late. Our veterans served their country and provided us with the security that we often take for granted, and we owe them quality health care.

Without a predictable and on-time funding source, it is difficult or impossible for the VA to provide our veterans with the high level of health care and services that they deserve. That is why I led 50 Members of Congress to demand a provision allowing for advanced appropriations in the fiscal year 2010 budget, and we were fortunate enough to convince the budget conference committee to support it.

As a result of allowing for advanced appropriation in the budget, tomorrow the Appropriations Committee will hold a hearing on the Military Construction and VA spending bill that contains $48.2 billion in advanced appropriations for the VA for fiscal year 2011. This represents a 15 percent increase over fiscal year 2009 levels and a step in the right direction for veterans health care.

Many people have compared advanced appropriations to a family budget. A family needs to know how much their income is before they know what they can spend. I think that about sums up why we need this bill. I think it's about common sense and being responsible. As a businessman, I never tried to make a purchase without knowing what my budget was going to be. I had to plan ahead and have a road map for all of the company's finances. Because the VA is a direct provider of services, they need to have the same ability to plan ahead. It's about delivering a quality product.

I urge my colleagues to take this giant step in improving the VA's ability to deliver quality health care services to our Nation's veterans.

Mr. BOOZMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FILNER. Mr. Speaker, Mr. HARE of Illinois came to us as the successor of a legendary member of our committee, Mr. Lane Evans, who worked so hard for veterans during his whole career, and our thoughts are with him as he faces his disease. Mr. HARE was on our committee. He had to go off this year, but we miss him greatly, and he's one of the strongest leaders for veterans in our Nation. I yield to him such time as he may consume.

Mr. HARE. Mr. Speaker, I rise in strong support of H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009, and let me thank Chairman BOB FILNER for introducing this important legislation.

In the 110th Congress, we gave the VA its largest funding increase in 77 years, and we did it on time. But, sadly, punctual VA funding has not always been the case. The VA received it's annual funding for health care programs late in the last 19 of 22 years.

This record of tardiness is deplorable. With the ongoing wars in Iraq and Afghanistan, the time to fix this broken system is now. Late funding is more than a missed deadline. It is a veteran with posttraumatic stress disorder who cannot access a treatment he or she needs. It is an injured hero who must wait for a prosthetic. It is a VA in disarray at a time when our wounded warriors are counting now more than ever on the department's services. That's why in the last Congress, I introduced the Assured Funding for Veterans Health Care Act. This bill would have replaced the annual appropriated discretionary funding for veterans health care with permanent direct spending authority.

Like the bill I introduced, advanced appropriations is the means to that end. That end is ensuring veterans receive the best possible care from a VA that has access to timely, sufficient, and predictable resources. The legislation that we're considering today will do just that. It will allow the VA to effectively budget and manage its health

care programs and services, meaning it can hire the appropriate number of doctors, nurses, clinicians, and support staff to meet the demand for high-quality care for our veterans. Anything less is unacceptable.

I'd also like to acknowledge and commend Chairman DAVID OBEY and Chairman EDWARDS for their strong proactive leadership in putting in an advanced appropriation for VA health care in the fiscal year 2010 Military Construction and Veterans Affairs Appropriations bill.

I enthusiastically support H.R. 1016, and I once again want to thank Chairman FILNER for drafting a bill that would ensure the VA has sufficient, timely, and predictable funding.

Mr. Speaker, I urge all of my colleagues to support this legislation.

Mr. BOOZMAN. Mr. Speaker, again I would ask that my colleagues vote for this bill. I appreciate Mr. FILNER's hard work on the bill. I think it's a great step in the right direction. And then also I would like to thank Ranking Member BUYER for offering a good amendment that I think helped the bill also.

So with that I urge adoption of the bill.

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

GENERAL LEAVE

Mr. FILNER. 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 material on H.R. 1016, as amended.

The SPEAKER pro tempore (Mr. KLEIN of Florida). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I think as we approach the July 4 holiday, this is an appropriate way to say thank you to our Nation's veterans. As I said earlier, this is one of the most significant steps, if not a revolutionary step, taken for veterans in the budgeting process. This will assure that one of the largest health systems in the world, if not the largest, will have, in fact, funding available on time and in the need that is required for our Nation's veterans.

So I urge my colleagues to unanimously support this bill, H.R. 1016, as amended.

Mr. BUYER. Mr. Speaker, I rise in opposition to H.R. 1016, as amended, a bill to amend title 38, United States Code, to provide advance appropriations authority for certain medical care accounts of the Department of Veterans Affairs, VA, and for other purposes.

In my view, it is premature for the House of Representatives to consider this legislation.

The bill was not considered by the Subcommittee on Health, to which it was referred, nor was there a full Committee legislative hearing, so the Administration has not provided its official analysis.

On April 29, 2009, we did hold a full Committee oversight hearing on the future funding of VHA. At this hearing, concerns were raised about not including the "Information Technology Systems" and the "Medical and Prosthetic Research Accounts" in an advance appropriations bill.

The Secretary of Veterans Affairs, the Honorable Eric K. Shinseki, testified that information technology is very much integrated into the medical care activities and should be included so that VA is not hindered in its ability to provide health care services and operate new facilities.

Additionally, the Congressional Research Service, CRS, testified that funding information technology under a separate, annual appropriation could create a situation where VA would not be able to purchase computer software even though it had procured medical equipment that is reliant on such software.

CRS noted potential difficulty for VA in procuring the necessary IT infrastructure for the opening of new clinics, as well as difficulties that could arise in VA research due to a mismatch between accounts.

I was pleased that during the Committee markup, my amendment was adopted to include the IT, and medical and prosthetic research accounts to address these issues.

However, the Government Accountability Office, GAO, also expressed reservations about its possible role in an advance appropriations proposal. In a written response of June 17, 2009, to one of my hearing questions, GAO made a strong statement which leads me to believe that section 5 of the amended bill is not workable. This section would require GAO to obtain budgetary information from VA before the department makes its fiscal year budget request. GAO questioned whether it could conduct the required studies before the President's budget request is submitted to Congress. GAO cited significant challenges in obtaining, evaluating, reporting on the relevant budgetary and technical information.

GAO indicated that its role in the process would be inadvisable because executive agencies have consistently resisted releasing detailed information about the President's budget prior to its submission to Congress.

Again, VA's official views on this issue are currently unknown, and this issue should have been addressed before H.R. 1016, as amended, was reported to the House.

There is nothing before us to indicate that the administration is agreeable to this arrangement.

The failure to follow regular order and the unnecessary haste with which this legislation is being advanced results in the House being asked to pass obviously flawed legislation, and I urge my colleagues to oppose H.R. 1016, as amended.

Mr. MICHAUD. Mr. Speaker, I rise in strong support of the Veterans Health Care Budget Reform and Transparency Act of 2009.

I am here today as an original co-sponsor of this legislation. I would like to express my appreciation for all of the Chairman's hard work on it.

This bill accomplishes a simple, but a crucial goal we all share: To provide timely funding for veterans health care.

I represent a district in a state of 1.3 million people. Out of that number, I am proud that over 155,000 veterans call Maine home.

Maine is a state that works hard to honor its veterans.

The talented and dedicated professionals at Maine's Togus VA Medical Center do terrific work. So do our community based outpatient clinics and all of VA's partners.

But too often in recent history, VA's ability to provide the best possible care has been hamstrung by the appropriations process.

In some cases, VA has not been funded until after the beginning of the fiscal year.

As a result, maintenance of facilities, cost saving investments in technology, and ultimately care for veterans was delayed or put in jeopardy.

This cannot be allowed to occur when we are dealing with the health care of our veterans.

There must be a timely, sufficient, and predictable funding stream. And that is exactly what this legislation is designed to achieve.

Passage of this legislation today is a huge step forward and will help make sure all veterans have access to the best possible health care.

I urge all of my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1016, as amended.

The question was taken.

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, while I support the purpose of this bill, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

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WOMEN VETERANS HEALTH CARE IMPROVEMENT ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1211) to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1211

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Women Veterans Health Care Improvement Act".

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

Sec. 1. Short title; table of contents.

TITLE I—STUDIES AND ASSESSMENTS OF DEPARTMENT OF VETERANS AFFAIRS HEALTH SERVICES FOR WOMEN VETERANS
Sec. 101. Study of barriers for women veterans to health care from the Department of Veterans Affairs.
Sec. 102. Comprehensive assessment of women's health care programs of the Department of Veterans Affairs.
TITLE II—IMPROVEMENT AND EXPANSION OF HEALTH CARE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR WOMEN VETERANS
Sec. 201. Medical care for newborn children of women veterans receiving maternity care.
Sec. 202. Training and certification for mental health care providers of the Department of Veterans Affairs on care for veterans suffering from sexual trauma and post-traumatic stress disorder.
Sec. 203. Pilot program for provision of child care assistance to certain veterans receiving certain types of health care services at Department facilities.
Sec. 204. Addition of recently separated women and minority veterans to serve on advisory committees.

TITLE I—STUDIES AND ASSESSMENTS OF DEPARTMENT OF VETERANS AFFAIRS HEALTH SERVICES FOR WOMEN VETERANS

SEC. 101. STUDY OF BARRIERS FOR WOMEN VETERANS TO HEALTH CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a comprehensive study of the barriers to the provision of comprehensive health care by the Department of Veterans Affairs encountered by women who are veterans. In conducting the study, the Secretary shall—

(1) survey women veterans who seek or receive hospital care or medical services provided by the Department of Veterans Affairs as well as women veterans who do not seek or receive such care or services;

(2) build on the work of the study of the Department of Veterans Affairs entitled ''National Survey of Women Veterans in Fiscal Year 2007–2008'';

(3) administer the survey to a representative sample of women veterans from each Veterans Integrated Service Network; and

(4) ensure that the sample of women veterans surveyed is of sufficient size for the study results to be statistically significant and is a larger sample than that of the study of the Department of Veterans Affairs entitled ''National Survey of Women Veterans in Fiscal Year 2007–2008''.

(b) ELEMENTS OF STUDY.—In conducting the study required by subsection (a), the Secretary of Veterans Affairs shall conduct research on the effects of the following on the women veterans surveyed in the study:

(1) The perceived stigma associated with seeking mental health care services.

(2) The effect of driving distance or availability of other forms of transportation to the nearest medical facility on access to care.

(3) The availability of child care.

(4) The acceptability of integrated primary care, women's health clinics, or both.

(5) The comprehension of eligibility requirements for, and the scope of services available under, hospital care and medical services.

(6) The perception of the personal safety and comfort of women veterans in inpatient, outpatient, and behavioral health facilities of the Department.

(7) The gender sensitivity of health care providers and staff to issues that particularly affect women.

(8) The effectiveness of outreach for health care services available to women veterans.

(9) The location and operating hours of health care facilities that provide services to women veterans.

(10) Such other significant barriers as the Secretary of Veterans Affairs may identify.

(c) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary of Veterans Affairs shall enter into a contract with a qualified independent entity or organization to carry out the studies and research required under this section.

(d) MANDATORY REVIEW OF DATA BY CERTAIN DIVISIONS WITHIN THE DEPARTMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the head of each division of the Department of Veterans Affairs specified in paragraph (2) reviews the results of the study conducted under this section. The head of each such division shall submit findings with respect to the study to the Under Secretary for Health and to other pertinent program offices within the Department of Veterans Affairs with duties relating to health care services for women veterans.

(2) SPECIFIED DIVISIONS OF THE DEPARTMENT.—The divisions of the Department of Veterans Affairs specified in this paragraph are—

(A) the Center for Women Veterans, established under section 318 of title 38, United States Code; and

(B) the Advisory Committee on Women Veterans, established under section 542 of title 38, United States Code.

(e) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date on which the Department of Veterans Affairs publishes a final report on the study entitled ''National Survey of Women Veterans in Fiscal Year 2007–2008'', the Secretary of Veterans Affairs shall submit to Congress a report on the status of the implementation of the section.

(2) REPORT ON STUDY.—Not later than 30 months after the date on which the Department publishes such final report, the Secretary of Veterans Affairs shall submit to Congress a report on the study required under this section. The report shall include recommendations for such administrative and legislative action as the Secretary of Veterans Affairs determines to be appropriate. The report shall also include the findings of the head of each specified division of the Department and of the Under Secretary for Health.

(f) DEFINITION OF FACILITY OF THE DEPARTMENT.—In this section the term ''facility of the Department'' has the meaning given that term in section 1701(3) of title 38, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs $4,000,000 to carry out this section.

SEC. 102. COMPREHENSIVE ASSESSMENT OF WOMEN'S HEALTH CARE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a comprehensive assessment of all health care services and programs provided by the Department of Veterans Affairs for the health care needs of women veterans. Such comprehensive assessment shall include assessments of specialized programs for women with post-traumatic stress disorder, for women who are homeless, for women who require care for substance abuse or mental illnesses, and for women who require obstetric and gynecologic care.

(b) SPECIFIC MATTERS STUDIED.—

(1) IDENTIFICATION OF PROGRAMS.—For each medical facility of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall identify each of the following types of programs for women veterans provided by the Department and determine whether effective health care services, including evidenced-based health care services, are readily available to and easily accessed by women veterans:

(A) Health promotion programs, including reproductive health promotion programs.

(B) Disease prevention programs.

(C) Health care programs.

(2) IDENTIFICATION OF RELEVANT ISSUES.—In making such determination, the Secretary of Veterans Affairs shall identify, for each medical facility of the Department of Veterans Affairs—

(A) the frequency with which such services are available and provided,

(B) the demographics of the women veterans population,

(C) the sites where such services are available and provided, and

(D) whether, and to what extent, waiting lists, geographic distance, and other factors obstruct the receipt of any of such services at any such site.

(c) AUTHORITY TO ENTER INTO A CONTRACT.—The Secretary of Veterans Affairs shall enter into a contract with a qualified independent entity or organization to carry out the studies and research required under this section.

(d) DEVELOPMENT OF PLAN TO IMPROVE SERVICES.—

(1) PLAN REQUIRED.—After conducting the comprehensive assessment required by subsection (a), the Secretary of Veterans Affairs shall develop a plan to improve the provision of health care services to women veterans and to project the future health care needs, including the mental health care needs of women serving in the combat theaters of Operation Enduring Freedom and Operation Iraqi Freedom.

(2) LIST OF SERVICES.—In developing the plan under this subsection, the Secretary of Veterans Affairs shall list the types of services available for women veterans at each medical center of the Department.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the assessment conducted pursuant to subsection (a) and the plan required under subsection (d). The report shall include recommendations for such administrative and legislative action as the Secretary of Veterans Affairs determines to be appropriate.

(f) GAO REPORT.—Not later than 6 months after the date on which the Secretary of Veterans Affairs submits the report required under subsection (e), the Comptroller General shall submit to Congress a report containing the findings of the Comptroller General with respect to the report of the Secretary, which may include such recommendations for administrative or legislative actions as the Comptroller General determines to be appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs $5,000,000 to carry out this section.

TITLE II—IMPROVEMENT AND EXPANSION OF HEALTH CARE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR WOMEN VETERANS

SEC. 201. MEDICAL CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE

(a) NEWBORN CARE.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1786. Hospital care and medical services for newborn children of women veterans receiving maternity care

''In the case of a child of a woman veteran who is receiving hospital care or medical services at a Department facility (or in another facility pursuant to a contract entered into by the Secretary) relating to the birth of that child, the Secretary may furnish hospital care and medical services to that child at that facility during the 7-day period beginning on the date of the birth of the child.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1785 the following new item:

''1786. Hospital care and medical services for newborn children of women veterans receiving maternity care.''.

SEC. 202. TRAINING AND CERTIFICATION FOR MENTAL HEALTH CARE PROVIDERS OF THE DEPARTMENT OF VETERANS AFFAIRS ON CARE FOR VETERANS SUFFERING FROM SEXUAL TRAUMA AND POST-TRAUMATIC STRESS DISORDER.

Section 1720D of title 38, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d) The Secretary shall carry out a program to provide graduate medical education, training, certification, and continuing medical education for mental health professionals who provide counseling, care, and services under subsection (a). In carrying out such program, the Secretary shall ensure that all such mental health professionals have been trained in a consistent manner and that such training includes principles of evidence-based treatment and care for sexual trauma and post-traumatic stress disorder.

''(e) The Secretary shall submit to Congress an annual report on the counseling, care, and services provided to veterans pursuant to this section. Each report shall include data for the year covered by the report with respect to each of the following:

''(1) The number of mental health professionals, graduate medical education trainees, and primary care providers who have been certified under the program required by subsection (d) and the amount and nature of continuing medical education provided under such program to such professionals, trainees, and providers who are so certified.

''(2) The number of women veterans who received counseling and care and services under subsection (a) from professionals and providers who received training under subsection (d).

''(3) The number of graduate medical education, training, certification, and continuing medical education courses provided by reason of subsection (d).

''(4) The number of trained full-time equivalent employees required in each facility of the Department to meet the needs of veterans requiring treatment and care for sexual trauma and post-traumatic stress disorder.

''(5) Any recommended improvements for treating women veterans with sexual trauma and post-traumatic stress disorder.

''(6) Such other information as the Secretary determines to be appropriate.''.

SEC. 203. PILOT PROGRAM FOR PROVISION OF CHILD CARE ASSISTANCE TO CERTAIN VETERANS RECEIVING CERTAIN TYPES OF HEALTH CARE SERVICES AT DEPARTMENT FACILITIES.

(a) IN GENERAL.—

(1) PILOT PROGRAM REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a two-year pilot program under which, subject to paragraph (2), the Secretary shall provide child care assistance to a qualified veteran child care needed by the veteran during the period of time described in paragraph (3).

(2) FORM OF CHILD CARE ASSISTANCE.—Child care assistance under this section may include—

(A) stipends for the payment of child care offered by licensed child care centers (either directly or through a voucher program);

(B) the development of partnerships with private agencies;

(C) collaboration with facilities or programs of other Federal departments or agencies; and

(D) the arrangement of after-school care.

(3) PERIOD OF TIME.—Child care assistance under the pilot program may only be provided for the period of time that the qualified veteran—

(A) receives a health care service referred to in paragraph (4) at a facility of the Department; and

(B) requires to travel to and return from such facility for the receipt of such health care service.

(4) QUALIFIED VETERAN DEFINED.—In this section, the term ''qualified veteran'' means a veteran who is the primary caretaker of a child and who is receiving from the Department of Veterans Affairs one or more of the following health care services:

(A) Regular mental health care services.

(B) Intensive mental health care services.

(C) Any other intensive health care services for which the Secretary determines that the provision of child care would improve access by qualified veterans.

(5) LOCATION OF PILOT PROGRAM.—The Secretary shall carry out the pilot program at no fewer than three Veterans Integrated Service Networks.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs $1,500,000 for each of fiscal years 2010 and 2011 to carry out the pilot program under this section.

(c) REPORT.—Not later than six months after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program and shall include recommendations for the continuation or expansion of the pilot program.

SEC. 204. ADDITION OF RECENTLY SEPARATED WOMEN AND MINORITY VETERANS TO SERVE ON ADVISORY COMMITTEES.

(a) ADVISORY COMMITTEE ON WOMEN VETERANS.—Subsection (a)(2)(A) of section 542 of title 38, United States Code, is amended—

(1) by striking ''and'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; and''; and

(3) by inserting after clause (iii) the following new clause:

''(iv) women who are recently separated veterans.''.

(b) ADVISORY COMMITTEE ON MINORITY VETERANS.—Subsection (a)(2)(A) of section 544 of title 38, United States Code, is amended—

(1) by striking ''and'' at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting ''; and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) recently separated veterans who are minority group members.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall first apply to appointments made on or after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from California.

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

Mr. Speaker, this bill is a critical piece of legislation which expands and improves health care services available for women veterans through the Department of Veterans Affairs.

The bill will be explained in greater detail by the chairwoman of the Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN, as the person who introduced the bill and we thank her for her steadfast commitment to helping women veterans.

Mr. Speaker, we had a roundtable at our full committee, where we had representatives and women veterans from all around the country. It was searing testimony which revealed serious weaknesses in the culture of the VA.

The VA health care system, after all, was built to accommodate the war-related illnesses and injuries of male veterans. The increased percentage of female veterans that has been occurring, especially with the war in Iraq and Afghanistan, has led many women veterans to say that we need some changes in the culture of the VA. Women walk through the lobbies of VA hospitals and are given catcalls. There are not sufficient women doctors available for the women who want them. The male doctors don't yet seem to have the respect for the sacrifice of women veterans.

There was one woman who testified who had an amputation of one arm from combat. When she showed up at the doctor's office, he just assumed that it was lost from something else like cancer. He didn't even think that this could be a combat-related injury. And we can go on and on, but we need to change the culture and change the resources and change behavior, and that's what this bill by Ms. HERSETH SANDLIN starts to do.

There are about 1.8 million women veterans today, or 7 percent of the nearly 24 million veterans that we serve. Assuming that the current enrollments remain the same, the number of female veterans who use the VA system will double in the next 5 years, making female veterans one of the fastest growing subgroups of veterans. In this environment of organizational transformation and changing demographics, H.R. 1211 has the potential to lay the foundation for improved health care services for our women veterans.

I urge my colleagues to support the legislation.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 1211, as amended, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans from the Department of Veterans Affairs and for other purposes.

I appreciate the hard work of the gentlelady from South Dakota (Ms. HERSETH SANDLIN) on this bill and in bringing it forward. Throughout history, women have played a vital role in supporting our national defense. Currently women make up 8 percent, about 8 percent of the total veteran population, and VA estimates that by 2020, women veterans will comprise about 10 percent of the veteran population.

Women are the fastest-growing segment of the veteran population, and it's essential to make sure that VA is providing specialized programs and services to meet their unique physical and mental health needs.

I want to thank again my good friend and colleague, the gentlelady from South Dakota, for introducing this legislation, and I am pleased to have joined with her as an original cosponsor for H.R. 1211.

This legislation would expand and improve benefits and services for our female veterans, especially our newest generation of women veterans serving in Iraq and Afghanistan. The VA would be required to conduct independent studies to look at the barriers women veterans face in obtaining VA health care, assist the services currently being provided, and develop a plan to better meet their needs.

In the past 5 years, there has been a 30 percent increase in the number of women veterans of child-bearing age enrolling in the VA health care system. H.R. 1211, as amended, would aid this population by authorizing VA to provide care to newborns of women veterans receiving maternity care through VA. Additionally, the bill would establish a pilot program to provide child care assistance for certain qualified veterans while they are receiving care at the VA.

Recognizing that the largest number of women veterans are serving in Operation Enduring Freedom and Operation Iraqi Freedom, the bill would also ensure that recently separated women veterans have a voice on the advisory committee on women veterans and minority veterans.

I urge my colleagues to support 1211, as amended.

I reserve the balance of my time.

Mr. FILNER. I am proud to recognize the gentlelady from South Dakota (Ms. HERSETH SANDLIN) for as much time as she may consume. She is the author of this very, very important piece of legislation.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise today in strong support of H.R. 1211, the Women Veterans Health Care Improvement Act, as amended, which the Veterans' Affairs Health Subcommittee passed on June 4 and the full committee approved on June 10.

I would like to thank Chairman FILNER, Ranking Member BUYER, Subcommittee Chairman MIKE MICHAUD and Subcommittee Ranking Member BROWN for their leadership and support of this bill, as well as my colleague on the Subcommittee on Economic Opportunity, the distinguished ranking member, Mr. BOOZMAN of Arkansas, for cosponsoring this important legislation.

I would also like to take a moment to give special recognition to Chairman FILNER for his leadership on this very important issue. He had mentioned the roundtable that the full committee hosted, his brainchild to bring all of the women who represent different veterans service organizations and women veterans themselves to speak to their experiences and to better inform and educate committee members about the extraordinary circumstances that they have faced time and time again as they have sought care in VA medical centers.

So I was extremely pleased to introduce this important legislation on February 26, 2009, proud of the bipartisan support the legislation has garnered. And the roundtable discussion hosted by Chairman FILNER illustrated even further how imperative the passage of this bill is for our women veterans.

Before I discuss the bill in greater detail and the needs of women veterans, I would also like to take this opportunity to thank the Disabled American Veterans for their continued leadership and the effort to address the needs of female veterans and their support for this important legislation.

I also want to thank Cathy Wiblemo and the rest of her team for the great work that they have done on the health subcommittee. Cathy and her staff did excellent work in assisting with this legislation and shepherding it through the legislative process.

Today women make up approximately 8 percent of veterans in the United States, and that percentage will continue to rise as more and more women answer the call to duty to serve their country. With an increasing number of women seeking access to care for a diverse range of medical conditions, the challenge of providing adequate health care services for women veterans is one that the VA must meet.

Unfortunately, services at VA facilities often fall short of properly providing for the health care needs of women. There is too much fragmentation of care and not enough clinicians with the correct training and experience.

Child care considerations aren't being met adequately for male or female veterans, and currently the VA does not cover care for the newborn child of an eligible veteran.

To answer these challenges and others, H.R. 1211 takes a number of important steps to help the VA provide the services and care that our women veterans need and sets the VA on a path toward providing even better care in the future.

H.R. 1211 authorizes the VA to conduct two important studies. First the VA will examine barriers to health care that women veterans experience within the VA system. The study will examine the full range of barriers, including the lack of comprehensive primary care, the sensitivity of VA providers regarding gender-specific issues, the stigma of seeking mental health care services, and the availability of child care.

The second study is a comprehensive assessment of the VA's women's health program, with the task of developing a strategy to improve services at every VA medical center. The bill also works to enhance the VA's sexual trauma and post-traumatic stress disorder programs for women by requiring the secretary of the VA to ensure that all mental health professionals have been properly and consistently trained to help women veterans.

Female veterans who have suffered such attacks have already suffered enough. They need to know before they begin treatment that every VA mental health professional is prepared to help them, understands the best methods and practices, and can make them feel secure in seeking treatment.

Child care concerns also have emerged as a crucial issue for women veterans seeking care. Sometimes veterans without access to appropriate child care are forced to forego important health care appointments.

H.R. 1211 begins to address this issue by authorizing a child care pilot program for patients and requires the VA to carry out this study in at least three veterans service networks. Possible forms of child care assistance include stipends for child care centers, the development of partnerships with private agencies and collaboration with other Federal agencies that have similar programs.

H.R. 1211 also requires the VA to provide 7 days of medical care for the newborn children of women veterans. Currently the VA has no provision to provide care for these infants. However, 86 percent of Operation Enduring Freedom and Operation Iraqi Freedom women veterans are under the age of 40, and this benefit represents an important update of VA policy.

Finally, the bill requires the VA to add recently separated women and minority veterans to serve on key advisory committees, such as the advisory committee on women veterans. The VA must ensure adequate attention is given to women veterans programs so quality health care and specialized services are available for both women and men.

I believe my bill will help the VA better meet these specialized needs and develop new systems to better provide for the health care of women veterans, especially those who are sexually assaulted, suffer from PTSD or who need child care services. Congress must honor our Nation's commitment to all of our veterans, and this legislation furthers that aim.

Again, I want to thank Chairman FILNER for his outstanding leadership on this issue, and I urge all of my colleagues to support H.R. 1211.

Mr. BOOZMAN. I would also like to thank my colleagues on the Health Subcommittee, Chairman MIKE MICHAUD and Ranking Member HENRY BROWN of South Carolina, for their hard work on this bill. I would also like to thank Chairman BOB FILNER, Ranking Member STEVE BUYER, for working together to move this bill quickly and get it on this floor.

I would also like to acknowledge and thank Ms. HERSETH SANDLIN for her leadership and recognizing the problem and then moving forward with legislation that hopefully will be of great help to women veterans.

Mr. Speaker, I urge all of my colleagues to support H.R. 1211, as amended.

I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the gentlelady from Illinois (Mrs. HALVORSON).

Mrs. HALVORSON. Mr. Speaker, I rise in support of H.R. 1211, the Women Veterans Health Care Improvement Act.

I want to thank Ms. HERSETH SANDLIN for her dedication on this issue. As more women serve in the military, they are quickly becoming an important segment of VA users. Their numbers will double over the next 2 to 4 years, and many are under the age of 40.

This presents new challenges to the VA system, which historically was designed to serve male veterans. Significant changes to the VA need to occur to properly serve all veterans.

As we heard at the VA committee roundtable on women veteran issues, women veterans arrive at the VA with a variety of unique challenges. Many women veterans do not identify themselves as veterans and seek care outside of the system. Some feel stigmatized and are hesitant to speak out. Women who have sought care at VA facilities have complained that staff lacks understanding of the role of women in combat.

The most pressing of these challenges relate to mental health, including PTSD, depression, anxiety, and behavioral issues. A 2008 VA study reported that 15 percent of women in Iraq and Afghanistan experience sexual assault or harassment, and 59 percent of these women were at a higher risk for mental health problems.

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These are tragic numbers and we need to act immediately to address them. The difficulty women face in accessing the VA system and the lack of women-focused health care is unacceptable.

These women have sacrificed so much for our country. This bill takes the first step to meet these challenges and follows up on recommendations provided by Veterans Service Organizations by requiring the Secretary of the VA to study the barriers women face as they seek VA services.

Similarly, H.R. 1211 improves training and education for VA professionals to help treat women veterans. This education will help to address the concerns that many women veterans have that the VA doesn't understand their needs.

This is why I support H.R. 1211 and strongly urge my colleagues to vote ''yes'' on this important bill.

GENERAL LEAVE

Mr. FILNER. 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 material on H.R. 1211, as amended.

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

There was no objection.

Mr. FILNER. In closing, Mr. Speaker, I was listening to Ms. HERSETH SANDLIN talk about the need for pilot programs for child care. We've had testimony that if a woman veteran showed up with her child or children, they would be denied their appointment and sent home. I mean this is a way that the culture just must change, which this bill is the first step toward that change.

So I would urge my colleagues to support H.R. 1211, as amended.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of House Resolution 1211. This piece of legislation will assist our women veterans in obtaining better health care.

First, I'd like to commend the chief sponsor of this resolution, Ms. STEPHANIE HERSETH SANDLIN. I would also like to recognize my other colleagues for their strong support and co-sponsorship of this piece of legislation.

Currently, there are an approximated 200,000 female troops in our Armed Forces serving to help protect our Nation. It is not only an important issue but a matter of responsibility that we ensure the fair and first-rate treatment of our brave female troops when they return and/or retire from the Armed Forces.

This resolution will benefit our women veterans by providing graduate education for them. I believe education is a keystone for every U.S. citizen and our government should provide the right to an education for our valiant troops returning home. This gives the opportunity for women veterans who enlisted right after high school to continue on with their education at higher levels.

This legislation will also train and certify mental health professionals so we can aid any of our veterans who are in need of help. It is imperative that we service our veterans in the best way we can. On a day-to-day basis, thousands of veterans suffer from conditions such as sexual trauma and post-traumatic stress disorder. The number of female veterans that tested positive for military sexual trauma was 8,705 and this was a climb in number. It is crucial that we take care of our female troops especially because around 20 percent of female veterans test positive for sexual trauma while only 1.8 percent of male veterans test positive.

The resolution is also beneficial to our veterans due to the fact that this piece of legislation provides for the study and analysis of any current problems that our women veterans face in the current state of our system. It will help us make amends and additions to the structure of health care for our female veterans.

Another important piece of this legislation that will help Veterans Affairs greatly is including recently discharged women veterans in the Advisory Committee on Women Veterans and the Advisory Committee on Minority Veterans. This will only add more experience to the current committee because having recently discharged troops is important in knowing what health care issues recently discharged female military personal need.

Mr. Speaker, it is important that we take care of our veterans. These veterans put their life on the line to help protect all of us that live in this great Nation. It is of the essence to provide easy access to health care and to a better current health care system for our women veterans.

Again, I would like to thank my colleague Congresswoman STEPHANIE HERSETH SANDLIN for being the chief sponsor of this key resolution in aiding our women veterans. I strongly urge my other colleagues to support this resolution as well.

Mr. MICHAUD. Mr. Speaker, I rise in strong support of the Women Veterans Health Care Improvement Act.

This legislation will improve and expand health care for women veterans.

I would like to thank Congresswoman HERSETH SANDLIN for all of her hard work. She is a champion of our nation's veterans. I am honored to be a cosponsor of this legislation.

Women now make up approximately fourteen percent of the active military, and in the past recruiting class, they made up twenty percent.

Data released by the VA shows that the amount of women who are expected to use the VA health care system is expected to double within the next four years.

As a country, we must ensure that women veterans have a voice and that their needs are addressed.

Passing this bill into law will help identify and break down barriers faced by women veterans in accessing VA health care.

I urge all of my colleagues to support this crucial bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1211, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

HIGHER EDUCATION TECHNICAL CORRECTIONS

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and concur in the

Senate amendment to the bill (H.R. 1777) to make technical corrections to the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. References.
Sec. 3. Effective date.

TITLE I—GENERAL PROVISIONS

Sec. 101. General provisions.

TITLE II—TEACHER QUALITY ENHANCEMENT

Sec. 201. Teacher quality enhancement.

TITLE III—INSTITUTIONAL AID

Sec. 301. Institutional aid.
Sec. 302. Multiagency study of minority science programs.

TITLE IV—STUDENT ASSISTANCE

Sec. 401. Grants to students in attendance at institutions of higher education.
Sec. 402. Federal Family Education Loan Program.
Sec. 403. Federal work-study programs.
Sec. 404. Federal Direct Loan Program.
Sec. 405. Federal Perkins Loans.
Sec. 406. Need analysis.
Sec. 407. General provisions of title IV.
Sec. 408. Program integrity.
Sec. 409. Waiver of master calendar and negotiated rulemaking requirements.

TITLE V—DEVELOPING INSTITUTIONS

Sec. 501. Developing institutions.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Sec. 601. International education programs.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT

Sec. 701. Graduate and postsecondary improvement programs.

TITLE VIII—ADDITIONAL PROGRAMS

Sec. 801. Additional programs.
Sec. 802. Amendments to other higher education Acts.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if enacted on the date of enactment of the Higher Education Opportunity Act (Public Law 110–315).

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL PROVISIONS.

(a) HIGHER EDUCATION OPPORTUNITY ACT.—

(1) GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Section 101(b) of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking ''July 1, 2010'' and inserting ''the date of enactment of this Act''.

(2) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.—Section 102(e) of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking the period at the end and inserting '', except that, with respect to foreign nursing schools that were eligible to participate in part B of title IV as of the day before the date of enactment of this Act, the amendments made by subsection (a)(1)(D) shall take effect on July 1, 2012.''.

(b) HIGHER EDUCATION ACT OF 1965.—Title I (20 U.S.C. 1001 et seq.) is amended—

(1) in section 102(a)(2)(D) (20 U.S.C. 1002(a)(2)(D)), by striking ''under part B'' and inserting ''under part B of title IV'';

(2) in section 111(b) (20 U.S.C. 1011(b)), by striking ''With'' and inserting ''with'';

(3) in section 131(a)(3)(A)(iii)(I) (20 U.S.C. 1015(a)(3)(A)(iii)(I)), by striking ''section 428(a)(2)(C)(i)'' and inserting ''section 428(a)(2)(C)(ii)'';

(4) in section 136(d)(1) (20 U.S.C. 1015e(d)(1)), by striking ''(Family Educational Rights and Privacy Act of 1974)'' and inserting ''(commonly known as the 'Family Educational Rights and Privacy Act of 1974')'';

(5) in section 141 (20 U.S.C. 1018)—

(A) in the matter preceding subparagraph (A) of subsection (c)(3), by striking ''under this title'' and inserting ''under title IV''; and

(B) in subsection (d)(3), by striking ''appropriate committees of Congress'' and inserting ''authorizing committees'';

(6) in section 153(a)(1)(B)(iii)(V) (20 U.S.C. 1019b(a)(1)(B)(iii)(V)), by striking ''borrowers who take out loans under'' each place the term appears and inserting ''borrowers of loans made under''; and

(7) in section 155(a) (20 U.S.C. 1019d(a)), by striking paragraph (4) and inserting the following:

''(4) include a place to provide information on—

''(A) the applicant's cost of attendance at the institution of higher education, as determined by the institution under part F of title IV;

''(B) the applicant's estimated financial assistance, including amounts of financial assistance used to replace the expected family contribution, as determined by the institution, in accordance with title IV, for students who have completed the Free Application for Federal Student Aid; and

''(C) the difference between the amounts under subparagraphs (A) and (B), as applicable; and''.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY ENHANCEMENT.

Title II (20 U.S.C. 1021 et seq.) is amended—

(1) in section 200(22) (20 U.S.C. 1021(22)), by striking subparagraph (D) and inserting the following:

''(D) prior to completion of the program—

''(i) attains full State certification or licensure and becomes highly qualified; and

''(ii) acquires a master's degree not later than 18 months after beginning the program.'';

(2) in section 202 (20 U.S.C. 1022a)—

(A) in subsection (b)(6)(E)(ii), by striking ''section 1111(b)(2)'' and inserting ''section 1111(b)(1)'';

(B) in subsection (c)(1), by striking ''pre-baccalaureate'';

(C) in subsection (d)—

(i) in the heading, by striking ''PRE-BACCALAUREATE'' and inserting ''THE''; and

(ii) in the matter preceding paragraph (1), by striking ''An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:'' and inserting ''An eligible partnership that receives a grant to carry out a program for the preparation of teachers shall carry out an effective pre-baccalaureate teacher preparation program or a 5th year initial licensing program that includes all of the following:'';

(D) in subsection (e)(2)—

(i) in subparagraph (A)(ii), by striking ''to earn'' and inserting ''leading to''; and

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''one-year'' before ''teaching residency program''; and

(II) in clause (iii)(I), by striking ''one-year''; and

(E) in subsection (i)(3), by striking ''consent of'' and inserting ''consent to''; and

(3) in section 231(a)(1) (20 U.S.C. 1032(a)(1)), by striking ''serve graduate'' and inserting ''assist in the graduation of''.

TITLE III—INSTITUTIONAL AID

SEC. 301. INSTITUTIONAL AID.

Title III (20 U.S.C. 1051 et seq.) is amended—

(1) in section 316 (20 U.S.C. 1059c)—

(A) in subsection (a), by striking ''Indian Tribal'' and inserting ''Tribal''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978'';

(ii) in paragraph (2), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''; and

(iii) in paragraph (3)(A), by striking ''the Navajo Community College Assistance Act of 1978'' and inserting ''the Navajo Community College Act'';

(2) in section 318(b)(1) (20 U.S.C. 1059e(b)(1)), by striking subparagraph (F) and inserting the following:

''(F) is not receiving assistance under—

''(i) part B;

''(ii) part A of title V; or

''(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).'';

(3) in section 323(a) (20 U.S.C. 1062(a)), in the matter preceding paragraph (1), by striking ''in any fiscal year'' and inserting ''for any fiscal year,'';

(4) in section 324(d) (20 U.S.C. 1063(d))—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''Notwithstanding subsections (a)'' and inserting ''(1) Notwithstanding subsections (a)''; and

(C) by adding at the end the following:

''(2) If the amount appropriated pursuant to section 399(a)(2)(A) for any fiscal year is not sufficient to pay the minimum allotment required by paragraph (1) to all part B institutions, the amount of such minimum allotments shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocations shall be increased on the same basis as the basis on which they were reduced (until the amount allotted equals the minimum allotment required by paragraph (1)).'';

(5) in section 351(a) (20 U.S.C. 1067a(a))—

(A) by striking ''section 304(a)(1)'' and inserting ''section 303(a)(1)''; and

(B) by striking ''of 1979'';

(6) in section 355(a) (20 U.S.C. 1067e(a)), by striking ''302'' and inserting ''312'';

(7) in section 371(c) (20 U.S.C. 1067q(c))—

(A) in paragraph (3)(D), by striking ''402A(g)'' and inserting ''402A(h)'';

(B) in paragraph (4), by striking ''402A(g)'' and inserting ''402A(h)''; and

(C) in paragraph (9)—

(i) in subparagraph (C)(iii), by striking ''402A(g)'' and inserting ''402A(h)''; and

(ii) by amending subparagraph (F) to read as follows:

''(F) is not receiving assistance under—

''(i) part B;

''(ii) part A of title V; or

''(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).''; and

(8) in section 392(a)(6) (20 U.S.C. 1068a(a)(6)), by striking ''College or University'' and inserting ''Colleges and Universities''.

SEC. 302. MULTIAGENCY STUDY OF MINORITY SCIENCE PROGRAMS.

Section 1024 (20 U.S.C. 1067d) is repealed.

TITLE IV—STUDENT ASSISTANCE

SEC. 401. GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS.—Part A of title IV (20 U.S.C. 1070 et seq.) is amended—

(1) in section 400(b) (20 U.S.C. 1070(b)), by striking ''1 through 8'' and inserting ''1 through 9'';

(2) in section 401 (20 U.S.C. 1070a)—

(A) in the second sentence of subsection (a)(1), by striking ''manner,,'' and inserting ''manner,'';

(B) in subsection (b)(1), by striking ''section 401'' and inserting ''this section''; and

(C) in subsection (b)(9)(A)—

(i) in clause (vi), by striking ''$105,000,000'' and inserting ''$258,000,000''; and

(ii) in clause (viii), by striking ''$4,400,000,000'' and inserting ''$4,452,000,000'';

(3) by striking paragraph (4) of section 401(f) (20 U.S.C. 1070a(f)), as added by section 401(c) of the Higher Education Opportunity Act (Public Law 110–315);

(4) in section 402A (20 U.S.C. 1070a–11)—

(A) in subsection (b)(1), by striking ''organizations including'' and inserting ''organizations, including''; and

(B) in subsection (c)(8)(C)(iv)(I), by inserting ''to be'' after ''determined'';

(5) in section 402E(d)(2)(C) (20 U.S.C. 1070a–15(d)(2)(C)), by striking ''320.'' and inserting ''320'';

(6) in section 415E(b)(1)(B) (20 U.S.C. 1070c–3a(b)(1)(B))—

(A) in clause (i), by striking ''If a'' and inserting ''Except as provided in clause (ii), if a'';

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) (as amended by subparagraph (A)) the following:

''(ii) SPECIAL CONTINUATION AND TRANSITION RULE.—If a State that applied for and received an allotment under this section for fiscal year 2010 pursuant to subsection (j) meets the specifications established in the State's application under subsection (c) for fiscal year 2011, then the Secretary shall make an allotment to such State for fiscal year 2011 that is not less than the allotment made pursuant to subsection (j) to such State for fiscal year 2010 under this section (as this section was in effect on the day before the date of enactment of the Higher Education Opportunity Act (Public Law 110–315)).'';

(7) in section 419C(b)(1) (20 U.S.C. 1070d–33(b)(1)), by inserting ''and'' after the semicolon at the end;

(8) in section 419D(d) (20 U.S.C. 1070d–34(d)), by striking ''1134'' and inserting ''134''; and

(9) by adding at the end the following:

''Subpart 10—Scholarships for Veteran's Dependents

''SEC. 420R. SCHOLARSHIPS FOR VETERAN'S DEPENDENTS.

''(a) DEFINITION OF ELIGIBLE VETERAN'S DEPENDENT.—The term 'eligible veteran's dependent' means a dependent or an independent student—

''(1) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(2) who, at the time of the parent or guardian's death, was—

''(A) less than 24 years of age; or

''(B) enrolled at an institution of higher education on a part-time or full-time basis.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award a grant to each eligible veteran's dependent to assist in paying the eligible veteran's dependent's cost of attendance at an institution of higher education.

''(2) DESIGNATION.—Grants made under this section shall be known as 'Iraq and Afghanistan Service Grants'.

''(c) PREVENTION OF DOUBLE BENEFITS.—No eligible veteran's dependent may receive a grant under both this section and section 401.

''(d) TERMS AND CONDITIONS.—The Secretary shall award grants under this section in the same manner, and with the same terms and conditions, including the length of the period of eligibility, as the Secretary awards Federal Pell Grants under section 401, except that—

''(1) the award rules and determination of need applicable to the calculation of Federal Pell Grants, shall not apply to grants made under this section;

''(2) the provisions of subsection (a)(3), subsection (b)(1), the matter following subsection (b)(2)(A)(v), subsection (b)(3), and subsection (f), of section 401 shall not apply; and

''(3) a grant made under this section to an eligible veteran's dependent for any award year shall equal the maximum Federal Pell Grant available for that award year, except that such a grant under this section—

''(A) shall not exceed the cost of attendance of the eligible veteran's dependent for that award year; and

''(B) shall be adjusted to reflect the attendance by the eligible veteran's dependent on a less than full-time basis in the same manner as such adjustments are made under section 401.

''(e) ESTIMATED FINANCIAL ASSISTANCE.—For purposes of determinations of need under part F, a grant awarded under this section shall not be treated as estimated financial assistance as described in sections 471(3) and 480(j).

''(f) AUTHORIZATION AND APPROPRIATIONS OF FUNDS.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Secretary to carry out this section, such sums as may be necessary for fiscal year 2010 and each succeeding fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(9) shall take effect on July 1, 2010.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 404 of the Higher Education Opportunity Act (Public Law 110–315) is amended by adding at the end the following new subsection:

''(i) EFFECTIVE DATE; TRANSITION.—

''(1) IN GENERAL.—The amendments made by subsection (e) shall apply to grants made under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) on or after the date of enactment of this Act, except that a recipient of a grant under such chapter that is made prior to such date may elect to apply the requirements contained in the amendments made by subsection (e) to that grant if the grant recipient informs the Secretary of the election.

''(2) SPECIAL RULE.—A grant recipient may make the election described in paragraph (1) only if the election does not decrease the amount of the scholarship promised to an individual student under the grant.''.

SEC. 402. FEDERAL FAMILY EDUCATION LOAN PROGRAM.

(a) AMENDMENT TO PROVISION AMENDED BY THE COLLEGE COST REDUCTION AND ACCESS ACT.—

(1) IN GENERAL.—Section 428(b)(1)(G)(i) (20 U.S.C. 1078(b)(1)(G)(i)), as amended by section 303 of the College Cost Reduction and Access Act (Public Law 110–84), is amended by striking ''or 439(q)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendment in section 303(a) of the College Cost Reduction and Access Act (Public Law 110–84), shall take effect on October 1, 2012, and shall apply with respect to loans made on or after such date.

(b) ENTRANCE COUNSELING FUNCTIONS.—

(1) GUARANTY AGENCIES.—Section 428(b)(3) (20 U.S.C. 1078(b)(3)) is amended—

(A) in subparagraph (C), by inserting ''or 485(l)'' after ''section 485(b)''; and

(B) in subparagraph (D), by inserting ''or 485(l)'' after ''section 485(b)''.

(2) ELIGIBLE LENDERS.—Section 435(d)(5) (20 U.S.C. 1085(d)(5)) is amended—

(A) in subparagraph (E), by inserting ''or 485(l)'' after ''section 485(b)''; and

(B) in subparagraph (F), by inserting ''or 485(l)'' after ''section 485(b)''.

(c) AMENDMENT TO PROVISION AMENDED BY THE HIGHER EDUCATION OPPORTUNITY ACT.—

(1) IN GENERAL.—Section 428C(c)(3)(A) (20 U.S.C. 1078–3(c)(3)(A)), as amended by section 425 of the Higher Education Opportunity Act (Public Law 110–315), is amended by striking ''section 493C'' and inserting ''section 493C,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendments in section 425(d)(1) of the Higher Education Opportunity Act (Public Law 110–315), and shall take effect on July 1, 2009.

(d) REHABILITATION OF STUDENT LOANS.—

(1) Section 428F (20 U.S.C. 1078–6) is amended—

(A) in subsection (a)—

(i) by amending paragraph (1) to read as follows:

''(1) SALE OR ASSIGNMENT OF LOAN.—

''(A) IN GENERAL.—Each guaranty agency, upon securing 9 payments made within 20 days of the due date during 10 consecutive months of amounts owed on a loan for which the Secretary has made a payment under paragraph (1) of section 428(c), shall—

''(i) if practicable, sell the loan to an eligible lender; or

''(ii) on or before September 30, 2011, assign the loan to the Secretary if—

''(I) the Secretary has determined that market conditions unduly limit a guaranty agency's ability to sell loans under clause (i); and

''(II) the guaranty agency has been unable to sell loans under clause (i).

''(B) MONTHLY PAYMENTS.—Neither the guaranty agency nor the Secretary shall demand from a borrower as monthly payment amounts described in subparagraph (A) more than is reasonable and affordable based on the borrower's total financial circumstances.

''(C) CONSUMER REPORTING AGENCIES.—Upon the sale or assignment of the loan, the Secretary, guaranty agency or other holder of the loan shall request any consumer reporting agency to which the Secretary, guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of the default from the borrower's credit history.

''(D) DUTIES UPON SALE.—With respect to a loan sold under subparagraph (A)(i)—

''(i) the guaranty agency—

''(I) shall repay the Secretary 81.5 percent of the amount of the principal balance outstanding at the time of such sale, multiplied by the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan; and

''(II) may, in order to defray collection costs—

''(aa) charge to the borrower an amount not to exceed 18.5 percent of the outstanding principal and interest at the time of the loan sale; and

''(bb) retain such amount from the proceeds of the loan sale; and

''(ii) the Secretary shall reinstate the Secretary's obligation to—

''(I) reimburse the guaranty agency for the amount that the agency may, in the future, expend to discharge the guaranty agency's insurance obligation; and

''(II) pay to the holder of such loan a special allowance pursuant to section 438.

''(E) DUTIES UPON ASSIGNMENT.—With respect to a loan assigned under subparagraph (A)(ii)—

''(i) the guaranty agency shall add to the principal and interest outstanding at the time of the assignment of such loan an amount equal to the amount described in subparagraph (D)(i)(II)(aa); and

''(ii) the Secretary shall pay the guaranty agency, for deposit in the agency's Operating

Fund established pursuant to section 422B, an amount equal to the amount added to the principal and interest outstanding at the time of the assignment in accordance with clause (i).

''(F) ELIGIBLE LENDER LIMITATION.—A loan shall not be sold to an eligible lender under subparagraph (A)(i) if such lender has been found by the guaranty agency or the Secretary to have substantially failed to exercise the due diligence required of lenders under this part.

''(G) DEFAULT DUE TO ERROR.—A loan that does not meet the requirements of subparagraph (A) may also be eligible for sale or assignment under this paragraph upon a determination that the loan was in default due to clerical or data processing error and would not, in the absence of such error, be in a delinquent status.'';

(ii) in paragraph (2)—

(I) by striking ''paragraph (1) of this subsection'' and inserting ''paragraph (1)(A)(i)''; and

(II) by striking ''paragraph (1)(B)(ii) of this subsection'' and inserting ''paragraph (1)(D)(ii)(I)'';

(iii) in paragraph (3)—

(I) by striking ''sold under paragraph (2)'' and inserting ''sold or assigned under paragraph (1)(A)''; and

(II) by striking ''sale.'' and inserting ''sale or assignment.'';

(iv) in paragraph (4), by striking ''which is sold under paragraph (1) of this subsection'' and inserting ''that is sold or assigned under paragraph (1)''; and

(v) in paragraph (5), by inserting ''(whether by loan sale or assignment)'' after ''rehabilitating a loan''; and

(B) in subsection (b), in the first sentence, by inserting ''or assigned to the Secretary'' after ''sold to an eligible lender''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective on the date of enactment of this Act, and shall apply to any loan on which monthly payments described in section 428F(a)(1)(A) were paid before, on, or after such date of enactment.

(e) REPAYMENT IN FULL FOR DEATH AND DISABILITY.—

(1) IN GENERAL.—Section 437(a)(1) (20 U.S.C. 1087(a)(1)), as amended by section 437 of the Higher Education Opportunity Act (Public Law 110–315), is amended—

(A) in the matter preceding subparagraph (A), by striking ''Secretary),, or if'' and inserting ''Secretary), or if''; and

(B) in subparagraph (B), by inserting ''the reinstatement and resumption to be'' after ''determines''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if enacted as part of the amendments in section 437(a) of the Higher Education Opportunity Act (Public Law 110–315), and shall take effect on July 1, 2010.

(f) OTHER AMENDMENTS.—Part B of title IV (20 U.S.C. 1071 et seq.) is further amended—

(1) in section 428 (20 U.S.C. 1078)—

(A) in subsection (a)(2)(A)(i)(II), by striking ''and'' after the semicolon at the end;

(B) in subsection (b)—

(i) in the matter following subclause (II) of paragraph (1)(M)(i), by inserting ''section'' before ''428B'';

(ii) in paragraph (3)(A)(i), by striking ''any institution of higher education or the employees of an institution of higher education'' and inserting ''any institution of higher education, any employee of an institution of higher education, or any individual or entity'';

(iii) in paragraph (4), by striking ''For the purpose of paragraph (1)(M)(i)(III) of this subsection,'' and inserting ''With respect to the graduate fellowship program referred to in paragraph (1)(M)(i)(II),''; and

(iv) in paragraph (7)—

(I) in subparagraph (B), by striking ''clause (i) or (ii) of''; and

(II) in subparagraph (D), by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''; and

(C) in subsection (c)(9)(K), by striking ''3 months'' and inserting ''6 months'';

(2) in section 428B(e) (20 U.S.C. 1078–2(e))—

(A) in paragraph (3)(B), by striking ''subsection (c)(5)(B)'' and inserting ''subsection (d)(5)(B)''; and

(B) by repealing paragraph (5);

(3) in section 428C (20 U.S.C. 1078–3)—

(A) in subsection (a)(4)(E), by striking ''subpart II of part B'' and inserting ''part E'';

(B) in the matter preceding clause (i) of subsection (c)(2)(A)—

(i) by striking ''subsection (b)(2)(F)'' and inserting ''subsection (b)(2)''; and

(ii) by inserting a comma after ''graduated'';

(C) in subsection (d)(3)(D), by striking ''loan insurance fund'' and inserting ''loan insurance account''; and

(D) in subsection (f)(3), by striking ''subsection (a)'' and inserting ''this subsection'';

(4) in section 428G(c) (20 U.S.C. 1078–7(c))—

(A) in paragraph (1), by striking ''section 428(a)(2)(A)(i)(III)'' and inserting ''section 428(a)(2)(A)(i)(II)''; and

(B) by striking paragraph (3) and inserting the following:

''(3) notwithstanding subsection (a)(2), may, with the permission of the borrower, be disbursed by the lender on a weekly or monthly basis, provided that the proceeds of the loan are disbursed by the lender in substantially equal weekly or monthly installments, as the case may be, over the period of enrollment for which the loan is made.'';

(5) in section 428H (20 U.S.C. 1078–8)—

(A) in subsection (d), by amending the text of the header of paragraph (2) to read as follows: ''LIMITS FOR GRADUATE, PROFESSIONAL, AND INDEPENDENT POSTBACCALAUREATE STUDENTS''; and

(B) in subsection (e), by amending paragraph (6) to read as follows:

''(6) REPAYMENT PERIOD.—For purposes of calculating the repayment period under section 428(b)(9), such period shall commence at the time the first payment of principal is due from the borrower.'';

(6) in section 428J (20 U.S.C. 1078–10)—

(A) in subsection (c)(1), by adding at the end the following: ''No borrower may receive a reduction of loan obligations under both this section and section 460.''; and

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting ''or'' after the semicolon at the end;

(ii) by striking subparagraph (C);

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(iv) in subparagraph (C), as redesignated by clause (iii), by striking ''12571'' and inserting ''12601'';

(7) in section 428K(g)(9)(B) (20 U.S.C. 1078–11(g)(9)(B)), by striking ''under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3))'' and inserting ''under subsection (ll)(4) of such section (42 U.S.C. 1395x(ll)(4))'';

(8) in section 430A(f) (20 U.S.C. 1080a(f))—

(A) by striking ''and (6)'' and inserting ''and (5)''; and

(B) by striking ''(a)(6)'' and inserting ''(a)(5)'';

(9) in section 432 (20 U.S.C. 1082)—

(A) in subsection (b), by striking ''section 1078 of this title'' and inserting ''section 428''; and

(B) in subsection (m)(1)(B)—

(i) in clause (i), by inserting ''and'' after the semicolon at the end; and

(ii) in clause (ii), by striking ''; and'' and inserting a period;

(10) in section 435 (20 U.S.C. 1085)—

(A) in subsection (a)(2)(C)(ii), by striking ''a tribally controlled community college within the meaning of section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''a tribally controlled college or university, as defined in section 2(a)(4) of the Tribally Controlled Colleges and Universities Assistance Act of 1978'';

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(ii)(III), by striking ''section 501(1) of such Code'' and inserting ''section 501(a) of such Code''; and

(II) in subparagraph (G), by striking ''sections 428A(d), 428B(d), and 428C,'' and inserting ''sections 428B(d) and 428C,'';

(ii) in paragraph (2)(A)(vi), by striking ''section 435(m)'' and inserting ''subsection (m)'';

(iii) in paragraph (3), by striking ''section 435(m)'' and inserting ''subsection (m)''; and

(iv) in paragraph (5)(A), by striking ''to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part'' and inserting ''to any institution of higher education, any employee of an institution of higher education, or any individual or entity in order to secure applicants for loans under this part'';

(C) in subsection (o)(1)(A)(ii), by striking ''Service'' and inserting ''Services''; and

(D) in subsection (p)(1), by striking ''section 771'' and inserting ''section 781''; and

(11) in section 438(b)(2) (20 U.S.C. 1087–1(b)(2))—

(A) in the second sentence of subparagraph (A), by striking ''427A(f)'' and inserting ''427A(i)'';

(B) in the first sentence of subparagraph (B)(i), by striking ''1954'' and inserting ''1986''; and

(C) in the second sentence of subparagraph (F), by striking ''427A(f)'' and inserting ''427A(i)''.

SEC. 403. FEDERAL WORK-STUDY PROGRAMS.

Section 443 (42 U.S.C. 2753) is amended—

(1) in subsection (b)(2), by striking ''section 443'' and inserting ''this section'';

(2) in subsection (d)(1), by striking ''subsection (b)(2)(B)'' and inserting ''subsection (b)(2)(A)''; and

(3) in subsection (e)(1), in the matter preceding subparagraph (A), by striking ''in accordance with such subsection''.

SEC. 404. FEDERAL DIRECT LOAN PROGRAM.

(a) TEMPORARY AUTHORITY TO PURCHASE LOANS.—Section 459A (20 U.S.C. 1087i–1) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking ''purchase of loans under this section'' and inserting ''purchase of loans under paragraph (1)''; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) TEMPORARY AUTHORITY TO PURCHASE REHABILITATED LOANS.—

''(A) AUTHORITY.—In addition to the authority described in paragraph (1), the Secretary, in consultation with the Secretary of the Treasury, is authorized to purchase, or enter into forward commitments to purchase, from any eligible lender (as defined in section 435(d)(1)), loans that such lender purchased under section 428F on or after October 1, 2003, and before July 1, 2010, and that are not in default, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interest of the United States, except that any purchase under this paragraph shall not result in any net cost to the Federal Government (including the cost of servicing the loans purchased), as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

''(B) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget shall jointly publish a notice in the Federal Register prior to any purchase of loans under this paragraph that—

''(i) establishes the terms and conditions governing the purchases authorized by this paragraph;

''(ii) includes an outline of the methodology and factors that the Secretary, the Secretary of

the Treasury, and the Director of the Office of Management and Budget will jointly consider in evaluating the price at which to purchase loans rehabilitated pursuant to section 428F(a); and

''(iii) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).''; and

(2) by amending subsection (b) to read as follows:

''(b) PROCEEDS.—The Secretary shall require, as a condition of any purchase under subsection (a), that the funds paid by the Secretary to any eligible lender under this section be used—

''(1) to ensure continued participation of such lender in the Federal student loan programs authorized under part B of this title; and

''(2)(A) in the case of loans purchased pursuant to subsection (a)(1), to originate new Federal loans to students, as authorized under part B of this title; or

''(B) in the case of loans purchased pursuant to subsection (a)(3), to originate such new Federal loans to students, or to purchase loans in accordance with section 428F(a).''.

(b) OTHER AMENDMENTS.—Part D of title IV (20 U.S.C. 1087a et seq.) is amended—

(1) by repealing paragraph (3) of section 453(c) (20 U.S.C. 1087c(c));

(2) in section 455 (20 U.S.C. 1087e)—

(A) in subsection (d)(1)(C), by striking ''428(b)(9)(A)(v)'' and inserting ''428(b)(9)(A)(iv)'';

(B) in subsection (h), by striking ''(except as authorized under section 457(a)(1))''; and

(C) in subsection (k)(1)(B), by striking '', or in a notice under section 457(a)(1),'';

(3) by repealing section 457 (20 U.S.C. 1087g); and

(4) in section 460 (20 U.S.C. 1087j)—

(A) in subsection (c)(1), by adding at the end the following: ''No borrower may receive a reduction of loan obligations under both this section and section 428J.''; and

(B) in subsection (g)(2)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (C), as redesignated by clause (ii), by striking ''12571'' and inserting ''12601''.

SEC. 405. FEDERAL PERKINS LOANS.

Part E of title IV (20 U.S.C. 1087aa et seq.) is amended—

(1) in section 462(a)(1) (20 U.S.C. 1087bb(a)(1)), by striking subparagraph (A) and inserting the following:

''(A) 100 percent of the amount received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year), multiplied by'';

(2) in section 463(c) (20 U.S.C. 1087cc(c))—

(A) in paragraph (2)—

(i) by moving the margins of subparagraph (A) 2 ems to the left; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) information concerning the repayment and collection of any such loan, including information concerning the status of such loan; and''; and

(B) in paragraph (3)—

(i) by striking ''and (6)'' and inserting ''and (5)''; and

(ii) by striking ''(a)(6)'' and inserting ''(a)(5)'';

(3) in the first sentence of the matter preceding paragraph (1) of section 463A(a) (20 U.S.C. 1087cc–1(a)), by striking '', in order to carry out the provisions of section 463(a)(8),'';

(4) in section 464 (20 U.S.C. 1087dd)—

(A) in subsection (c)—

(i) in paragraph (1)(D)—

(I) by striking ''(I)'' and inserting ''(i)''; and

(II) by striking ''(II)'' and inserting ''(ii)''; and

(ii) in paragraph (2)(A)(iii)—

(I) by aligning the margin of the matter preceding subclause (I) with the margins of clause (ii);

(II) by aligning the margins of subclauses (I) and (II) with the margins of clause (i)(I); and

(III) by aligning the margins of the matter following subclause (II) with the margins of the matter following subclause (II) of clause (i); and

(B) in subsection (g)(5), by striking ''credit bureaus'' and inserting ''consumer reporting agencies'';

(5) in section 465(a)(6) (20 U.S.C. 1087ee(a)(6)), by striking ''12571'' and inserting ''12601'';

(6) in section 467(b) (20 U.S.C. 1087gg(b)), by striking ''paragraph (5)(A), (5)(B)(i), or (6)'' and inserting ''paragraph (4) or (5)''; and

(7) in section 469(c) (20 U.S.C. 1087ii(c)), by striking ''and the term'' and all that follows through the period at the end and inserting ''and the term 'early intervention services' has the meaning given the term in section 632 of such Act.''.

SEC. 406. NEED ANALYSIS.

(a) AMENDMENTS.—Part F of title IV (20 U.S.C. 1087kk et seq.) is amended—

(1) in section 473 (20 U.S.C. 1087mm)—

(A) by striking ''For the purpose of this title, except subpart 2 of part A,'' and inserting ''(a) IN GENERAL.—For the purpose of this title, other than subpart 2 of part A, and except as provided in subsection (b),''; and

(B) by adding at the end the following:

''(b) SPECIAL RULE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, the family contribution of each student described in paragraph (2) shall be deemed to be zero for the academic year for which the determination is made.

''(2) APPLICABILITY.—Paragraph (1) shall apply to any dependent or independent student with respect to determinations of need for academic year 2009–2010 and succeeding academic years—

''(A) who is eligible to receive a Federal Pell Grant for the academic year for which the determination is made;

''(B) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(C) who, at the time of the parent or guardian's death, was—

''(i) less than 24 years of age; or

''(ii) enrolled at an institution of higher education on a part-time or full-time basis.

''(3) INFORMATION.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense, as appropriate, shall provide the Secretary of Education with information necessary to determine which students meet the requirements of paragraph (2).'';

(2) in section 475(c)(5)(B) (20 U.S.C. 1087oo(c)(5)(B)), by inserting ''of 1986'' after ''Code'';

(3) in section 477(b)(5)(B) (20 U.S.C. 1087qq(b)(5)(B)), by inserting ''of 1986'' after ''Code'';

(4) in section 479 (20 U.S.C. 1087ss)—

(A) in subsection (b) (as amended by section 602 of the College Cost Reduction and Access Act (Public Law 110–84))—

(i) in paragraph (1)(A)(i), by amending subclause (III) to read as follows:

''(III) include at least one parent who is a dislocated worker; or''; and

(ii) in paragraph (1)(B)(i), by amending subclause (III) to read as follows:

''(III) is a dislocated worker or has a spouse who is a dislocated worker; or''; and

(B) in subsection (c) (as amended by such section 602)—

(i) in paragraph (1)(A), by amending clause (iii) to read as follows:

''(iii) include at least one parent who is a dislocated worker; or''; and

(ii) in paragraph (2)(A), by amending clause (iii) to read as follows:

''(iii) is a dislocated worker or has a spouse who is a dislocated worker; or'';

(5) in section 479C (20 U.S.C. 1087uu–1)—

(A) in paragraph (1), by striking ''under'' and all that follows through ''; and'' and inserting ''under Public Law 98–64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the 'Per Capita Act') or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and''; and

(B) in paragraph (2)—

(i) by striking ''Alaskan'' and inserting ''Alaska'';

(ii) by inserting ''(43 U.S.C. 1601 et seq.)'' before ''or the''; and

(iii) by inserting ''of 1980 (25 U.S.C. 1721 et seq.)'' after ''Maine Indian Claims Settlement Act'';

(6) in section 480(a)(2) (20 U.S.C. 1087vv(a)(2)), by striking ''12571'' and inserting ''12511'';

(7) in section 480(c)(2) (20 U.S.C. 1087vv(c)(2))—

(A) in the matter preceding subparagraph (A), by striking ''the following'' and inserting ''benefits under the following provisions of law''; and

(B) by striking subparagraphs (A) through (J) and inserting the following:

''(A) Chapter 103 of title 10, United States Code (Senior Reserve Officers' Training Corps).

''(B) Chapter 106A of title 10, United States Code (Educational Assistance for Persons Enlisting for Active Duty).

''(C) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

''(D) Chapter 1607 of title 10, United States Code (Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Certain Other Operations).

''(E) Chapter 30 of title 38, United States Code (All-Volunteer Force Educational Assistance Program, also known as the 'Montgomery GI Bill—active duty').

''(F) Chapter 31 of title 38, United States Code (Training and Rehabilitation for Veterans with Service-Connected Disabilities).

''(G) Chapter 32 of title 38, United States Code (Post-Vietnam Era Veterans' Educational Assistance Program).

''(H) Chapter 33 of title 38, United States Code (Post-9/11 Educational Assistance).

''(I) Chapter 35 of title 38, United States Code (Survivors' and Dependents' Educational Assistance Program).

''(J) Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) (Educational Assistance Pilot Program).

''(K) Section 156(b) of the 'Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes' (42 U.S.C. 402 note) (Restored Entitlement Program for Survivors, also known as 'Quayle benefits').

''(L) The provisions of chapter 3 of title 37, United States Code, related to subsistence allowances for members of the Reserve Officers Training Corps.''; and

(8) in section 480(j)(1) (20 U.S.C. 1087vv(j)(1)), by striking ''12571'' and inserting ''12511''.

(b) EFFECTIVE DATE.—The amendments made by—

(1) paragraph (1) of subsection (a) shall take effect on July 1, 2009; and

(2) paragraph (4) of such subsection shall be effective as if enacted as part of the amendments in section 602(a) of the College Cost Reduction and Access Act (Public Law 110–84), and shall take effect on July 1, 2009.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 473(f) of the Higher Education Opportunity Act (Public Law 110–315) is amended by inserting '', except that the amendments made in subsection (e) shall take effect on July 1, 2009'' before the period at the end.

SEC. 407. GENERAL PROVISIONS OF TITLE IV.

(a) DELAYED IMPLEMENTATION OF EZ FAFSA.—Notwithstanding any other provision of law, the Secretary of Education shall be required to carry out the requirements under the following provisions of section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) only for academic year 2010–2011 and subsequent academic years:

(1) In subsection (a) of such section—

(A) subparagraphs (A)(i) and (B) of paragraph (2);

(B) in paragraph (3)—

(i) the second sentence of subparagraph (A);

(ii) clauses (i) and (ii) of subparagraph (B); and

(iii) subparagraph (C);

(C) paragraph (4)(A)(iv); and

(D) paragraph (5)(E).

(2) Subsection (h) of such section.

(b) OTHER AMENDMENTS.—Part G of title IV (20 U.S.C. 1088 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 481(c) (20 U.S.C. 1088(c)), by striking ''or any State, or private, profit or nonprofit organization'' and inserting ''any State, or any private, for-profit or nonprofit organization,'';

(2) in section 482(b) (20 U.S.C. 1089(b)), by striking ''413D(e), 442(e), or 462(j)'' and inserting ''413D(d), 442(d), or 462(i)'';

(3) in section 483 (20 U.S.C. 1090)—

(A) in subsection (a)(3)(C), by inserting ''that'' after ''except''; and

(B) in subsection (e)(8)(A), by striking ''identify'' and inserting ''determine'';

(4) in section 484 (20 U.S.C. 1091)—

(A) in the matter preceding subparagraph (A) of subsection (a)(4), by striking ''certification,,'' and inserting ''certification,'';

(B) in subsection (b)(1)(B)—

(i) by striking ''have (A)'' and inserting ''have (i)''; and

(ii) by striking ''and (B)'' and inserting ''and (ii)'';

(C) in subsection (f)(1), by striking ''part B'' and all that follows through ''part E'' in each place that the phrase occurs and inserting ''part B, part D, or part E'';

(D) in subsection (h)—

(i) in paragraph (2), by striking ''(h)(4)(A)(i)'' and inserting ''(g)(4)(A)(i)''; and

(ii) in paragraph (3), by striking ''(h)(4)(B)(i)'' and inserting ''(g)(4)(B)(i)''; and

(E) in subsection (n), by striking ''section 1113 of Public Law 97–252'' and inserting ''section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f))'';

(5) in section 485 (20 U.S.C. 1092)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) the matter preceding subparagraph (A), by striking ''also referred to as the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' ''; and

(II) in subparagraph (I), by striking ''handicapped students'' and inserting ''students with disabilities'';

(ii) in paragraph (4)(B), by inserting ''during which'' after ''time period''; and

(iii) in the matter preceding subclause (I) of paragraph (7)(B)(iv), by inserting ''education'' after ''higher'';

(B) in subsection (e)(3)(B), by inserting ''during which'' after ''time period'';

(C) in subsection (f)—

(i) in the matter preceding subparagraph (A) of paragraph (1), by inserting ''of'' after ''foreign institution''; and

(ii) in paragraphs (3), (4)(A), (5), and (8)(A), by striking ''under this title'' each place it appears and inserting ''under this title, other than a foreign institution of higher education,'';

(D) in subsection (g)(2), by striking ''subparagraph (G)'' and inserting ''paragraph (1)(G)'';

(E) in subsection (i)—

(i) in paragraph (2), by striking ''eligible institution participating in any program under this title'' and inserting ''institution described in paragraph (1)'';

(ii) in paragraph (3), in the matter preceding subparagraph (A), by striking ''eligible institution participating in any program under this title'' and inserting ''institution described in paragraph (1)''; and

(iii) in paragraph (5)(B), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(F) in subsection (k)(2), by inserting ''section'' before ''484(r)(1)''; and

(G) in the matter preceding clause (i) of subsection (l)(1)(A), by striking ''subparagraph (B)'' and inserting ''paragraph (2)'';

(6) in section 485A (20 U.S.C. 1092a)—

(A) in subsection (a)—

(i) by striking ''or defined in subpart I of part C of title VII of the Public Health Service Act'' and inserting ''or an eligible lender as defined in section 719 of the Public Health Service Act (42 U.S.C. 292o)''; and

(ii) by striking ''under subpart I of part C of title VII of the Public Health Service Act (known as Health Education Assistance Loans)'' and inserting ''under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(B) in subsection (b), by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(C) in subsection (e)—

(i) by striking ''Health Education Assistance Loan'' and inserting ''loan under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)''; and

(ii) in paragraph (2), by striking ''733(e)(3)'' and inserting ''707(e)(3)''; and

(D) in subsection (f)—

(i) in paragraph (1)—

(I) in the second sentence, by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)''; and

(II) in the fourth sentence, by striking ''728(a)'' and inserting ''710''; and

(ii) in paragraph (2), by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(7) in section 485B (20 U.S.C. 1092b)—

(A) in subsection (a)(5), by striking ''))'' and inserting ''(''; and

(B) in subsection (d)(3)(D), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(8) in section 487 (20 U.S.C. 1094)—

(A) in subsection (a)(23)(A), by inserting ''of 1993'' after ''Registration Act'';

(B) in subsection (c)(1)—

(i) in subparagraph (A)(i), by striking ''students receives'' and inserting ''students receive'';

(ii) in subparagraph (F), by striking ''paragraph (2)(B)'' and inserting ''paragraph (3)(B)''; and

(iii) in subparagraph (H), by striking ''paragraph (2)(B)'' and inserting ''paragraph (3)(B)'';

(C) in subsection (f)(1), by striking ''496(c)(4)'' and inserting ''496(c)(3)''; and

(D) in subsection (g)(1), by striking ''subsection (f)(2)'' and inserting ''subsection (e)(2)'';

(9) in section 487A(b) (20 U.S.C. 1094a(b))—

(A) in paragraph (1)—

(i) by striking ''Any activities'' and inserting ''Any experimental sites''; and

(ii) by striking ''June 30, 2009'' and inserting ''June 30, 2010''; and

(B) by adding at the end the following:

''(4) DETERMINATION OF SUCCESS.—For the purposes of paragraph (1), the Secretary shall make a determination of success regarding an institution's participation as an experimental site based on—

''(A) the ability of the experimental site to reduce administrative burdens to the institution, as documented in the Secretary's biennial report under paragraph (2), without creating costs for the taxpayer; and

''(B) whether the experimental site has improved the delivery of services to, or otherwise benefitted, students.'';

(10) in section 489(a) (20 U.S.C. 1096(a))—

(A) in the third sentence, by striking ''has agreed to assign under section 463(a)(6)(B)'' and inserting ''has referred under section 463(a)(4)(B)''; and

(B) in the fourth sentence, by striking ''484(h)'' and inserting ''484(g)'';

(11) in section 491(l)(2)(A) (20 U.S.C. 1098(l)(2)(A)), by inserting ''the'' after ''enactment of''; and

(12) in section 492(a) (20 U.S.C. 1098a(a))—

(A) in paragraph (1), by striking ''regulations'' and all that follows through ''The'' and inserting ''regulations for this title. The''; and

(B) in paragraph (2), by striking ''ISSUES'' and all that follows through ''provide'' and inserting ''ISSUES.—The Secretary shall provide''.

SEC. 408. PROGRAM INTEGRITY.

Part H of title IV (20 U.S.C. 1099a et seq.) is amended—

(1) in section 496(a)(6)(G) (20 U.S.C. 1099b(a)(6)(G)), by striking the period at the end and inserting a semicolon; and

(2) in section 498(c)(2) (20 U.S.C. 1099c(c)(2)), by striking ''for profit'' and inserting ''for-profit''.

SEC. 409. WAIVER OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to the amendments made by this title, or to any regulations promulgated under those amendments.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. DEVELOPING INSTITUTIONS.

Section 502(b)(2) (20 U.S.C. 1101a(b)(2)) is amended by striking ''which determination'' and inserting ''which the determination''.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL EDUCATION PROGRAMS.

(a) HIGHER EDUCATION ACT OF 1965.—Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) in section 604(a) (20 U.S.C. 1124(a))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by inserting ''the'' before ''Federal''; and

(B) in paragraph (7)(D), by striking ''institution, combination'' and inserting ''applicant, consortium,''; and

(2) in section 622(a) (20 U.S.C. 1131–1(a)), by inserting a period after ''title''.

(b) HIGHER EDUCATION OPPORTUNITY ACT.—The matter preceding paragraph (1) of section 621 of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking ''Section 631 (20 U.S.C. 1132)'' and inserting ''Section 631(a) (20 U.S.C. 1132(a))''.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT

SEC. 701. GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS.

Title VII (20 U.S.C. 1133 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 721(d) (20 U.S.C. 1136(d)), by striking ''services through'' and all that follows through ''resource centers'' and inserting ''services through pre-college programs, undergraduate prelaw information resource centers'';

(2) in section 723(b)(1)(P) (20 U.S.C. 1136a(b)(1)(P)), by striking ''Sate'' and inserting ''State'';

(3) in section 744(c)(6)(C) (20 U.S.C. 1138c(c)(6)(C)), by inserting ''of the National Academies'' after ''Institute of Medicine'';

(4) in section 760 (20 U.S.C. 1140), by striking paragraph (1) and inserting the following:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that meets each of the following:

''(A) Is offered by an institution of higher education.

''(B) Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment.

''(C) Includes an advising and curriculum structure.

''(D) Requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, with such participation focusing on academic components, and occurring through 1 or more of the following activities:

''(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

''(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

''(iii) Enrollment in noncredit-bearing, non-degree courses with nondisabled students.

''(iv) Participation in internships or work-based training in settings with nondisabled individuals.

''(E) Requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible.'';

(5) in section 772 (20 U.S.C. 1140l)—

(A) in subsection (a)(2)(A), by striking ''with in'' and inserting ''with''; and

(B) in the matter preceding subclause (I) of subsection (b)(1)(C)(ii), by striking ''subparagraph (C)'' and inserting ''clause (i)'';

(6) in section 781 (20 U.S.C. 1141)—

(A) in subsection (c)(1), by striking ''Service'' each place the term appears and inserting ''Services'';

(B) in the matter preceding paragraph (1) of subsection (e)—

(i) by striking ''(as defined'' and all that follows through ''this Act)'' and inserting ''(as described in section 435(p))''; and

(ii) by striking ''435(j)'' and inserting ''428(b)'';

(C) in subsection (g)(2), by striking ''Service'' and inserting ''Services''; and

(D) in subsection (i)—

(i) in paragraph (1)(D), by striking ''consortia'' and inserting ''consortium''; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking ''CONSORTIA'' and inserting ''CONSORTIUM''; and

(II) by striking ''consortia'' each place the term appears and inserting ''consortium''.

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 801. ADDITIONAL PROGRAMS.

Title VIII (20 U.S.C. 1161a et seq.) is amended—

(1) in section 802(d)(2)(D) (20 U.S.C. 1161b(d)(2)(D)), by striking ''regulation'' and inserting ''regulations'';

(2) in section 804(d) (20 U.S.C. 1161d(d))—

(A) in the heading, by striking ''DEFINITION'' and inserting ''DEFINITIONS''; and

(B) by striking paragraph (2) and inserting the following:

''(2) PUBLIC HEALTH SERVICE ACT.—The terms 'accredited' and 'school of nursing' have the meanings given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).'';

(3) in section 808(a)(1) (20 U.S.C. 1161h(a)(1)), by striking ''the Family Education Rights and Privacy Act of 1974'' and inserting ''section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974')'';

(4) in section 819(b)(3) (20 U.S.C. 1161j(b)(3)), by inserting a period after ''101(a)'';

(5) in section 820 (20 U.S.C. 1161k)—

(A) in subsection (d)(5), by inserting ''the'' before ''grant'';

(B) in subsection (f)(2), by striking ''subpart'' each place the term appears and inserting ''section''; and

(C) in subsection (h), by striking ''use'' and inserting ''used'';

(6) in section 821 (20 U.S.C. 1161l)—

(A) in subsection (a)(1), by striking ''subsection (g)'' and inserting ''subsection (f)''; and

(B) in subsection (c)(1)(B), by striking ''within'' and inserting ''in'';

(7) in section 824(f)(3) (20 U.S.C. 1161l–3(f)(3))—

(A) in subparagraph (A), by inserting ''a'' after ''submitting''; and

(B) in subparagraph (C), by striking ''pursing'' and inserting ''pursuing'';

(8) in section 825(a) (20 U.S.C. 1161l–4(a)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(9) in section 826(3) (20 U.S.C. 1161l–5(3)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(10) in section 830(a)(1)(B) (20 U.S.C. 1161m(a)(1)(B)), by striking ''of for'' and inserting ''of'';

(11) in section 833(e)(1) (20 U.S.C. 1161n–2(e)(1))—

(A) in the matter preceding subparagraph (A), by striking ''because of'' and inserting ''based on''; and

(B) in subparagraph (D), by striking ''purposes of this section'' and inserting ''purpose of this part'';

(12) in section 841(c)(1) (20 U.S.C. 1161o(c)(1)), by striking ''486A(d)'' and inserting ''486A(b)(1)'';

(13) in section 851(j) (20 U.S.C. 1161p(j)), by inserting ''to be appropriated'' after ''authorized''; and

(14) in section 894(b)(2) (20 U.S.C. 1161y(b)(2)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' ''.

SEC. 802. AMENDMENTS TO OTHER HIGHER EDUCATION ACTS.

(a) HIGHER EDUCATION AMENDMENTS OF 1998.—

(1) INCARCERATED INDIVIDUALS.—Section 821(h) of the Higher Education Amendments of 1998 (20 U.S.C. 1151(h)) is amended to read as follows:

''(h) ALLOCATION OF FUNDS.—

''(1) FISCAL YEAR 2009.—From the funds appropriated pursuant to subsection (i) for fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of incarcerated individuals described in paragraphs (1) and (2) of subsection (e) in the State bears to the total number of such individuals in all States.

''(2) FUTURE FISCAL YEARS.—From the funds appropriated pursuant to subsection (i) for each fiscal year after fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.''.

(2) UNDERGROUND RAILROAD.—Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by inserting ''this section'' after ''to carry out''.

(b) EDUCATION OF THE DEAF ACT OF 1986.—Section 203(b)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(2)) is amended by striking ''and subsections (b) and (c) of section 209.'' and inserting ''and subsections (a), (b), and (c) of section 209.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 1777 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 1777, a bill to make technical corrections to H.R. 4137, which is the Higher Education Act.

Mr. Speaker, the House originally passed this legislation on March 30, 2009. This is a revised version from the Senate. The Senate made additional conforming and technical changes, including a scholarship program for students whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001, clarifying the ''experimental site'' authority at the Department of Education. Let me explain some of these changes.

Currently, borrowers may rehabilitate their defaulted Federal student loans by making nine on-time payments. Once they meet this threshold, the guaranty agency may sell the loan to a lender, which results in the default being removed from the borrowers' credit reports.

Mr. Speaker, because of the current credit crunch, guaranty agencies have been unable to find lenders for these loans. The bill amends the loan to allow those loans qualified for rehabilitation to be assigned to the Department of Education for this purpose.

The bill makes three changes to the exemption of veterans' assistance in the calculation of the Federal financial aid. The first is to clarify that assistance under the Montgomery GI Bill is included in exempted veterans' benefits, and the second is to move the date of the exemption of veterans' benefits from the calculation of the estimated financial assistance from July 1, 2010, to July 1, 2009.

The third change is to provide scholarships in the amount of the maximum Pell Grant award to students whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001.

The bill ensures the continuation of the Department of Education's ''experimental site'' program on existing campuses for another year and defines a successful program as one that reduces administrative cost and increases student services, without additional cost to the government.

In closing, Mr. Speaker, I would like to thank our committee chairman, Representative GEORGE MILLER from California, and our ranking member, JOHN KLINE, along with our ranking

member on the subcommittee, Representative BRETT GUTHRIE of Kentucky, for expediting this legislation and helping us make these needed corrections in a bipartisan manner.

I urge all my colleagues to vote ''yes'' on H.R. 1777.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. I rise in support of this legislation, and I yield myself such time as I may consume.

The House easily passed this bill under suspension at the end of March and, as often happens with the legislative process, when it went to the Senate, a few changes were made. Therefore, we are here again today simply to give final approval to a bill we have already supported, and rightfully so.

The primary purpose of this legislation is to make technical changes to ensure smooth implementation of the bipartisan higher education reforms enacted last year. Second, it addresses a pressing issue facing the Federal student loan programs. And third, the legislation includes a provision to assist students who have lost a parent to the wars in Iraq and Afghanistan.

The technical corrections are just that, clarifications needed to ensure that the first comprehensive renewal of higher education programs in a decade can be put into place as Congress intended. The legislation will also help student loan borrowers who have fallen behind to rebuild their damaged credit by making these loans eligible for emergency liquidity measures enacted last fall. It's a simple change that will make a real difference for borrowers who are just trying to do the right thing by restarting regular payments on their Federal student loans.

The other change we are making in this bill is also important for a different set of students, students who have suffered a terrible loss but who have continued to move forward to achieve a postsecondary education. And I'm talking about the students who have lost a parent due to the military action taking place in Iraq and Afghanistan.

The Higher Education Act reauthorization bill that was passed by this body last Congress included a provision that would allow Pell-eligible students to automatically receive the maximum Pell Grant if one of their parents died as a result of their military service in Iraq or Afghanistan. The legislation before us today extends a similar benefit to students who may fall outside of the income limits placed on the Pell Grant program but who have also suffered the same type of loss.

Under this legislation, all students who have lost a soldier-parent as a direct result of fighting in the war in Iraq and Afghanistan will be eligible for a grant. The parents of these students have given their lives in service to our country.

A college student who loses a parent in the war loses so much more than we can fathom. These students will not have their parent around to move into their first dorm room or hear complaints about cafeteria food. They will not have their parent's consolation and encouragement to continue even after a poor test grade or a difficult professor. Of course, these students who lose a parent in Iraq or Afghanistan will not have the financial support of their parent in this time of rising college costs and economic uncertainty.

While this legislation does not provide students with the same type of support a parent could provide, I hope it will ease the financial burden of paying for college just a little bit.

The legislation before us easily passed the House once. I hope for a similar result again, and I urge my colleagues to join me in voting ''yes'' on this legislation.

I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1777.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be authorized to file a supplemental report on the bill, H.R. 2647.

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

There was no objection.

RECESS

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

Accordingly (at 1 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 6 o'clock and 33 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: S. 407, by the yeas and nays; H.R. 1016, de novo; H.R. 1211, by the yeas and nays; H.R. 1172, by the yeas and nays; concurring in the Senate amendment to H.R. 1777, de novo.

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

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, S. 407, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROSS). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 407.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 419]

YEAS—403

Abercrombie	Brown, Corrine	Davis (CA)
Ackerman	Brown-Waite, Ginny	Davis (IL)
Aderholt	Buchanan	Davis (KY)
Adler (NJ)	Burgess	Davis (TN)
Akin	Burton (IN)	Deal (GA)
Alexander	Butterfield	DeFazio
Altmire	Buyer	Delahunt
Andrews	Calvert	DeLauro
Arcuri	Camp	Dent
Austria	Cantor	Diaz-Balart, L.
Baca	Cao	Diaz-Balart, M.
Bachmann	Capito	Dicks
Bachus	Capps	Dingell
Baird	Capuano	Doggett
Baldwin	Cardoza	Donnelly (IN)
Barrett (SC)	Carnahan	Doyle
Barrow	Carney	Dreier
Bartlett	Carson (IN)	Driehaus
Barton (TX)	Carter	Duncan
Bean	Cassidy	Edwards (MD)
Becerra	Castle	Edwards (TX)
Berkley	Castor (FL)	Ehlers
Berman	Chaffetz	Ellison
Berry	Chandler	Ellsworth
Biggert	Childers	Emerson
Bilbray	Clarke	Engel
Bilirakis	Clay	Eshoo
Bishop (GA)	Cleaver	Etheridge
Bishop (NY)	Clyburn	Fallin
Bishop (UT)	Coble	Farr
Blackburn	Coffman (CO)	Fattah
Blumenauer	Cohen	Filner
Boccieri	Cole	Flake
Boehner	Conaway	Fleming
Bonner	Connolly (VA)	Forbes
Bono Mack	Cooper	Fortenberry
Boozman	Costello	Foster
Boren	Courtney	Foxx
Boswell	Crenshaw	Frank (MA)
Boucher	Crowley	Franks (AZ)
Boustany	Cuellar	Frelinghuysen
Brady (PA)	Culberson	Fudge
Bright	Cummings	Gallegly
Broun (GA)	Dahlkemper	Garrett (NJ)
Brown (SC)		Gerlach

Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Blunt
Boyd
Brady (TX)
Braley (IA)
Campbell
Conyers
Costa
Davis (AL)
DeGette
Grijalva
Gutierrez
Hastings (WA)
Higgins
Kennedy
Larsen (WA)
Lewis (GA)
Lummis
McCarthy (NY)
McHenry
Mollohan
Paulsen
Payne
Radanovich
Schock
Shadegg
Shea-Porter
Shuler
Sullivan
Woolsey
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1857

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1016, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1016, as amended.

RECORDED VOTE

Mr. FILNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 409, noes 1, not voting 23, as follows:

[Roll No. 420]

AYES—409

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

NOES—1

Buyer

NOT VOTING—23

Blunt
Brady (TX)
Braley (IA)
Campbell
Conyers
Costa
Cummings
Gutierrez
Kennedy
Larsen (WA)
Lewis (GA)
Lummis
McHenry
Mollohan
Paulsen
Payne
Radanovich
Schock
Shadegg
Shea-Porter
Shuler
Sullivan
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining on this vote.

□ 1906

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.''.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE PAUL A. FINO OF NEW YORK

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

Mr. ENGEL. Mr. Speaker, it is with sadness that I announce the death of my predecessor once removed, Congressman Paul A. Fino of New York.

When I was growing up, you think of certain elected officials as larger than life. Paul Fino was certainly larger than life. He served eight terms here in the House, a State senator, served on the State Supreme Court, was chairman of the Bronx County Republican Party for many years, and one of the people who really represented New York.

He lived the American Dream. His father was a subway car mechanic. He leaves his wife, Esther, of 70 years, and his children, Lucille and Paul.

I remember growing up, he had these big signs that said Social Security at 60 and a national lottery. These were the things that he really believed in.

He lived to be 95, someone that we all respect and really remember and revere.

I yield to the gentleman from New York.

Mr. KING of New York. Mr. Speaker, I join with Congressman ENGEL in mourning the passing of Paul Fino, who among other things, was I believe the last elected Republican congressman from the Bronx. He was an outstanding Congressman. He was a member of the New York State Supreme Court. In his retirement years he moved to Nassau County, and he never lost his love and his interest for Congress. In fact, every year he would call me to remind me to send him a program of the congressional baseball game. He loved this institution; he loved the Congress. He was a great man. And for those of us old enough to remember the 1961 mayor's race, he was the middleman on the most famous, ethnically balanced race in the history of New York of Lefkowitz, Fino, and Gilhooley. They touched all of the ethnic bases at that time. He was unsuccessful in that race, but he was successful in all his others.

With Mr. ENGEL, I mourn his passing.

Mr. ENGEL. I would ask for a moment of silence in honor of Congressman Paul A. Fino.

The SPEAKER pro tempore. Members will rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

WOMEN VETERANS HEATH CARE IMPROVEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1211, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1211, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 421]

YEAS—408

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

NOT VOTING—25

Blunt
Brady (TX)
Braley (IA)
Campbell
Coffman (CO)
Cohen
Conyers
Costa
Gutierrez
Kennedy
King (IA)
Larsen (WA)
Lewis (GA)
Lummis
McHenry
Mollohan
Paulsen
Payne
Radanovich
Schock
Shadegg
Shea-Porter
Shuler
Sullivan
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1917

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COFFMAN of Colorado. Mr. Speaker, on rollcall No. 421, I was unavoidably detained. Had I been present, I would have voted "yea."

WEB SITE INCLUSION OF VA SCHOLARSHIPS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1172, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1172, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 422]

YEAS—411

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

NOT VOTING—22

Blunt
Brady (TX)
Braley (IA)
Campbell
Conyers
Costa
Gutierrez
Kennedy
Larsen (WA)
Lewis (GA)
Lummis
McHenry
Mollohan
Paulsen
Payne
Radanovich
Schock
Shadegg
Shea-Porter
Shuler
Sullivan
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1923

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PAULSEN. Mr. Speaker, on rollcall Nos. 419, 420, 421 and 422, my flight was delayed. Had I been present, I would have voted "yea" on all four bills.

HIGHER EDUCATION TECHNICAL CORRECTIONS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill, H.R. 1777.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1777.

The question was taken.

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

RECORDED VOTE

Mr. FLEMING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 411, noes 0, not voting 22, as follows:

[Roll No. 423]

AYES—411

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer

Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Andrews
Blunt
Brady (TX)
Campbell
Conyers
Costa
Gutierrez
Kennedy
Larsen (WA)
Lewis (GA)
Lummis
McHenry
Mollohan
Payne
Radanovich
Reichert
Schock
Shadegg
Shea-Porter
Shuler
Sullivan
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining in this vote.

□ 1930

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on June 23, 2009, I was called away on personal business. I regret that I was not present for the following votes:

On the passage of S. 407, had I been present, I would have voted "yea."

On the passage of H.R. 1016, as amended, had I been present, I would have voted "aye."

On the passage of H.R. 1211, as amended, had I been present, I would have voted "yea."

On the passage of H.R. 1172, as amended, had I been present, I would have voted "yea."

On the passage of concurring on a Senate amendment to H.R. 1777, had I been present, I would have voted "yea."

REPORT ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. DICKS, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111–180) on the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Ms. KOSMAS). Pursuant to clause 1, rule XXI, all points of order are reserved.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Secretary of the Senate informs the House that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, agreeably to the notice communicated to the Senate, and that at the hour of 10:00 a.m. on Wednesday, June 24, 2009, the Senate will receive the honorable managers on the part of the House in order that they may present and exhibit the said articles of impeachment against the said Samuel B. Kent, Judge of the United States District Court of the Southern District of Texas.

COMMENDING THE PEOPLE OF IRAN WHO ARE DEMANDING A FREE AND FAIR ELECTION

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

Mr. ENGEL. Madam Speaker, I want to take this opportunity to commend the brave people of Iran who have been demonstrating in the streets of Tehran for freedom and democracy and demanding that they have a free and fair election.

The election that was held was obviously neither free nor fair. It was fraudulent. And the declared winner, President Ahmadinejad, obviously lost the election.

The people of Iran deserve better, and I want to commend those brave people. They remind me of the people in Tiananmen Square. They remind me of the people in Prague during the Prague spring of 1968. They remind me of people everywhere who stand up against oppression and stand for freedom.

I want the brave people of Iran to know that we in the United States are with them. We support them. We are against fraudulent elections. We are against dictatorships. We are against mullahs ruling the country without any real democracy.

And I would say to these people the United States is with you and we are watching.

ABC'S HEALTH CARE COVERAGE ONE SIDED

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

Mr. SMITH of Texas. Madam Speaker, tomorrow ABC News will devote an entire day of news programming to President Obama's health care plan.

The network will shill for the administration on every program from ''Good Morning America'' to ''World News Tonight'' to a prime-time town hall meeting broadcast from the White House.

ABC will not devote time to an opposing viewpoint and refused to air ads critical of the administration's health care plan.

I joined with dozens of other Members of Congress to send a letter to ABC News protesting this one-sided coverage. It is contrary to the journalistic code of ethics, which states that a journalist's duty is to seek truth and provide a fair and comprehensive account of events and issues.

ABC should adhere to this code of ethics and abandon its plans to broadcast unfair and biased coverage of the health care debate.

TRIBUTE TO BILL BANKS

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

Mr. TOWNS. Madam Speaker, I rise to pay tribute to Bill Banks, a person that really made a difference in the lives of so many.

Bill Banks passed 4 days ago, and, of course, he's going to be really, really missed. So at this time I would like to say to his wife and to his daughter and to all of those family members that, in spite of the fact that we've lost Bill, we can think in terms of the contribution that he has made and all the lives that he's touched.

I will say that I'm just so happy that I knew him, had an opportunity to work with him, and to live during his lifetime. He was really a person that reached out to the people of Brooklyn. And, of course, a lot of people are where they are today politically because of his involvement. He was truly a great political strategist.

Bill, we will miss you, but your work is something that will live on and on and on.

CALLING FOR THE PRESIDENT TO RESCIND THE JULY 4 CELEBRATION INVITATION TO IRANIAN DIPLOMATS

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

Mr. BURTON of Indiana. Madam Speaker, the 4th of July is a holiday that we hold very near and dear because it deals with our independence and our desire for freedom and liberty, and we celebrate that with a great deal of awe.

What bothers me right now is that this administration, in my opinion, is violating the sanctity of that day by inviting Iranian diplomats to our embassies around the world to help us celebrate the 4th of July. Let's just look at what Iran's doing.

Iran is still pursuing nuclear weapons; Ahmadinejad is still calling for the destruction of Israel; Iran is still pursuing long-range missiles; Iran is working to destabilize Iraq and killing American soldiers; Iran is still a state sponsor of terror; Iran continues to supply Hezbollah and Hamas, terrorist organizations. Now the Iranian regime has turned on its own citizens and killed many of them in the streets.

It is unthinkable, at a time when we are celebrating freedom and independence in this country, the 4th of July, that we're going to invite into our embassies people who support this kind of terrorism. It makes no sense. And if I were talking to the President, I would say, Mr. President, rescind that invitation. Rescind that invitation.

ADVOCATING FREEDOM FOR IRAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, it is evident by my colleague's remarks that Iran and the dilemma and complexity of its situation has grabbed hold of the hearts and minds of Americans and freedom-loving people around the world.

What struck me was the expression and the tragic incident that caused Neda, who is now known around the world as a symbol of the Iranian movement, to claim democracy in a free election. A 16-year-old who was shot through the heart, who lay bleeding in the street as her father feverishly tried to save her life.

No, Americans are not trying to tell the Iranian people whom they should vote for or whether the election was, in fact, a true election, a fair election. But we as freedom-loving people, who love democracy, who believe in our own country that we should have fair elections, we are standing with them as they petition their government to stand for the right side of the issue, which is to ask for a new election or a recount.

We also ask that lives are preserved and violence ends. We ask that the opposition be allowed to be heard. And we certainly ask for the ending of the interception of cell phones and the Internet where freedom-loving people would like to be able to speak to each other.

No, we are not advocating violence. We're not advocating intrusion. We are only advocating freedom for Iran.

CAP-AND-TRADE

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

Mr. FLEMING. Madam Speaker, word has it that the infamous cap-and-trade, or cap-and-tax, bill will be up for a vote this week.

Cap-and-trade, or what has been more appropriately named cap-and-tax, would create $640 billion in new taxes on American businesses and raise electric bills by $3,100 per household per year on average. The revenue from the new tax will be used to pay for various social programs this administration plans to enact such as the government takeover of our health care.

Simply put, cap-and-tax will cap our growth and trade our jobs. Companies looking to invest in our economy will simply move overseas to escape this enormous tax increase.

If you need a tangible example of why this doesn't work, look at Spain, which has been on this plan for 10 years. The result: utility prices have skyrocketed, and the unemployment rate today is 17½ percent. This is our view of the future.

Experts tell us that cap-and-tax will do nothing to cap greenhouse gases, but it will put the United States at a global economic disadvantage because China and India have no reason to enact or follow this policy. We will put Americans out of work but create jobs for developing countries.

We need a smart energy policy that will put Americans to work, not further squeeze the pocketbooks of this country's families.

THE WOMEN VETERANS HEALTH CARE IMPROVEMENT ACT

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

Mr. COHEN. Madam Speaker, tonight the House passed five bills, four of which dealt with important veterans issues, veterans compensation, the Cost-of-Living Adjustment Act, the Health Care Budget Reform and Transparency Act, and another that directs the Secretary of Veterans Affairs to include on their Web site certain information, one on education.

I was a sponsor of the fifth bill that was on the calendar, the Women Veterans Health Care Improvement Act, with the prime sponsor being Representative Sandlin. I was inadvertently out of the room at the time of that vote. I would have voted ''yes'' for that bill. It's an important bill. And that's why I'm a prime sponsor of it and regret the fact that I missed that vote. But I think what we did tonight for veterans was very important.

U.S. OPEN CHAMPION LUCAS GLOVER

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

Mr. INGLIS. Madam Speaker, the upstate of South Carolina is the home to many champions and many successes. Yesterday we crowned a new one. That new one is the 29-year-old Greenville, South Carolina, native Lucas Glover, who conquered the field yesterday in New York to win the 109th U.S. Open Golf Championship.

With people from around the upstate glued to the action, the soft-spoken Wade Hampton High School graduate and three-time All-American from Clemson University rallied from one shot down to break into the big time in the world of golf, winning his first major championship since joining the PGA tour in 2004.

We have come along to celebrate the culmination of Lucas' years of preparation. His family, wife, Jennifer, and close friends have been there all along, in the good times and the bad, in the disappointments and in the small triumphs. Yesterday they added a huge triumph, and we join them in the celebration.

Congratulations to our own U.S. Open golf champion, Lucas Glover.

□ 1945

PROTECT OUR PLANET

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

Mr. KUCINICH. Madam Speaker, we all want to protect our planet, but will the American Clean Energy and Security Act of 2009 do that? I don't think so.

The pollution targets are inadequate. Regulatory authority is stripped from the EPA. The bill relies on huge numbers of carbon offsets. For example, it says you can have 2 billion tons a year of carbon offsets, which is roughly equivalent to 30 percent of all U.S. greenhouse gas emissions. Recent analysis suggests it might be 2026 until we see the emissions decline below 2005 levels.

The renewable targets are not strong enough. A recent analysis by the Union of Concerned Scientists indicates this target provides no new renewable energy over business as usual projections. Dirty-energy options qualify as renewable, including biomass burners and trash incinerators. The bill gives a significant number of pollution permits away free.

It opens up a carbon derivatives market in the U.S., and this bill would help establish one of the largest derivative markets in the world without adequate oversight or regulation. It taxes households to pay for an unproven carbon sequestration of capture and storage technology, and allocations for funding for international obligations are underfunded.

We can do better.

HEALTH CARE REFORM

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

Mr. PAULSEN. Madam Speaker, Capitol Hill and the Nation are abuzz over health care reform. While there is much speculation to what a reform plan will look like, one thing is for sure: We must avoid any plan that would lead to a government takeover of health care.

A government takeover of health care will stifle medical breakthroughs and take away the peace of mind that families around America have, knowing that they can get the timely treatment for their children, their parents and themselves. We need real comprehensive reform that protects what works and fixes what doesn't.

We need patient-centered reform where the patient is in control of their own care, not politicians, not bureaucrats, not special interests. We need to enact commonsense measures, like allowing small businesses to band together to purchase more affordable coverage for their employees. And we need a lower cost and focus on prevention by rewarding quality over quantity.

I know we can pass real comprehensive health care reform.

SPECIAL ORDERS

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

THE VETERANS ADMINISTRATION AND GOVERNMENT RUN HEALTH CARE

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

Mr. POE of Texas. Madam Speaker, as dangerous to the public's health and well-being as government-run health care is in Europe and Canada, we have our own American example that has some very serious problems. Last month there was a surprise inspection at Veterans Affairs clinics in the United States. The surprise inspections exposed that fewer than half of those clinics followed proper standards for colonoscopies.

Some mistakes could have exposed veterans to HIV and other diseases. Let me repeat: Less than half followed proper medical standards for colonoscopies.

Since February, the VA has informed 10,000 veterans in three States to get retested. More than 50 patients tested positive for infections, including some with HIV. But that's just the beginning of the medical malpractice by the VA.

VA patients with prostate cancer were put through their own particular set of horrors. In Philadelphia, a patient received a common surgical procedure where a doctor implants dozens of radioactive seeds to attack the cancer.

But the doctor's aim was more than a little off. Most of the radioactive seeds, 40 of them to be exact, ended up in the patient's healthy bladder instead of the prostate. The mistake was a serious one, and under Federal rules it was investigated by the bureaucrat regulators. The regulators allowed the doctor to rewrite his surgical plan to make his mistake just disappear.

In the private sector, somebody would have been held accountable for this negligence, but not with government-run health care VA style. They cover up their errors.

The patient had to undergo a second radiation implant. This time the unintended dose ended up in his rectum. Once again, more negligence. Two years later in 2005, the same doctor made the same mistake, putting more than half of the radioactive seeds in the wrong organ, and again the bureaucrat regulators did not object when he once again rewrote his surgical plan to cover up his mistake.

Had the bureaucrat regulators actually done their jobs, they would have uncovered what the media calls a rogue cancer unit. This one Philadelphia VA hospital, botched 92 of 116 treatments over 6 years, then covered it up.

Let me repeat, Madam Speaker, the VA government health care hospital in Philadelphia medically erred in 92 of 116 cancer treatments. The medical team continued to perform these radiation implants, even though for over a year the equipment that measured whether or not the patient had received proper radiation dosage was broken. Records proved that the radiation safety committee at the veterans hospital knew of this problem but took no action.

In Philadelphia, 57 of the implants delivered too little radiation to the prostate, either because the seeds were planted in the wrong organ or were not distributed properly inside the prostate. Thirty-five other cases involve overdoses to other parts of the body. An unspecified number of patients were both underdosed in the prostate and overdosed somewhere else in their body. This is a horrible way to treat America's veterans.

Another patient, 21-year veteran of the Air Force, had to remain in bed 6 months with pain so severe he couldn't even stand. He lost his job as a pastor at a local church and all of his income, thanks again to the incompetence of the Veterans Administration.

Adding insult to injury, this 21-year veteran of the Air Force didn't learn of the radiation injury from the Philadelphia VA hospital. He found out when he sought treatment in Ohio at a hospital where he underwent major surgery to treat the damage.

Because the bureaucrat regulators were covering up for the VA, it took a private hospital to not only diagnose but treat his injury. That is right, Madam Speaker, the good old private sector saved the veteran where the VA just took a pass.

The New York Times conducted its own examinations. They found that none of the safeguards that were supposed to protect veterans from poor medical care had worked. They also found none of the botched implants in Philadelphia were reported properly. So the errors weren't investigated for weeks, months and sometimes years.

During that time, many patients did not know their cancer treatments were flawed by our government-run health care. The regulators are now looking into the flawed implants in other government-run VA hospitals in Mississippi and Ohio. Who knows what they will find out there about the way government treats our veterans.

Madam Speaker, the Veterans Administration is a government-run health care program that treats our veterans cavalierly in these examples. Veterans should be able to go to any doctor or any hospital to be treated and not bound and tied to VA hospitals. And, also, this is a prime example of how things will be when the government takes over the health care of all Americans. Do we really want the government to control our health care? Not a healthy idea for Americans or for veterans.

And that's just the way it is.

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

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CREATE A SAFE AND SOUND CREDIT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, the first goal of our banking system, as opposed to a securities system, should be to create a safe and sound credit system, one that promotes responsible savings and lending practices. In this system, the availability of credit is crucial, and that's what's missing today across our country. Earlier today, Vice President JOE BIDEN held a town hall meeting in the Toledo, Ohio, area. He heard from Governor Ted Strickland and others that one of the biggest economic challenges facing Ohio remains an inability of businesses to obtain the credit they need. The reason is because our banking system suffered a heart attack last year and still hasn't fully recovered.

Safe and sound credit and prudent financial behavior by individuals and institutions should be our Nation's financial system's primary purpose. The administration's priorities tell me it plans a much larger role for higher-risk securities in whatever system they are envisioning, which to me threatens more higher-risk behavior. Banks traditionally have served as intermediaries between people who have money, depositors, and those who need money, borrowers.

The banks' value-added was their ability to loan money sensibly within parameters of $10 of loans with every dollar on deposit and thus sensibly and responsibly managing their deposits and collecting on the loans that they were to oversee.

Wall Street's high-risk securitization destroyed that system. The banks didn't much care about making sensible loans as long as they could sell them off somewhere. The regulators were not on top of this because the loans were off the banks' books. So why would the regulators care? These loans were now somebody else's problem, not theirs.

Where has the epidemic of securitization taken us?

Well, if you look at the government-backed Freddie Mac and Fannie Mae secondary markets, they became the larger purchaser of securitized mortgages. In case you forgot, its we, the taxpayers, who own both Fannie Mae and Freddie Mac.

But these securitized mortgage bodies bought too many bad loans, which contributed to those institutions' downfall. Who is profiting from this? Because, yes, there are certain organizations that are profiting royally from the downfall of Freddie Mac and Fannie Mae. It is not our constituents, it's not our Treasury, which collects our tax dollars.

There are four entities at least that are profiting, and I would like to target on one tonight, BlackRock. That's a company that isn't a bank. And why on that one in particular? Because its current CEO Lawrence Fink coincidentally, some might say, sold Freddie Mac its first $1 billion in collateralized mortgage obligations. Euromoney.com states, ''Larry Fink is one of the pioneers of the mortgage-backed securities market. As a trader at [then] First Boston a quarter of a century ago, he pitched the first collateralized mortgage obligation that Freddie Mac ever did.''

So Larry Fink had a hand in making financial instruments that have brought Freddie Mac and our financial system to its knees, yet the company he leads now profits from his mistake.

Now BlackRock just won a big contract with the Federal Reserve Bank of New York to manage the toxic assets of Freddie Mac and Fannie Mae in their collateralized mortgage obligations.

It's a mess that he help to create, but now we have hired the same man to clean it up? One question I have to ask is how can we be sure he isn't self-dealing or covering up what he did in the last quarter century? Some might say that relationship is a bit incestuous.

The administration's financial regulatory reform proposal includes some consideration for dealing with too-big-to-fail institutions but, rather than create an architecture that keeps risk in hand, what they are doing is they are allowing institutions like BlackRock to become too big to fail.

In fact, BlackRock's assets are now larger with the purchase of Barclays than the entire Federal Reserve system itself. So BlackRock, although not a bank, is getting too big to fail, perhaps? Is BlackRock favoritism an example of how we should be rebuilding our financial system?

Paul Krugman thinks not. He states, ''In short, Mr. Obama has a clear vision of what went wrong, but aside from regulating shadow banking, no small thing, to be sure, his plan basically punts on the question of how to keep it from happening all over again, pushing the hard decisions off to future regulators.''

Now is not the time to punt. It's the time for reform. The time the has been not as ripe since Roosevelt. We really need a President who will lead and a Congress as well, not following the guidance of Wall Street, but going back to prudent lending and recreating a safe and sound banking system across this country.

[From the New York Times, June 19, 2009]

OUT OF THE SHADOWS

(By Paul Krugman)

Would the Obama administration's plan for financial reform do what has to be done? Yes and no.

Yes, the plan would plug some big holes in regulation. But as described, it wouldn't end the skewed incentives that made the current crisis inevitable.

Let's start with the good news.

Our current system of financial regulation dates back to a time when everything that functioned as a bank looked like a bank. As long as you regulated big marble buildings with rows of tellers, you pretty much had things nailed down.

But today you don't have to look like a bank to be a bank. As Tim Geithner, the Treasury secretary, put it in a widely cited speech last summer, banking is anything that involves financing ''long-term risky and relatively illiquid assets'' with ''very short-term liabilities.'' Cases in point: Bear Stearns and Lehman, both of which financed large investments in risky securities primarily with short-term borrowing.

And as Mr. Geithner pointed out, by 2007 more than half of America's banking, in this sense, was being handled by a ''parallel financial system''—others call it ''shadow banking''—of largely unregulated institutions. These non-bank banks, he ruefully noted, were ''vulnerable to a classic type of run, but without the protections such as deposit insurance that the banking system has in place to reduce such risks.''

When Lehman fell, we learned just how vulnerable shadow banking was: a global run on the system brought the world economy to its knees.

One thing financial reform must do, then, is bring non-bank banking out of the shadows.

The Obama plan does this by giving the Federal Reserve the power to regulate any large financial institution it deems ''systemically important''—that is, able to create havoc if it fails—whether or not that institution is a traditional bank. Such institutions would be required to hold relatively large amounts of capital to cover possible losses, relatively large amounts of cash to cover possible demands from creditors, and so on.

And the government would have the authority to seize such institutions if they appear insolvent—the kind of power that the Federal Deposit Insurance Corporation already has with regard to traditional banks, but that has been lacking with regard to institutions like Lehman or A.I.G.

Good stuff. But what about the broader problem of financial excess?

President Obama's speech outlining the financial plan described the underlying problem very well. Wall Street developed a ''culture of irresponsibility,'' the president said. Lenders didn't hold on to their loans, but instead sold them off to be repackaged into securities, which in turn were sold to investors who didn't understand what they were buying. ''Meanwhile,'' he said, ''executive compensation—unmoored from long-term performance or even reality—rewarded recklessness rather than responsibility.''

Unfortunately, the plan as released doesn't live up to the diagnosis.

True, the proposed new Consumer Financial Protection Agency would help control abusive lending. And the proposal that lenders be required to hold on to 5 percent of their loans, rather than selling everything off to be repackaged, would provide some incentive to lend responsibly.

But 5 percent isn't enough to deter much risky lending, given the huge rewards to financial executives who book short-term profits. So what should be done about those rewards?

Tellingly, the administration's executive summary of its proposals highlights ''compensation practices'' as a key cause of the crisis, but then fails to say anything about addressing those practices. The long-form version says more, but what it says—''Federal regulators should issue standards and guidelines to better align executive compensation practices of financial firms with long-term shareholder value''—is a description of what should happen, rather than a plan to make it happen.

Furthermore, the plan says very little of substance about reforming the rating agencies, whose willingness to give a seal of approval to dubious securities played an important role in creating the mess we're in.

In short, Mr. Obama has a clear vision of what went wrong, but aside from regulating shadow banking—no small thing, to be sure—his plan basically punts on the question of how to keep it from happening all over again, pushing the hard decisions off to future regulators.

I'm aware of the political realities: getting financial reform through Congress won't be easy. And even as it stands the Obama plan would be a lot better than nothing.

But to live up to its own analysis, the Obama administration needs to come down harder on the rating agencies and, even more important, get much more specific about reforming the way bankers are paid.

□ 2000

TO DIE FOR A MYSTIQUE

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

Mr. JONES. Madam Speaker, thank you very much. Tonight, I want to take my time and refer to an article written by Andrew Bacevich. This was in the American Conservative of May 18, 2009. The title is ''To Die for a Mystique,'' subtitled ''The lessons our leaders didn't learn from the Vietnam War. I'm going to read two or three paragraphs and then close from this article.

''In one of the most thoughtful Vietnam-era accounts written by a senior military officer, General Bruce Palmer once observed, 'With respect to Vietnam, our leaders should have known that the American people would not stand still for a protracted war of an indeterminate nature with no foreseeable end to the United States' commitment.''

He further stated in the article, ''General Palmer thereby distilled into a single sentence the central lesson of Vietnam: to embark upon an open-ended war lacking clearly defined and achievable objectives was to forfeit public support, thereby courting disaster. The implications were clear: never again.''

I further read from the article, ''The dirty little secret to which few in Washington will own up is that the United States now faces the prospect of perpetual conflict. We find ourselves in the midst of what the Pentagon calls the 'Long War,' a conflict global in scope (if largely concentrated in the Greater Middle East) and expected to outlast even General Palmer's 'Twenty-Five Year War.' The present generation of senior civilians and officers have either forgotten or inverted the lessons of Vietnam, embracing open-ended war as an inescapable reality.''

Madam Speaker, I submit this entire article for the RECORD.

[From The American Conservative, May 18, 2009]

TO DIE FOR A MYSTIQUE

(By Andrew J. Bacevich)

In one of the most thoughtful Vietnam-era accounts written by a senior military officer, Gen. Bruce Palmer once observed, ''With respect to Vietnam, our leaders should have known that the American people would not stand still for a protracted war of an indeterminate nature with no foreseeable end to the U.S. commitment.''

General Palmer thereby distilled into a single sentence the central lesson of Vietnam: to embark upon an open-ended war lacking clearly defined and achievable objectives was to forfeit public support, thereby courting disaster. The implications were clear: never again.

Palmer's book, which he titled ''The Twenty-Five Year War'', appeared in 1984. Today, exactly 25 years later, we once again find ourselves mired in a ''protracted war of an indeterminate nature with no foreseeable end to the U.S. commitment.'' It's déjà vu all over again. How to explain this astonishing turn of events?

In the wake of Vietnam, the officer corps set out to preclude any recurrence of protracted, indeterminate conflict. The Armed Forces developed a new American way of war, emphasizing advanced technology and superior skills. The generals were by no means keen to put these new methods to the test: their preference was for wars to be fought infrequently and then only in pursuit of genuinely vital interests. Yet when war did come, they intended to dispatch any adversary promptly and economically, thereby protecting the military from the possibility of public abandonment. Finish the job quickly and go home: this defined the new paradigm to which the lessons of Vietnam had given rise.

In 1991, Operation Desert Storm seemingly validated that paradigm. Yet events since 9/11, in both Iraq and Afghanistan, have now demolished it. Once again, as in Vietnam, the enemy calls the tune, obliging American soldiers to fight on his terms. Decision has become elusive. Costs skyrocket and are ignored. The fighting drags on. As it does so, the overall purpose of the undertaking—other than of avoiding the humiliation of abject failure—becomes increasingly difficult to discern.

The dirty little secret to which few in Washington will own up is that the United States now faces the prospect of perpetual conflict. We find ourselves in the midst of what the Pentagon calls the ''Long War,'' a conflict global in scope (if largely concentrated in the Greater Middle East) and expected to outlast even General Palmer's ''Twenty-Five Year War.'' The present generation of senior civilians and officers have either forgotten or inverted the lessons of Vietnam, embracing open-ended war as an inescapable reality.

To apply to the Long War the plaintive query that Gen. David Petraeus once posed with regard to Iraq—''Tell me how this ends''—the answer is clear: no one has the foggiest idea. War has become like the changing phases of the moon. It's part of everyday existence. For American soldiers there is no end in sight.

Yet there is one notable difference between today and the last time the United States found itself mired in a seemingly endless war. During the Vietnam era, even as some young Americans headed off to Indochina to fight in the jungles and rice paddies, many other young Americans back on the home front fought against the war itself. More than any other event of the 1960s, the war created a climate of intense political engagement. Today, in contrast, the civilian contemporaries of those fighting in Iraq and Afghanistan have largely tuned out the Long War. The predominant mood of the country is not one of anger or anxiety but of dull acceptance. Vietnam divided Americans; the Long War has rendered them inert.

To cite General Palmer's formulation, the citizens of this country at present do appear willing to ''stand still'' when considering the prospect of war that goes on and on. While there are many explanations for why Americans have disengaged from the Long War, the most important, in my view, is that so few of us have any immediate personal stake in that conflict.

When the citizen-soldier tradition collapsed under the weight of Vietnam, the military rebuilt itself as a professional force. The creation of this all-volunteer military was widely hailed as a great success—well-trained and highly motivated soldiers made the new American way of war work. Only now are we beginning to glimpse the shortcomings of this arrangement, chief among them the fact that today's ''standing army'' exists at considerable remove from the society it purports to defend. Americans today profess to ''support the troops'' but that support is a mile wide and an inch deep. It rarely translates into serious or sustained public concern about whether those same troops are being used wisely and well.

The upshot is that with the eighth anniversary of the Long War upon us, fundamental questions about this enterprise remain unasked. The contrast with Vietnam is striking: back then the core questions may not have gotten straight answers, but at least they got posed.

When testifying before the Senate Foreign Relations Committee in April 1971, the young John Kerry famously—or infamously, in the eyes of some—asked, ''How do you ask a man to be the last man to die for a mistake?''

What exactly was that mistake? Well, there were many. Yet the most fundamental lay in President Johnson's erroneous conviction that the Republic of Vietnam constituted a vital American security interest and that ensuring that country's survival required direct and massive U.S. military intervention.

Johnson erred in his estimation of South Vietnam's importance. He compounded that error with a tragic failure of imagination, persuading himself that once in, there was no way out. The United States needed to stay the course in Vietnam, regardless of the cost or consequences.

Now we are, in our own day and in our own way, repeating LBJ's errors. In his 1971 Senate testimony, reflecting the views of other Vietnam veterans who had turned against the war in which they had fought, Kerry derisively remarked, ''we are probably angriest

about all that we were told about Vietnam and about the mystical war against communism.''

The larger struggle against communism commonly referred to as the Cold War was both just and necessary. Yet the furies evoked by irresponsible (or cowardly) politicians more interested in partisan advantage than in advancing the common good transformed the Cold War from an enterprise governed by reason into one driven by fear. Beginning with McCarthyism and the post-1945 Red Scare and continuing on through phantasms such as the domino theory, bomber gap, missile gap, and the putative threat to our survival posed by a two-bit Cuban revolutionary, panic induced policies that were reckless, wrong-headed, and unnecessary, with Vietnam being just one particularly egregious example.

The mystical war against communism finds its counterpart in the mystical war on terrorism. As in the 1960s, so too today: mystification breeds misunderstanding and misjudgment. It prevents us from seeing things as they are.

As a direct result, it leads us to exaggerate the importance of places like Afghanistan and indeed to exaggerate the jihadist threat, which falls well short of being existential. It induces flights of fancy so that otherwise sensible people conjure up visions of providing clean water, functioning schools, and good governance to Afghanistan's 40,000 villages, with expectations of thereby winning Afghan hearts and minds. It causes people to ignore considerations of cost. With the Long War already this nation's second most expensive conflict, trailing only World War II, and with the federal government projecting trillion-dollar deficits for years to come, how much can we afford and where is the money coming from?

For political reasons the Obama administration may have banished the phrase ''global war on terror,'' yet the conviction persists that the United States is called upon to dominate or liberate or transform the Greater Middle East. Methods may be shifting, with the emphasis on pacification giving way to militarized nation-building. Priorities may be changing, Af-Pak now supplanting Iraq as the main effort. But by whatever name, the larger enterprise continues. The president who vows to ''change the way Washington works'' has not yet exhibited the imagination needed to conceive of an alternative to the project that his predecessor began.

The urgent need is to de-mystify that project, which was from the outset a misguided one. Just as in the 1960s we possessed neither the wisdom nor the means needed to determine the fate of Southeast Asia, so today we possess neither the wisdom nor the means necessary to determine the fate of the Greater Middle East. To persist in efforts to do so—as the Obama administration appears intent on doing in Afghanistan—will simply replicate on an even greater scale mistakes like those that Bruce Palmer and John Kerry once rightly decried.

I further read and want to close and then make a few comments with this. This is the last paragraph. Let me say about Andrew Bacevich, he, himself, was a Vietnam veteran. He, himself, was a veteran of Desert Storm. He, himself, taught at West Point. He lost a son in 2007, a young lieutenant who was killed in Iraq. So I think he brings great credibility to this article that he has written.

This is the last paragraph in the article. ''The urgent need is to demystify that project, which was from the outset a misguided one. Just as in the 1960s we possessed neither the wisdom nor the means needed to determine the fate of Southeast Asia, so today we possess neither the wisdom nor the means necessary to determine the fate of the Greater Middle East.

''To persist in efforts to do so—as the Obama administration appears intent on doing in Afghanistan—will simply replicate on an even greater scale mistakes like those that Bruce Palmer and JOHN KERRY once rightly decried.''

Madam Speaker, I bring this forward because my friend from Massachusetts, JIM MCGOVERN, has put a bill in that would say simply to the Secretary of Defense: You need to come to the Congress and tell the Congress what the exit strategy is for Afghanistan. Some people would say end point.

Let me briefly explain, having an exit strategy and saying that to the Congress, you don't have to say in 2009, 2010, or 2015 or 2020, but tell the American people where we are going when we send our young men and boys and girls to die in Afghanistan without a plan, without benchmarks.

So, Madam Speaker, I don't know if Mr. MCGOVERN's amendment has been approved for debate tomorrow on the Armed Services bill, but I want to thank Mr. MCGOVERN for bringing this to the attention of the American people and the Congress, because we need to have benchmarks. We need to have an end point to the strategy in Afghanistan.

The military, I know, from marines down in my district, will tell you that our military is tired. They're worn out. They'll keep going back and forth, back and forth because they love this Nation and they love defending America. But we've got to be realistic about breaking the military, because we have got North Korea over here threatening. We've got the Chinese. We don't know what they might do. Yet we need to have a plan for victory in Afghanistan. We cannot do what the Bush administration did in Iraq and keep going on and on.

Madam Speaker, as I close, as I do every night on this floor, I have signed over 8,000 letters to families and extended families who have lost loved ones in Afghanistan and Iraq. I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform, and I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

Madam Speaker, I ask three times; God, please, God please, God, please continue to bless America.

REPORT ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. KAPTUR, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111–181) on the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

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

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

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

Mr. MORAN of Kansas. From its very beginning in the House Energy and Commerce Committee, H.R. 2454, the American Clean Energy and Security Act of 2009, has been forced upon Members of Congress with little time to consider the significant and potentially damaging consequences of this legislation.

On June 12th of this month, the Committee on Agriculture, on which I serve, held a 7-hour hearing to review this bill. We quickly learned that there is little solid economic analysis on how this legislation will affect our economy. Preliminary evidence makes it clear it will increase the cost of energy and, with it, the cost of everything we use in our lives on a daily basis.

We do know that the Congressional Budget Office has said this bill will raise government revenue by $846 billion over the next 10 years. In everyday terms, that means a huge tax increase. $846 billion, however, is just the beginning.

H.R. 2454 is permanent, and after the 10-year period analyzed by the CBO, free carbon allowances are phased out, auctioned carbon allowances are phased in, and total allowances are reduced. This means that future generations will be forced to pay much more than that indicated in the initial 10-year budget estimate.

Although billed as cap-and-trade, in reality Waxman-Markey is a cap-and-tax bill. Instead of government directly levying a tax, this legislation disguises that tax as a carbon allowance auction that subsequently requires electrical generation companies, petroleum, and other biofuel refiners, manufacturers, and others to collect the tax through increased costs.

The consequences go far beyond the price and our ability to turn on the lights in rural America. Kansans, who

must always travel great distances to work, to school, and to receive their medical care, will pay disproportionately compared to those who have shorter distances to travel and can use public transportation.

Some had hope that agriculture and rural America would actually benefit, somehow be made whole under this legislation. Under Waxman-Markey, this clearly is not the case.

Despite great potential for agriculture to sequester carbon, agriculture is not mentioned once in the section that defines offsets. Instead, H.R. 2454 directs the EPA to define the world of carbon offsets. This will lead to few benefits for farmers and ranchers and will allow the EPA to further intrude upon our farms.

EPA has consistently made harmful decisions that fail the test of common sense. Unless agricultural offsets are expressly defined and sole authority is given to the Department of Agriculture, farmers will never see benefits from this legislation.

But even if those offsets are defined and USDA is given that authority, it is difficult to see how agriculture will overcome the increased cost of inputs caused by this cap-and-tax system. In the best case scenario under Waxman-Markey, a farmer could mitigate 10 to 50 percent of the cost of the legislation. In the worst case scenario, farmers and ranchers could find themselves unable to access the carbon offset market at all and be forced to bear the full cost of this legislation. Either way, any hope for profitability in agriculture is bleak.

I am especially concerned about the livestock sector. Unlike crop farmers, ranch operations and feed yards have few opportunities to accumulate carbon offsets.

Much emphasis has been placed upon our Nation's economic recovery since the market collapse of last fall. This bill is almost certain to destroy any chance of economic recovery if enacted in its current form.

Congress should be allowed to obtain sound technical and economic analysis and address this legislation's many, many, many flaws. If further legislative debate is denied, then we must do what common sense demands and defeat this bill. Congress rarely gets things right when we have ample time to properly consider policy changes, but it has never made good decisions when rushed by arbitrary timetables.

Congress should abandon the current pace set by the Speaker of the House. Otherwise, Members of Congress will have abdicated their responsibilities and farmers and ranchers, rural America, and in fact, the entire country will suffer the consequences.

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

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

HER NAME WAS NEDA: A GENERATIONAL CHANCE FOR FREEDOM

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

Mr. MCCOTTER. Her name was Neda. In Farsi, it means ''the voice.'' True to her name, she loved music, sought freedom, and she's dead, shot down in the streets by the Iranian regime's state-sanctioned murderers. She must not have died in vain.

Today, Iranians and Americans face a generational chance for freedom—one that ensures a rogue regime's implosion prevents a nuclear confrontation.

Regrettably, our President's ''post-American'' foreign policy presumes talk can thaw the murderous mullahs' hearts and attain a ''grand bargain'' for peace in our time; consequently, while Iranians demanded their freedom from a barbarous regime, the President vapidly opined: ''It is up to Iranians to make decisions about who Iran's leaders will be. We respect Iranian sovereignty.''

Then, as the crisis escalated, the President optimistically noted, ''You've seen in Iran some initial reaction from the supreme leader that indicates he understands the Iranian people have deep concerns about the election. And my hope is that the Iranian people will make the right steps in order for them to be able to express their voices, to express their aspirations.''

Tragically, the supreme leader's deep concern drove him to step on the throats of pro-democracy protestors, like Neda.

Next, on June 20, the President stated, ''The universal rights to assembly and free speech must be respected, and the United States stands with all who seek to exercise those rights.'' It was painfully evident just how far behind them he stood. ''The last thing that I want to do is to have the United States be a foil for those forces inside Iran who would love nothing better than make this an argument about the United States.''

With these contradictory statements of support and appeasement, the President returned to square one. ''The Iranian people will ultimately judge the actions of their own government. If the Iranian Government seeks the respect of the international community, it must respect the dignity of its own people and govern through consent, not coercion.''

In truth, the Iranian people have already judged the regime and found it wanting. The supreme leader, his cleric cronies and their puppet government have never respected the dignity of the Iranian people or governed through consent. This is why the regime stole the election and shoots peaceful, pro-democracy demonstrators. Implying otherwise mocks the Iranians risking and losing their lives for liberty.

As for the claim that American ''meddling'' in support of the demonstrators plays into the mullahs' hands, the Iranian regime will claim this regardless, for as our President noted, ''That's what they do.''

Yet, what matters is not what the regime says about America, but what the demonstrators think about America. Presently, brave Iranians watch as our President still holds an open hand to the regime that opened fire on them, that opened fire on Neda.

This is the passive, disastrous policy of Jimmy Carter that led to the rise of this rogue regime, not the courageous policy of Ronald Reagan that led to the demise of an evil empire.

□ 2015

The surest, safest termination of Iran's nuclear weapons program and support of terrorism is to hasten this fanatical tyranny's collapse by supporting its people's liberty. Taking its rightful place amongst the community of free nations, a democratic Iran will necessarily realize and reverse the insanity of this terrorist regime's homicidal obsession with nuclear weapons. Thus, for their and our security, the United States and the world must do everything in our power to further the Iranian demonstrators' sacred claim to freedom. We know Neda did.

Further, in the grand strategy of our war for freedom over terrorism, how we aid pro-democracy Iranians will remind the world of who we are. We are Americans, the revolutionary children of freedom who have lived and died defending our liberty and extending it to the enslaved and oppressed. We will do no less today in support of our Iranian brothers and sisters.

Today Neda's voice calls to our consciences and warns that the fate of Iranians' liberty is entwined with the fate of America's security. We must not miss this generational chance for freedom; again, one that ensures a rogue regime's implosion, prevents a nuclear confrontation, and ensures that Neda and all of liberty's martyrs shall not have died in vain. As Americans, we must seize this moment and help Iranians seize their freedom. That's what we do.

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

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

HAYNESVILLE SHALE HYDRAULIC FRACTURING

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

Mr. FLEMING. Madam Speaker, like most of America, I support an all-of-the-above solution to this Nation's energy needs. I believe we can have it all

when it comes to energy. We can aggressively pursue renewable energy, nuclear energy and other innovative alternatives while continuing efforts to expand our domestic supply of fossil fuels. We live in a country rich in energy sources, and Congress should encourage production from all available resources and technologies.

Tonight I'd like to focus on a reliable, clean-burning alternative fuel which is in extraordinary abundance right under our feet in this country, and that is natural gas.

Located in my district in northwest Louisiana, recent estimates have projected the Haynesville Shale contains 234 trillion cubic feet of potential natural gas production. This would make it the largest natural gas play in the United States and one of the largest in the world, the equivalent of 18 years' worth of U.S. oil production.

I want to point out to you, the crosshatch area is the so-called Haynesville Shale. As you can see, it overlies several parishes in Louisiana as well as several counties in Texas, a very wide area. Now of course for those listening, shale is nothing more and nothing less than a rock formation deep down in the Earth, somewhere around 2 miles in depth, that acts like a sponge that's full of either gas or oil, and sometimes both. Today we have great methods of extracting fossil fuels from the shale.

But let me turn to some more statistics regarding the Haynesville Shale. It's provided massive injections of capital into the Fourth Congressional District of Louisiana, my district. It's pumped $4.5 billion into the economy in FY 2008. It's created nearly $3.9 billion in household earnings in the same year. The greatest impact on indirect and household earnings was experienced by workers in the mining sector, with new household earnings of $191.3 million in 2008. It's created over $30 million in new earnings in seven separate sectors. Number one, mining, $191.3 million; health care, $56.7 million; management, $46.6 million; professional, scientific and technical services, $38.5 million; retail trade, $35.7 million; manufacturing, $33.5 million; and construction, $31.8 million.

It directly and indirectly created over 32,000 jobs. The new jobs created by the extraction activities in the Haynesville Shale are widely dispersed across industries. Large impacts have been felt in utilities, 5,229 jobs; mining 3,808; health care, 3,496 jobs; and retail trade, 3,433.

Those are a lot of numbers, but I think you understand that the magnitude is what counts here. Conservative estimates report that State and local tax revenues increased by at least $153.3 million in 2008 due to the extraction activities of the Haynesville Shale. Needless to say, Louisiana is not suffering from the effects of the recession, unemployment, or real estate that many other States are today, largely due to the Haynesville Shale. Some parishes are reporting a 300 percent increase in sales tax collections.

I wanted to talk a moment about how we get the natural gas out of that shale that we're talking about that's 2 miles deep in the Earth. The method is called hydraulic fracturing, or ''hydrofracking'' is a more common term. This method has been used for over 60 years and is responsible for 30 percent of America's recoverable oil and gas. Of wells currently operating today, over 90 percent have been fractured at least once.

Environmentalists and their allies in Congress are escalating their assault on affordable and reliable energy with the legislation that would place regulation of hydraulic fracturing under the Safe Drinking Water Act, SDWA, a law that was never intended for this purpose. This legislation would have far-reaching negative impacts on energy, energy producers and consumers alike. For years this process has been safely and effectively regulated by individual States; and of the more than 1 million wells fractured, not a single case of drinking water contamination has ever been recorded.

In my State of Louisiana, three different agencies have oversight related to this process. So you see, it's not an unregulated process to begin with. First is the Office of Conservation of the Louisiana Department of Natural Resources, then the Louisiana Department of Environmental Quality and, finally, the Department of Health and Hospitals, which tests potable water. Additionally, these agencies already work closely in association with existing Federal regulations under the EPA. As illustrated in these graphics, current industry practices ensure multiple levels of protection between any sources of drinking water and the production zone of an oil and gas well.

Fresh water aquifers are located relatively close to the surface. In the Haynesville shale, for instance, the Wilcox aquifer is found at depths between 200 and 600 feet.

The practice of hydrofracking takes place at a depth of over 10,000 feet or roughly 2 miles.

To put this into perspective, the distance between the aquifer and the hydrofracking equals about 33 footballs fields or 8 Empire State Buildings stacked on top of each other.

To ensure that neither the fluid pumped through the well, nor the oil or gas collected, enters the water supply, steel casings are inserted into the well to depths of between 1,000 and 4,000 feet.

Oil and gas companies are required to set protective surface casing well beyond the water table. For example, in the Haynesville Shale, surface casing must be set at a minimum of 1,800 feet.

The space between this first casing string and drilled hole is filled with cement.

The casing, cement specifications and cementing process are governed by state and federal regulations as well as industry standards. In every case this process is supervised by state agency officials.

Federal regulation of ''hydrofracking'' under the EPA would result in a sharp increase in costs to small and independent producers, as well as a dramatic decrease in output and job creation.

Production in large shale plays such as the Haynesville Shale in Louisiana, the Barnett in Texas and the Marcellus Shale in the Northeast U.S. would essentially grind to a halt and billions of dollars in federal and state tax revenue would be lost.

It is crucial that Congress recognize what resources, such as the Haynesville Shale, will play in this country's long-term economic and national security.

THE TRIPLE PLAY ALTERNATIVE TO CAP-AND-TRADE

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

Mr. INGLIS. Last night in Spartanburg, South Carolina, we had a town meeting; and folks were joining in this debate we will be having here this week in Washington about climate legislation. There were folks who spoke passionately about the need to take action, and I'm in agreement with them. There is a need to take action and to discharge a stewardship obligation. Then there were others who really didn't buy the science of climate change. And so there was a good discussion, a good debate. There's going to be a debate here on this House floor, perhaps by the end of the week.

Madam Speaker, what I'd like to say tonight is that there is a need to act. There is a need to act in a way that wins a triple play for this century in America. If we play this right, it really is an opportunity to do three things simultaneously. One, improve the national security of the United States; two, create jobs; and three, clean up the air.

So let's hear about the triple play. It starts by stopping the current cap-and-trade proposal. The problem with cap-and-trade is: It's a massive tax increase in the midst of a recession; it's a Wall Street trading scheme that would make traders on Wall Street blush; and it punishes American manufacturing because the tax—the cap-and-trade, which is essentially a tax—is applied only to domestically produced goods and not to imported goods. So if that's the case, if it's really not going to accomplish what we want to accomplish, what would be better? I think it's important that those of us who are opposed to cap-and-trade come with something better. The ''better'' that I would propose is this: It's a revenue-neutral tax swap. Basically what we would do is we would reduce FICA taxes. That's the payroll taxes on your paycheck. You reduce those; and in an equal amount, you impose a tax on carbon dioxide. There's no additional take to the government, so it's revenue-neutral. You apply this transparent tax—it is admittedly a tax—to imported goods as well as domestically produced goods. The result is, there is one less reason to export productive capacity from the United States; and we achieve this triple play. We can simultaneously create

jobs by propelling these new technologies with the alternative energies and fuels of the future. We can improve the national security of the United States by breaking the addiction to oil. That will only come when the economics work out for the competing technologies. Currently the incumbent technology—gasoline, in the case of transportation fuel—has these negative externalities that aren't recognized. If they were recognized, if they were attached to the price of that product, the national security risks we are running, the environmental problems that it causes, the small particulates—even if you don't buy the climate change argument, the small particulates are quantifiable and real—if you attach all those negative externalities to that product, suddenly the marketplace could deliver competing technologies; and the fuels of the future could take off and could lead us to these jobs of the future and to clean up the air.

Madam Speaker, this is a fabulous opportunity. It starts with stopping the current cap-and-trade proposal. And then we come together, Republicans and Democrats, to find a better solution. I think we can find it in a revenue-neutral tax swap that makes free enterprise able to lead us into the fuels of the future.

HONORING FIRST SERGEANT JOHN BLAIR

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

Mr. GINGREY of Georgia. Madam Speaker, I rise to honor an American hero and a patriot who gave his life in defense of our Nation while serving with the Georgia National Guard in Afghanistan.

First Sergeant John Blair from Calhoun, Georgia, in my 11th Congressional District, was killed in action on June 20, 2009, just this past Saturday, when a rocked-propelled grenade struck his vehicle during an hour-and-a-half-long firefight with enemy forces after the convoy, which he was leading, was ambushed. Eyewitness accounts from soldiers serving alongside Sergeant Blair credit his actions with saving the lives of many of his fellow soldiers during the ambush. And as a credit to his leadership, his men kept their cool and they did their jobs, even after their commanding officer fell.

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Blair has been described as a true leader, Madam Speaker, both for the American troops who served with him, as well as the 1st Brigade of the Afghan National Army's 203rd Corps who he was in charge of mentoring.

I want to quote a couple of lines that were written about Sergeant Blair in the military publication, ''Stars and Stripes'': ''Blair was their leader. He was tough, unrelenting. He cursed and reprimanded and gained not just their respect, but their fondness during the months of training for their deployment in Afghanistan. He could be harsh, but was fair and imparted to his men a sense of their potential.''

Other soldiers have echoed these comments, describing how Blair pushed them beyond their comfort levels to be their best and was even like a father figure for many of them.

Madam Speaker, Sergeant Blair carried these same characteristics to his service as a Gordon County sheriff's deputy and a Drug Task Force officer for many years in Calhoun, Georgia. In addition to his great service to our Nation and his community, John Blair was also a dedicated family man who was looking forward to spending quality time with his grandson when he returned home. What an amazing example of courage, selflessness and a love of country that Sergeant Blair provided, not only for his young grandson but, Madam Speaker, for all of us.

My prayers go out to his family. My deepest gratitude goes out to First Sergeant Blair for his selfless sacrifice for our Nation. I ask all Members to join me in honoring the distinguished memory of First Sergeant John Blair.

CAP AND TRADE ALL OUR JOBS TO CHINA

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

Mr. SOUDER. Madam Speaker, I come tonight a little stunned. Quite frankly, I didn't think the energy bill, the cap-and-trade bill, would actually ever reach a point where it would come before the House and for that matter the Senate. When we are in the unemployment state that we are in right now in America, it seems rather ridiculous to be bringing bills that would put so many hardworking people out of work.

The cap-and-trade bill, or as many of us call it, the cap-and-tax bill, are what a manufacturing district like mine would call a ''cap and trade our jobs to China bill.'' We are just reeling right now. Honestly, to talk about my district for a second, I have eight counties. The mean of unemployment in those counties is 15 percent. Two of the counties, Elkhart and LaGrange, are at 19 percent. Let me tell you about my best county. My best county, Allen County, my home, anchored by Fort Wayne with a little under 300,000 people, has an unemployment rate of approaching 11 percent. We have one of the biggest pick-up plants in the world that produces the Silverado and the Sierra. So I have been fighting hard to make sure that they are not knocked out of business. Our largest property tax payer, the GM plant is the second largest, is a mall that is part General Growth Properties. That is in chapter 11.

One of our large employers is a financial company that has 1,900 jobs, and they have applied for TARP funds. We are struggling with auto parts. The Fort Wayne Foundry, over 100 years in business, has just closed three plants because they are a major GM and Chrysler supplier and couldn't make it through the shut-downs after 100 years.

Now we are being asked to tax them through their energy. Now let me talk a little bit about how we get our energy in Indiana. We are 85 percent coal. We are 15 percent nuclear. The Heritage study showing impact by congressional district says that my congressional district is the number one damaged district.

The new figures from the National Association of Manufacturers this week show that my district is the number one manufacturing district. It is unusual. If you came to northeast Indiana, and I represent basically Fort Wayne up to South Bend going along the Michigan line and the Ohio line, if you came to my district, you would drive through an area where you would see lots of water, rivers, 100 lakes in Koskiusko County, 100 lakes in Steuben County. And in between that water is beautiful, green farmland. We aren't dry and parched like much of America. We have a very green area that gives us water, which is essential to most manufacturing. You can't build major manufacturing facilities where there isn't adequate water. And people still farm. We don't have the great big corporate farms. We have many small farms. Because one person from each family, sometimes even multi-families on a small farm, will be working at different auto parts plants, plastic parts plants and RV plants scattered throughout my district, thousands and thousands and thousands. They are at a direct threat.

Let me talk a little bit more about our energy. I have been to the alternative energy labs in Colorado, at Sandia Labs in New Mexico, and at the major places where we look at alternative energy. Indiana cannot get wind power. We don't have a way to get to 20 percent or such high figures in the traditional alternative energy. Some of my friends I have known for many years are putting in one of the biggest wind farms. It is the second most windy area in the State of Indiana. It is going to be miles and miles. We will be lucky to get to four percent if we build every windmill you can build in the State of Indiana. In solar, we don't get as much sun as Arizona and Nevada. We are pushing solar energy as hard as we can. One of my good friends has a new solar company working with the Germans that can get better solar power at homes.

But let's get this straight. I have two Steel Dynamics plants, the most efficient steel process in the United States, five Nucor plants and Valbruna Steel. SDI, in one of their plants, takes as much energy as the City of Fort Wayne with nearly 250,000 to 300,000 people in it and everything therein. You cannot power a steel plant with

solar panels or windmills. If we are going to make things in America, if we aren't going to ship everything in our country to China, we have to have reasonable, workable energy strategies.

I have been working on alternative energy since I came to Washington. There is a company in Fort Wayne that has been highlighted in the New York Times and all the other publications on geothermal called ''Water Furnace.'' California alone could save seven power plants by using geothermal. We need to push in every appropriations bill in every different way geothermal. I have an amendment proposed in the armed services bill to have many of our military facilities use geothermal.

I am working with Parker-Hannifin and Regal Boloit to improve air conditioning. Regal Boloit has a green energy process that saves 15 percent of energy in air conditioning. Parker-Hannifin, through an earmark and their own funds, has been working and they think they can get 20 percent more power out of wind turbines. Guardian makes windshields. It is converting part of one of their plants and working with Spain and other places to make windshields and to make solar panels that don't crack and are more efficient.

We are looking at major breakthroughs. But we cannot destroy the manufacturing base of America.

THE CONCEPT OF THE DIRECTION OF LEADERSHIP IN THE HOUSE OF REPRESENTATIVES

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

Mr. CARTER. I thank the Speaker for allowing me to speak tonight. I'm back again to talk about issues that are important, I think, to this House. They are important to the American people, and they are especially important to the concept of leadership in this House of Representatives and just where it is going to go.

I want to go back for a moment before we go into current events and talk about some past events, when the Democratic majority took over the House of Representatives. In the lead-up prior to that time, we were having these speeches made by the presumed new Speaker of the House, Ms. PELOSI, about what we could expect from the new Congress. Now, this is not the first time I have mentioned this. But let's remind you again, to all the Members of this House, this is a quote from NANCY PELOSI in 2006: ''The American people voted to restore integrity and honesty in Washington, DC, and the Democrats intend to lead the most honest, the most open, and most ethical Congress in history.''

Now, this was the goal that was set up by the Speaker of the House. And she has now been serving as the Speaker of the House for two terms. And this was her mantra of what this House would stand for. And without getting off into the weeds of the internal politics of Rules Committee and stuff like that, which bores people to tears, I'm just talking about this honest, ethical and open-about-it Congress that we were promised.

In another speech, the Speaker of the House, the then presumed Speaker of the House, made the statement that what she was going to do was if the Democrats got to be in charge of this House, they were going to drain the swamp, that there was this culture of corruption that had created a swamp, and that they were going to drain the swamp and expose the corruption, and they were going to expose the misdeeds.

Now, I'm not here to tell you that there were not misdeeds that were brought forward. I'm not sure the Democrats had anything to do with exposing them. But they certainly came out through the process at that period of time. People went to prison, and rightfully so. They broke the law. But I will say that the leadership at that time went forward with those efforts, and they reached the unfortunate conclusion that several people went to prison. Several people had to leave the Congress.

But that doesn't mean because they found issues in the Republican Party that those were the only issues that were here. And for the last 6 or 8 weeks, I have been trying to say, who is going to look at these other issues? I'm not accusing anybody. I'm saying that accusations are being made by the press. Accusations are being made by other people. And they seem to fall on deaf ears. They seem to fall on the deaf ears of the leadership of the Democratic majority in this Congress. And they seem to fall upon the deaf ears of the so-called Ethics Committee, whose job it is to look into these things. And so we keep raising these issues wondering what is going on.

But now I have even more concerns. And these concerns are things that I think everybody is going to be concerned about. Because if you woke up on Sunday morning and you turned on the television, you saw that people are storming the streets of Iran. And people are getting killed because of an election. That is a pressure point now in our world that is as big a pressure point as Afghanistan or Iraq or any other place because it has the potential that nuclear weapons could be involved. We don't know exactly where Iran is on their development of their nuclear weapons, but we certainly know they are working on it. And they make no bones about it.

So we have got a possible nuclear power where there is a turmoil going on, and we are sort of sitting over here being quiet about it. And maybe that is the right thing to do. The President seems to be taking a position of kind of hands-off. And there certainly is a school that believes that is the right thing to do. And I'm not criticizing that. But I am saying that that is a thing that every American, and certainly every Member of this body, should be concerned about, because it could be a world-changing event that comes out of Iran. And it could be a world-changing event for the negative.

So why do I raise this? Well, that very same day, that very same day we heard more from our longtime adversary, the North Koreans. I'm ashamed to have to say this, but I'm old enough to remember the end of the Korean war. I was just a little kid, but I do remember. And we never made peace with the North Koreans. We made an armistice. We decided that we would time-out, no more war. And they went on their side of the 38th parallel, and the South Koreans went on our side of the 38th parallel.

Since that time, one of the great, miraculous transformations of an area has taken place in South Korea. And now when you visit South Korea, it is a prosperous nation. It has a functioning democratic government. And the South Koreans have a lot of bragging rights. They have a lot to be proud of.

Meanwhile, the North Koreans stayed in their same Soviet socialist-type republic, a communist regime. And, basically, with the exception of building a gigantic army, they have accomplished nothing since 1954, 1956, except to stir up a lot of trouble in that area and to develop nuclear weapons and a missile system.

Now, there are some that think that the North Koreans are just in this business to sell these weapons to other people and to give them something that they can trade, because they basically are practically without trade resources. But others like me fear that the North Koreans are just unstable enough that they can use the weapons in this army to kick open the doors to the second Korean war, or worse, a regional war.

□ 2045

They have done some things that in the past would have created havoc in countries. They fired missiles in the direction of Japan two or three times, and shot a couple of them over Japan. Here is a sovereign nation having a missile fired over their territory. They don't know what that missile is carrying or what it could do to their country if it came down. That is as close to an aggressive act as I think you can get without hitting somebody.

And now they have announced to us specifically and to the world in general that they are going to test one of their longer-range missiles by firing it at Hawaii, a State in this Union. They could just as well be firing it at Idaho, or Alaska, or Texas, or Georgia or Maine. A sovereign State of this Nation—they have told us that they are going to fire a missile in that direction, basically at that State.

Now they are pompous and blowhards, but we don't know what they are really going to do. And we do know that they have tested nuclear weapons very recently, so they have nuclear capability.

Why do I bring these things up in relationship to the atmosphere created in this House by the failure of leadership to address issues that are part of draining the swamp? It is because I am going to make the argument that what has gone on in this House in the conversation between our Speaker and the CIA about who is telling the truth and who is not has a direct influence on these two Sunday morning news stories and others. Because yes, we folks sitting around the breakfast table, we get our information about what is going on in the world from the press. But you better hope, and having been a trial judge and told juries this for 20 years, you better hope that somebody is getting better information than what is in the press. And no offense to the press, but let's face it; they get it wrong once in awhile. And what we depend on is an intelligence system that doesn't get it wrong. We depend on an intelligence system that when they come to us and tell us that this is what our intelligence tells us, we feel that is fairly reliable news. We can't disclose it because it is top secret, but we can depend on our intelligence officials to come forward and give us information.

Now we have had this issue of enhanced interrogation of prisoners that has been an ongoing issue throughout the election, and now that the Democrats are in charge it continues to be, that we are a torturing Nation. Some people label it as torture and some people label it as enhanced interrogation. Whatever you call it, there was an issue whether or not the members of the Intelligence Committee of this House were informed about this when they started to do it.

Now those Members that have had the opportunity to speak have indicated, and that which was not top secret, that there were briefings on this issue. The Speaker of the House has said they are lying, I was never told about these enhanced interrogations. And she has repeated that until she realized, which we pointed out on the floor of the House, that lying to the United States Congress is a crime. Here is the statute: Except as otherwise provided in this section, whoever in any manner within the jurisdiction of the executive, legislative, or judicial branches of the Government of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, makes any material, false, fictitious, fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false or fictitious fraudulent statement or entry, shall be fined under this title, imprisoned not more than 5 years if the offense involves international or domestic terrorism, as defined in section 2331, imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, of section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

Without going off on what is in these other sections, what this says, under our criminal law of the Federal Government, if you are lying about a material fact, and there can be nothing more material than the functions of our Intelligence Committee and our intelligence community and their relationship and whether or not something happened, and to accuse them of being unreliable and lying is accusing them of a crime.

By this accusation, by saying they didn't tell the truth, they never briefed me, she is accusing those people who did that, made that statement that we briefed of committing a crime. It may be a crime that only puts you in prison for 5 years and gives you a fine, or it could carry over to whatever these sections pertain to to carry it up to 8 years, or it could be as little as, what was the lowest, 4 years? I guess 5. Whatever it is, whatever the time, that incarceration for that period of time is serious incarceration. This is a serious accusation. These are serious contentions by the Speaker when she says: They didn't do that, they are lying.

They are lying to you, they are lying to the Congress, they are lying to the press. But most importantly, they are lying to Congress.

Now that is an issue that we should be concerned about because not just we need it resolved, and that is what I keep raising. I have been a judge in this country for 20 years, and its purpose is to resolve issues. My question is, who is going to resolve this issue? This issue needs to be resolved. Why does it need to be resolved? I gave you two examples: North Korea and Iran. Two hotspots boiling up. We are getting information. We should be, I assume we are getting, information from our intelligence community. If they are liars, can we trust them? Can we put the security of Hawaii on the shoulders of our intelligence community and trust their report as to whether or not there is a nuclear warhead on that missile that they have said they are going to fire at Hawaii? Can we, after the Speaker's accusations, trust this community? That's the question that I think we ought to be asking ourselves.

And once again, the 50th time I have probably said this in the last 6 weeks, what I am asking for is a place, someone to resolve these issues. And I have raised this resolution. The Speaker is the leader. She is the leader of this House, and she needs to resolve this issue. This is putting a crimp in our intelligence community. If I am an agent and I am reporting and I get accused of lying, I face criminal prosecution. And intelligence at its best is, like every other human endeavor, it has its flaws.

So once again, failure to show the leadership that it takes to resolve issues causes consequences we can't imagine until they look us in the face. And that is what I wanted to talk about here tonight. We have talked about the issues with Mr. RANGEL and the Rangel rule. And we have talked about issues of other Members of this Congress: Ms. WATERS, MOLLOHAN, MURTHA, VISCLOSKY, and all those guys. And I have talked about those issues and I have said, I don't know whether these accusations are true or not, but somebody needs to resolve them. If we are draining the swamp, someone needs to resolve those issues. If there is a lie going on to Congress and we are draining the swamp, somebody needs to drain that part of the swamp that has to do with this lie. That is what this is about. That is all I am trying to do. I am raising the question for you Members of this House and for the American public to think about.

What about this culture of corruption that obviously seems to be here? What about this issue of lying? It needs to be resolved. The security of our Nation is at stake.

I am not here by myself, and I have been talking way too long without recognizing a really good friend who has come down here to have a friendly visit about some of these issues that are unresolved, PHIL GINGREY from Georgia, one of my classmates and a good, close personal friend. And I yield to Mr. GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I appreciate the gentleman from Texas, Judge CARTER, yielding to me.

As the gentleman points out, this is a very, very serious time to be on the floor speaking to all of our colleagues on both sides of the aisle, and Representative CARTER and myself and others on our side of the aisle, as we bring these concerns to our fellow Members, Madam Speaker, it is not something that we do lightly. It is not something that we do lightly, and I hope my colleagues on both sides of the aisle understand that.

We have all grown up with the little sayings, the aphorisms or adages that you hear from your parents, or maybe at school or church, things like, If you live in a glass house, you shouldn't throw rocks. I remember my dad told me one time a story about Huey Long, the governor of Louisiana. I don't know whether it was in a reelection campaign or maybe even his first campaign for governor, he had a critic, maybe even an opponent in that race, a General Hugh Johnson, and General Hugh Johnson was awfully critical of Governor Huey Long and accused him of corruption and that sort of thing. Huey Long said to General Hugh Johnson something to the effect that, Don't criticize a speck in my eye if you have a plank in your own. In fact, Madam Speaker, that may be in Proverbs in the Bible as well. Maybe that is where

Governor Huey Long got that from. But the point is you are reluctant, aren't we, we are reluctant to bring criticism against our colleagues knowing that we are not perfect. No one, indeed, is; except the one true Savior.

So it is a very serious thing when we come and express concern on the House floor about the action of our colleagues. But yet we are here tonight. We are obviously here tonight, and we are speaking about that. Judge CARTER, Madam Speaker, started off talking about the seriousness of the consequences of our integrity or lack of integrity as he talked about what happened years ago, and I remember it, too, in regard to the Korean Conflict, and then brought us into current time and talked about what is going on in North Korea now and what is going on in Iran.

The intelligence that we receive about things that are really bad things occurring across the globe has got to be wisdom, and it has got to be honest. You can't modify those two terms and say it is conventional wisdom or it is relative honesty. Wisdom and honesty don't have modifiers. It is either wisdom or it is not. It is either honest and truthful or it is not.

So as Judge CARTER talks about this situation with our distinguished Speaker of the House of Representatives in regard to whether or not what she said about the CIA was honest and truthful, or whether the CIA was honest and truthful in regard to their response, in fact John Podesta, I think, basically said, Look, the CIA spoke the truth.

□ 2100

The consequences, Madam Speaker, are so serious to this Nation, and indeed, to the world, that it is important. If you ask any citizen of this country and you say, ''Who do you think you depend on most to tell the truth, would it be the Speaker of the House or the Director of the Central Intelligence Agency?'' I'm not sure how most people would respond, Madam Speaker. I'm not sure how I would respond. You expect both of them, at that level of government, to be honest and truthful.

So it is disturbing to me as a Member of the House of Representatives, it's disturbing to me as a citizen of this country, as a dad, as a granddad, as a husband, as a father, to find out that maybe the Central Intelligence Agency is not telling the truth. And even worse than that, Madam Speaker, that possibly there is a pattern of the Central Intelligence Agency not telling the truth. That is just about as frightening a concept as you can possibly imagine.

What can we rely on? Should we have done what we did in Operation Enduring Freedom in regard to taking out al Qaeda and the Taliban and that regime change back in 2001, 2002 before Representative CARTER and I became Members of the Congress?

You know, it's a very, very disturbing thing, and that's why we're here tonight. And again, it is painful, but I'm not standing up here, Madam Speaker, I'm not standing up here saying that our Speaker, the Speaker, the first female Speaker in the history of this body who is now serving her third year as Speaker of the House of Representatives, I'm not saying that she was dishonest. I just simply am here to say we need to know, the American people need to know. And if the CIA lied once, even, but certainly if there was a pattern of giving misleading information to members of the Select Committees on Intelligence, then we've got some serious problems, Madam Speaker, we have some serious problems, and something needs to be done about that and needs to be done right now. Because, as Judge CARTER was saying, these things that are going on in Iran, in North Korea, and in other parts of the world, this can't wait. If we've got a problem, we need to solve this right now. So that's why we're here tonight.

And again, I appreciate my colleague from Texas for doing this gutsy thing because he's not perfect, Madam Speaker, and I'm not perfect. And again, I may have a little speck in my eye, you know, and the house I live in may have too much glass in it, but on the other hand, if we see things, and again, I'm not suggesting anybody—certainly not suggesting that our Speaker, the Speaker was lying, but if there's a problem, it needs to be brought forward for the betterment of this body. We owe that to the American people. We owe that to the American people.

Unfortunately, Madam Speaker, it seems that our House Committee on Standards of Official Conduct, the Ethics Committee, has been dysfunctional since the day I came here 7 years ago. I'm in my fourth term, Madam Speaker, and that body has been dysfunctional since the day I came here. It's supposed to be bipartisan. You have five members of each party, and yet we seem to be just sweeping things under the rug and not addressing problems like we should.

I'm going to yield back to the gentleman who controls the time here in just a second, but the point is just exactly what he said at the outset, Madam Speaker. I remember it so painfully well, because back in 2006, when we Republicans still were in the majority, I mean, every day, every evening during Special Order hours the then minority party, the Democrats, just pounded, pounded over and over again what they called a ''culture of corruption.'' And we did, on our side of the aisle, Madam Speaker, have a few Members—thank God not many, but three or four. That is too many, of course. One is too many—that were not conducting themselves in the manner that this House demands, that the sanctity of this House demands.

And by campaigning on that, along with, of course, the unpopularity of a prolonged conflict in Iraq and too much spending, absolutely too much spending, but of course it seems like a penny ante compared to what's going on now, but it caused us to lose our majority status, Madam Speaker, and it's painful. It's painful to find ourselves in this situation and to think that, Madam Speaker, and the Democratic minority at the time talked about, Ladies and gentlemen of the United States, you give us an opportunity, you let us control, and we will drain the swamp. We will end this culture of corruption.

And here again, I am mighty disappointed. We're not seeing any end to the culture of corruption, and it seems like more and more is being swept under the rug. And it shouldn't happen on either side of the aisle, and so that is why we're here. Again, it's painful, and we're not trying to hurt anybody. We're just trying to help the American people.

And I yield back to my colleague from Texas.

Mr. CARTER. And I thank my friend.

Let me say first, not being a Biblical scholar, but that's from The Sermon on the Mount. Jesus talks about trying to get the cinder out of your neighbor's eye before you take the plank out of your eye. And that's fine.

I know that most everybody thinks this is a very contentious place, and so when people start talking about these things, they think, oh, it's that same old stuff. I want you to know that the announced date of the firing of that rocket by North Korea is Independence Day, July 4. That is the day they say they are going to shoot a rocket at Hawaii.

Now, I'm assuming that the White House and the Select Committees on Intelligence of the House and Senate are very, very interested in knowing accurate information about what's going to be on the nose of that rocket when it's fired because, quite frankly, if you want to restart the Korean War, how spectacular could it be that they will have an armed missile fired at one of our States and then invade across the 38th parallel. It could be disastrous.

Now, that's not my imagination working. It's happened before. I mean, the invasion took place. That's what started the Korean War. They've got one of the largest armies in the world. They're saying that they have canceled the armistice. Now, under technical rules of war, canceling an armistice reinstates the war. We're not treating it that way because regular rules of war kind of have been changed, not by what's written in the books but by usage. So we never really called it a war. We called it a conflict and so forth, like we've done in so many other things we do. But the reality is they said the armistice is off, which means that we should be technically back fighting. They said they're going to fire a missile on our Independence Day, the 4th of July.

Now, why do I bring that up? Because by my watch, this is the 23rd day of

June. We've got to be able to trust our Intelligence Committee and our intelligence community in, what? That's the next 10 days. In the next 10 days we have to be able to have that confidence in them. And we've already got the third person in line for the Presidency of the United States telling this body that the intelligence community lied about what they said about a briefing.

Now, you know what? I'll even give you the way it could be handled. I mean, this place is full of things that go on that are very confusing. It could be: I made a mistake. I didn't understand the briefing. Yeah, I heard it, but I didn't realize what he was saying. There's lots of things to be said. But to sit here with this—it's trying to just go away. The President isn't talking about it anymore so it will just go away. But it's not going to go away if, on the 4th of July and the missile is on its way, we have the decision to make, do we take it down, shoot down that missile as it heads towards Hawaii, which it probably can't get there, but if it can, do we shoot it down or do we let it fall in the ocean and take our chances? Or do we let it fall on one of the islands in Hawaii and take our chances? Or what are we going to do?

Intelligence community, how safe do you think that launch is? They give us the facts. Now, the meeting is behind closed doors and somebody says, Well, yeah, they tell us it's got a nuclear warhead on it. But they lied to PELOSI. Are they lying to us? Do we want that? Is that good governance of this country?

And the reason you have to raise this issue is because there's so much politics that's involved around this. It's all about politics as well as what really happened. And at this point, with somebody announcing on the 4th of July they're firing a long-range missile, you've got to put politics aside at that point in time and say, Trust the community. They don't lie, because they're usually going to tell us what is happening with that missile. That's my whole thinking of this deal.

And the truth is, what I've been trying to talk about since day one of this conversation I've had when I brought up the Rangel rule and all these other things, is that if we, as Members of this House, have questions that we think need to be resolved, we have only one place to go, and that's to our colleagues in this House and say, These issues need to be resolved.

If there is nothing to them, we need to find out there's nothing to them, but they need to be resolved. And if you're draining the swamp, that means you're going to address issues as they come up. If something stinks over in this part of the swamp, you drain that swamp and find out what's stinking. That's what she meant when she said ''draining the swamp.''

Now, we pointed out parts of the swamp which our colleagues on the other side seem to be dwelling in right now, by accusation only, by press accusation. Let's clear those people's names. If there's nothing in that swamp, let's drain it. Let's find out. And that's the responsibility of the leadership of the majority and that's the responsibility of the Ethics Committee, and that's why we keep talking about those ethical issues.

Unfortunately, there may be more. We have to be prepared to do what we promised the American people, and the first thing we need to address is this issue of whether or not the community was lying to the American people.

I see we are joined by my good friend and loyal stalwart who always shows up when he sees me all by myself with PHIL on the floor, my friend STEVE KING from Iowa.

I will yield to you whatever time you would like to have, Mr. KING.

Mr. KING of Iowa. I thank the judge from Texas for yielding and for also organizing this Special Order, and the gentleman doctor from Georgia as well, who has been persistent and relentless here standing up for truth, justice, and the American way, and fiscal responsibility, constitutionality.

And as I'm reading The Washington Post language, the statement that came from our Speaker on November 8, 2006, ''The American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, the most ethical, and the most, perhaps, moral Congress in history.'' And ''the most honest, most open, and most ethical Congress in history'' is that language.

I heard that constant drub of criticism that was coming here for several years. The 30s group came down here to the floor almost every night and made those kind of allegations. And I was looking at people over on this side of the aisle that were clearly committed to this cause and people that I would trust with everything I have, working hard, struggling to represent the American people. They took that kind of criticism, and some of the American people bought that kind of promise.

□ 2115

But today they know different. Today they know this Congress doesn't meet that standard.

The other statement here on National Public Radio: ''Under strong attack from Republicans, House Speaker PELOSI accused the CIA and Bush administration of misleading her about waterboarding detainees in the war on terrorism.''

Again: ''They mislead us all the time. I was fighting the war in Iraq at that point too, you know.''

Not really. Not really, Mr. Speaker. Here's what I remember. I remember when Speaker PELOSI grasped the gavel up here in January of 2007, and from that point in that Congress, she led at least 45 votes here on the floor of the House of Representatives that were designed to either unfund, underfund, or undermine our troops. And that's all a matter of record. It's all on a spreadsheet in my office, and I can lay it all into this CONGRESSIONAL RECORD, and actually I probably put it all into the CONGRESSIONAL RECORD at one point or another. But this isn't fighting the war in Iraq. She was fighting against the war in Iraq. And the goal was to get our troops out of there, declare defeat, and bring disgrace down upon the Bush administration for whatever that motive might be. But it was clear in the rhetoric that came that it wasn't in support of victory in Iraq, but every move, all 45 votes, as a matter of CONGRESSIONAL RECORD, undermined our troops.

And yet President Bush issued the surge order, and the surge strategy has clearly been a success. I traveled to Iraq with the gentleman from Texas, and I recall some real hot days over there. And I can remember that there was a time when we couldn't go to places like Ramadi or Fallujah because they were too dangerous, and I can remember coming back 6 months later and going shopping in Ramadi. And I can remember coming back a little later and meeting with the mayor of Fallujah, who declared Fallujah to be a city of peace. This all happened because of the nobility and the sacrifice and the courage and the bravery and the dedication of our U.S. military.

And you cannot talk about our military without talking about the Commander in Chief, and it was President Bush who gave the order. And now we have reached this point where we have achieved as a Nation a definable victory in Iraq. And it's definable in a lot of ways, but it wasn't because of this quote that we're reading here about the Speaker fighting the war in Iraq at that point too, you know. No. She was fighting against it here on this floor, and it's a matter of record, and that point can't be allowed to pass.

So what has been achieved is a definable victory that's there. The ethnosectarian deaths have dropped 98 percent from their top. The civilian deaths have dropped 90 percent. Our American casualties there over the last year, and my data will be brought up to date on the 30th of this month, but as of the last day of June last year, and I pray to God that we don't have any more casualties there for all time, but the roughly accidental deaths in Iraq to Americans are roughly equivalent to those deaths that are hostile deaths, categorized as hostile deaths.

Now, that is a very good statistic if you are looking at war zone statistics. If you are at as great a risk from getting killed in a rollover of your Humvee as you are by the enemy, there has been a lot of progress that's been made there; a lot of progress made in the local governments with free elections. They've had a number of free elections and ratified a constitution. The last election they had was at least as peaceful as our last election and probably at least as legitimate as our last election as well. I think there is a lot to be celebrated in Iraq in the Middle East.

And I didn't mean to divert from the subject matter, but I think we should raise up to the CIA subject and ask what about the national security of the United States of America when the Speaker of the House declares those who are briefing her up in the secure room on the fourth floor to be a group of felonious liars that have continually, according to her, misled the Congress of the United States of America and lied to the Speaker of the House. And why would the Speaker go back up and be briefed again by people that she declared to be liars, and how could anyone separate the CIA from the other 14 members of the intelligence community? Would anyone actually go brief the Speaker after they had been declared to be a liar, summarily declared to be a liar, with no evidence, with no proof, simply an allegation?

Now, in this country if you believe that someone is not telling the truth, you don't raise that subject. You just accept what they say without challenging them unless you can prove they're wrong. That's the way it is in a Western Christiandom, as Winston Churchill declared Western Civilization. And I believe it's rooted in the Book of John when Christ stood before the high priest Caiaphas and Caiaphas said, Did you really do those things? Did you really preach these things? And Jesus said, Ask them. They were there. This all happened openly. And the guard struck Jesus for his insolent answer, supposedly. And Jesus said, If I speak wrongly, then you must prove the wrong, but if I speak rightly, why do you strike me?

If someone speaks wrongly, the one who challenges their integrity has the responsibility to prove they're wrong. Jesus said that to the high priest. The least we could do is ask the same standard of our Speaker to prove the wrong of the CIA.

And this will not go away. We cannot tolerate a situation where there's a mistrust between the highest levels of intelligence-gathering services in the United States of America that gather the intelligence information, that direct our military, our overt and our covert operations, and that go in and preempt terrorist strikes against Americans and other free people in the world and to have them intimidated by an allegation of telling a lie, which would be a felony, and there's a specific section in the code punishable by 8 years in the Federal penitentiary if a member of the intelligence community should lie to the United States Congress. And there it is: title XVIII, U.S. Code 1001, 8 years in the penitentiary for that. It's very specific.

So this has got to stop. It's got to be resolved. And this Congress has got to bring it to a head.

I appreciate the gentleman from Texas for having this Special Order and raising these issues, an opportunity to echo this out to the American people.

Mr. CARTER. I thank my friend.

Now I yield again to my friend from Georgia. He seems like he has something he wants to say.

Mr. GINGREY of Georgia. Of course I appreciate the gentleman's yielding, and once again I appreciate his having the courage, as well as the courage of my colleague from Iowa, Representative STEVE KING, to come to the floor and to talk about issues like this. As I said earlier in my remarks, it's very painful, very hard to do, but it is something that has to be done.

If the CIA, as I said before, if they are lying to someone who is third in line to the President, the Speaker of the House, and there's a pattern of that lying, we have got some serious problems. And it would seem to me that something of this magnitude would rise to the level of an Iran Contra issue or, indeed, a Watergate issue where you absolutely have to know who's lying, who knew what and when and who's telling the truth and who is not telling the truth. And we all know the consequences of those actions.

Again, I'm not suggesting, Mr. Speaker, that our Speaker, the Speaker, has lied. In my earlier remarks this evening, I misstated something. I said John Podesta. John Podesta is not the Director of the CIA. That's Leon Panetta. So we all have senior moments. I'm maybe a little older than the Speaker. I certainly look older. She's a very attractive Speaker, as we all know. But she could have had a senior moment in regard to this.

And, Mr. Speaker and my colleagues, don't you know that after this happened and she said that, don't you know that there was a meeting of the powers that be with the Speaker and with the CIA, with the Director of the CIA, and information was presented which would have shown that she either misspoke or didn't misspeak. And if she misspoke, how simple, Mr. Speaker, how simple it would have been to just say, ladies and gentlemen, not of the Congress, not of the House of Representatives, but more importantly ladies and gentlemen of the country, I was wrong about that. I didn't deliberately lie. I was just wrong about that. I didn't remember. I didn't remember that briefing. Or the opposite, that the CIA was wrong and didn't inform. And that puts the issue to rest.

Mr. Speaker, that's all our minority leader, the gentleman from Ohio, JOHN BOEHNER, the respected leader of the Republican House conference, that's all he said that should be done. Let's get to the bottom of this thing, put it to rest, and tell the truth. The truth will always serve you well, and the truth is not painful.

Mr. CARTER. Reclaiming my time, I don't want to keep belaboring this issue, but I think somebody ought to be thinking about it before they light the first firecracker on the 4th of July, that we have a country that has basically said as far as they are concerned they're back at war with us, telling us they're going to fire a missile at one of our 50 States and they're going to do it on the 4th of July.

Now, let's assume that we are going to get some intelligence on that. Let's start off with them saying it doesn't carry a warhead, let it go forward. And then the man that's going to have to make the decision is going to be the President of the United States. This is not a decision you do by committee. That's why we have an executive branch. He will collect that data, and then the question is do we shoot it down. We're pretty sure it doesn't carry a nuclear missile. But somewhere in the back of his mind he says, wait a minute. Wait a minute. They lied to NANCY PELOSI. How do I know they haven't done their work and they're telling me this to feel good about it? Maybe there is a missile on board. Or he thinks, I don't know what to do because I don't know whether I can trust my intelligence.

But he knows that the firing of our missile, which, by the way, according to my friend TRENT FRANKS, we have got missiles that can take this thing down. So let's assume we execute one of those and we bring it down. And the North Koreans say, that's it, act of war, and here they come swarming across the 38th parallel into South Korea and they are marching that 80 miles to Seoul. And we get accused of starting a war. Or worst case scenario say, well, we can't trust the intelligence, don't shoot it down, and it hits the big island of Hawaii and goes boom. And now we're in it, and it's nuclear or maybe less than nuclear. Who knows. The point of this conversation is intelligence matters.

Mr. GINGREY of Georgia. If the gentleman would yield.

Mr. CARTER. I yield.

Mr. GINGREY of Georgia. I thank the gentleman.

We were just before the Rules Committee, Mr. Speaker, submitting an amendment to the Defense Authorization Act of 2010, our National Defense Authorization Act, something like $525 billion. But $1.2 billion, as the gentleman from Texas was alluding to, was cut from the missile defense program. It was cut from the missile defense program at a time when Kim Jong Il is firing missiles and testing nuclear weapons, violating the nuclear test ban treaty. And our intelligence is telling us, as the gentleman from Texas just said, that these ballistic missiles that they're testing could reach Hawaii. Well, we are getting that information, Mr. Speaker, not necessarily from the CIA but from all of our intelligence agencies. Heck, there are 16 of them, and most of them are within the Department of Defense. The Defense Intelligence Agency is an example.

And, of course, we have a National Intelligence Director, which was insisted upon by the 9/11 Commission and the families of the victims. So, you know, it seems now to me, Mr. Speaker, that we are kind of getting a little

loosey-goosey about all this stuff and thinking gosh, you know, the Speaker of the House said that the CIA lies. You can't trust them. So maybe that's why we are so ready to cut missile defense. We don't believe the intelligence.

Mr. CARTER. All the time she says they lie. All the time. It's not just this instance. Her statement was they lie to us all the time.

Mr. KING.

Mr. KING of Iowa. I thank the gentleman from Texas for yielding.

You've raised a scenario here that disturbs me a great deal about what happens to the indecision when you don't trust your intelligence community because of an allegation that's made by the person that's third in line from the President of the United States. This isn't somebody sitting on a street corner somewhere. This is the person third in line to the President of the United States. The indecision that could come because of the doubt that's been planted, and every day that goes by there's no doubt because it's not resolved.

Let me submit another way that this hurts America's security beyond this point that you made, Judge, about the indecision that could allow a missile to land and hit the United States or to do an early strike, because we don't really know. But here's another scenario.

□ 2130

This cloud has been cast over the intelligence community, and it echoes over the top of our entire defense network that's there. There are people in this Capitol that work to please the Speaker, and many of them are staff.

And these are staff that are on committee. They are the Speaker's staff. They are in a position to write these bills in the middle of the night that get dropped on us about the time that the rooster crows in the morning. And then we are to figure out what's in them and what's not in them on a closed rule or a modified closed rule, and the Rules Committee deciding the debate now is in the Rules Committee.

And so we don't even get any debate here on the floor on the $1.2 billion, an opportunity to put people on the record—we may not, I think we probably will not, at least get that vote, but to put people on record and find out what this Congress thinks the collective wisdom of the American people is to be reflected here. And we can see the funding for the defense intelligence all the way across the board systematically and summarily undermined and reduced by staff people who are protected because we can't even offer the amendments here on floor, who are seeking to please the Speaker because she has made a comment into the record.

And how do you fix that lack of trust? It undermines the resources, I believe, going into the intelligence community that's there, and it causes others to look more critically upon the intelligence group all together with the CIA and others, which undermines the support of the public, undermines the support of Congress and undermines the resources that they will have to use.

And if we have people whose lives are out there on the line every day, and we do, they have got to be questioning themselves as to why do they do this. Do they really want to put themselves up for this kind of scrutiny, this kind of allegation. And if I were Leon Panetta, and if I was seeking to send somebody up here to brief the Speaker, I don't think you would ask for volunteers, because I don't think you would get any.

I think that has to be a direct order from the CIA. If you like your job, brief the Speaker. You might have it when you are done.

Mr. CARTER. As much as we don't want to get off process, so everybody is clear, let's put it this way: If you are listening to what we are talking about here today and you would like for us to have this addressed by the Members of the House, it takes the ability under the rules to raise the issue. And if we have what they call a closed rule or a modified closed rule, where only certain agreed-to amendments to a bill can come forward, we hate to talk about process, but that's how we are prevented from asking the questions that I would hope that many of the people that might be watching this would say somebody ought to ask the whole House about this.

Do we need that missile defense Mr. GINGREY mentioned? I kind of think we do. I would like my Member of Congress to do something about that. Maybe they might even go to the trouble to write their Member of Congress and say I would like to see you vote on this, vote in favor of it. But how are they going to see it if we are closed off from even offering it on this beloved floor, which is, of course, this sacred people's House. And that's why we think the rules ought to be open.

Mr. GINGREY of Georgia. Just briefly, that is exactly right, that people in these 435 congressional districts, Republican or Democrat, they need to know how their Member would vote on an issue such as that, something that important to this country in this time, they need an opportunity to hear that debate on this floor. You know, up or down, they need to know how their Member votes, and the point made by the gentleman from Texas is absolutely on target, and I just wanted to emphasize that.

Mr. CARTER. I think most everybody understands that these bills that come before this Congress have sometimes a thousand, well you saw the one JOHN BOEHNER dropped on the floor—it's about that thick.

I mean, they have got thousands of pages of things in them. So how you vote on a bill doesn't necessarily tell you what's in the weeds, like a couple of million dollars for missile defense, a couple billion dollars for missile defense. It doesn't tell you that. And if it's not discussed, you don't know and there is not any way we can tell you.

That's why the openness of this House is so important, why an open rule is so important.

Mr. KING of Iowa. I thank the gentleman from Texas, and I think I am watching the clock tick down here, and I will just conclude in a couple of minutes.

But as I said, I just came from the Rules Committee. And there is really not room in there for a tripod and a camera and not really room for the press to operate the way they need to, and there is not room there for staff to come and make sure they are there to run the errands we need.

I know the gentleman from Georgia knows this very well. He served on the Rules Committee. It occurs to me that if the debate is where the rules will take place in this Congress, let's move the Rules Committee down to the floor of the House of Representatives. And let's elect the members of the Rules Committee from the full House and let's make sure they are equally represented between Republicans and Democrats and put the C–SPAN cameras on them and have an opportunity to have a full-throated debate on every amendment that would be offered to the Rules Committee as if this were actually the full House.

Because they are functioning, with the function of the House of Representatives in the Rules Committee, we have got to turn the sunlight on what's going on up there. Either that, or we are going to have to go back to the open rule process that has been the long-standing tradition here in the United States Congress. This is unprecedented to see the systematic destruction of deliberative democracy taking place up there on the third floor out of sight of the public eye.

Mr. CARTER. Well, we have raised a lot of issues, we have talked about a lot of things. I think we expressed our personal concern about this issue of the veracity of our CIA and whether or not they have been lying to the Congress and to the Speaker of the House, the third most powerful person and the most important person in line for the presidency.

These are issues, as the ethics issues we have raised previously, issues that have places they could be resolved, either in the leadership of this House or the Ethics Committee, they need to be resolved, Madam Speaker. We need these issues resolved, and I would finalize this argument by saying, especially this intelligence issue, before the world blows up in our face.

I want to thank our colleagues for being here with us and for helping me with this today. And I really value their opinions, and I appreciate them expressing it.

Now, we will yield back the balance of our time, Mr. Speaker.

HEALTH CARE

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

Ms. PINGREE of Maine. Mr. Speaker, it's a great honor to be here tonight. The freshmen members like to take a little bit of time and come to the floor and talk about issues that we find are of great concern both to our country and back home in our district. And so tonight I am going be joined by a couple of my freshmen colleagues and we want to devote our time to talk about the issue of health care. Given the late hour, we may not see as many of our colleagues as we would at other hours of the day, but we know this is an important issue any hour of the day, and I am very happy to be here and to have this opportunity to talk a little bit about it.

This is certainly an important time about the—for the issue of universal access to health care and expanding the access to health care. I don't know about other Members, but I would think it's a universal feeling out there that this is the number one issue for so many Americans.

I started campaigning a long time ago. I got sworn into office last January. And I can say, during the entire time I was campaigning and since I have been elected to office, for so many people, this is their number one issue.

I hear this from individuals who don't have health care coverage, people who have insurance and don't find that their company is there when they need it. I hear it from big business owners who are challenged by the cost of health care, from small business owners who don't know if they can continue to cover their employees.

It is a universal issue. I hear it from providers, from doctors and nurses and others who say, You know, when I signed up to take care of people, to make sure that their health care needs were going to be met, I didn't expect a system that would fall apart in the way that it has. This is, as I say, a universal issue. People say to me, Health care ought to be a basic right. It is extremely important that this Congress does something about the issue of health care, and we want to see you do something.

The good news is that this Congress is working very hard on putting together legislation. The President budgeted $634 billion for health care reform in the budget that we have already passed, and the Speaker of the House is committed to passing a bill by the end of July. The President has asked us for a bill on his desk this fall.

The discussion draft was released in the House just this Friday, and I, personally, can say that I am happy to see a lot of the good things that are included in there, a public plan option, better insurance regulation, insurance companies won't be able to cut people out who have preexisting conditions, reasonable amount of cost-sharing and emphasis on prevention and wellness, investments in Medicare and Medicaid, many of the things that we have been talking about and that I hear about all the time from constituents in my district are in this bill.

More than anything else, people say to me you need to pass universal access to health care. You need to do something now. And I feel like we are right here in the middle of this, and we are moving forward on this.

In my own district, like many other of my freshmen colleagues, every chance I get during the break, on weekends, we have been meeting with groups of individuals. And as I said, this spans from constituents who I meet in the grocery store, who tell me about their individual challenges, to doctors, nurses, providers, nontraditional providers, to chambers of commerce. And, once again, what I hear is they all want change, and they want things to move forward.

I had the good fortune of being a State legislator in the past, and this was, back when I first ran for office in 1992 as a State legislator, again, one of our number one issues. And it's amazing to me now, 17 years since then, it hasn't gone away, in spite of the many things we attempted to do in my home State, the State of Maine, to take on the pricing of prescription drugs to attempt to expand access to more individuals in our State. On each and every one of those we made progress but we haven't gone far enough.

And when I hear from my colleagues, my former colleagues in the State legislature, my daughter, who is the Speaker of the House—and as you can imagine, I am very proud of her—the one thing they say to me is, You have got to do something about this. We have tried as hard as we can in our home State, but we can't go it alone. States across the country are feeling the exact same challenge, but they want now to have us at the congressional level to do something about this.

Now there are many things that we could talk about tonight. We even have a few charts and graphs, but let me just get started by recognizing my good friend and colleague, Mr. BOCCIERI from Ohio. I know he is hearing about this quite a bit in his home district, and it would be great if you could just talk a little bit about some issues and concerns and then we can keep going on this topic.

Mr. BOCCIERI. I thank the gentlelady from Maine not only for her extraordinary work on the House floor here but also on the Rules Committee. We appreciate your efforts to help move the country forward. There is no question, perhaps, the biggest issue that we will address in our freshmen tenure and perhaps for the time that we serve here in the United States Congress is health care. And there is perhaps arguably no more important issue that we could tackle as a Nation than to get our health care costs under control.

And I know the gentlelady from Maine is hearing what I am hearing back in my district, and that is that people, working families in our district, are one accident, one medical emergency, one diagnosis away from complete bankruptcy. And, in fact, in 2007, 60 percent of all bankruptcies were due to medical costs, some accident that a family had sustained or some unsustainable costs that had arisen because they had contracted a disease or some sort of cancer. And we need to do our part here in Congress to make sure that we are working on this issue and getting these costs under control.

They predict right now that 16 percent of our gross national product is for paying health care. And that in a few decades that cost could grow as high as half of our gross national product. That is absolutely unsustainable for our future.

And we have an obligation to make sure that our country can be competitive, that we can have a workforce that is not only well educated and trained but has access to the basic fundamentals of prevention and healthy lifestyles and access to seeing the doctor that they choose.

And when I speak to my constituents back in Ohio, in northeast Ohio, I talk about the five Ps of health care, the five Ps, the fact that we need to cover all people. Now, when we talk about covering all people, we need to understand that by not doing so it's actually costing all of us paying into the system more money. Those 46 million uninsured or underinsured people who can't seek access to their doctor because their health care effectively ended when they got their pink slip at the job, because they can't afford a COBRA payment, they are uninsured or underinsured.

And when they use the hospital emergency room as their primary care physician, they are costing all of us paying into the system four if not five times more by using the hospital room, the emergency room as their primary care physician. We need to cover all people.

And to those Americans who might be listening tonight, we need to understand that the American taxpayer right now is paying to make sure that every man, woman and child in Iraq has access to universal health care coverage. Now, it's inconsistent that we would pay for Iraqis to see the doctor they want to but yet not Americans.

The second P is that we have portability, that our workers, when they get that pink slip, God forbid, that they can take their health care from job to job to job. Portability, covering all people.

The third P that we have in our five Ps is making sure that we provide incentives for prevention, because prevention should be tied into all of this

with respect to healthy lifestyles ending the chronic diseases that plague so many.

□ 2145

And we have to end preexisting conditions—insurance companies using as a notion of disqualifying people from seeing their primary care physician the notion of preexisting conditions. And when that worker in a factory in Canton, Ohio, loses their job and they get hired by another factory with another set of health care principles and another set of health care opportunities, and they were a diabetic, God forbid, it becomes a preexisting condition now that they are seeking treatment from their physician for routine coverage that would have been covered previously.

We need to end preexisting condition. Portability, covering all people, adding prevention, and making sure that physicians and doctors are making and prescribing the types of health care that our patients should seek. Those are the five Ps that I hope we have in this great and robust dialog here on Capitol Hill.

So I thank the gentlelady from Maine for bringing this issue, and I hope that we have a very spirited discussion about how we can move this issue down the field.

Ms. PINGREE of Maine. We're joined by another one of our colleagues, but you mentioned some of the cost issues. Since we have a couple of charts, I thought I might just put them up here right now.

You talked a little bit about the expenses of health, and here's one that shows how our national health expenditures have really just, as they say, gone off the charts. This is one of those charts, actual and projected, that shows that we can no longer afford this.

People always say to us, How are you going to pay for health care? I say, when I talk to businesses, individuals, I say, How are we going to afford the system the way it is? And this is one of the charts that really, really shows that.

Let me just show another one right now. I think this is one that we don't have to tell any of our constituents. We, again, hear it all the time. We hear it from business owners who say they're worried that they can't cover the cost of their employees anymore or they have really cut back. But here's one that just shows, since 2000, health care premiums have doubled while wages have only gone up by just 3 percent.

So it is no wonder that people everywhere we go are saying to us, We're just dropping our coverage. They're just going without coverage or they're going for the $10,000 deductibles. How many constituents have you seen that say, I've got a $10,000 deductible and a very expensive plan, and I spend the whole year paying that $10,000. Why do I even have insurance? That's just something I feel like I hear all the time.

Why don't we welcome our other colleague, the other night owl here, Congresswoman HALVORSON from Illinois. And we're just so pleased to have you join us and hold forth.

Mrs. HALVORSON. Thank you. I want to thank Representative PINGREE for leading this hour tonight. It's great to join you, as well as our other colleague, Mr. BOCCIERI.

Health care has been a topic that comes up every year, but yet nobody finds the time to really, really put their nose to the grindstone and get something done about it. It's probably the top issue to all Americans every day, talking about how are they going to afford these skyrocketing costs. It's also an important topic for businesses across our country and especially for our national budget.

Tonight, I want to focus, I think, on the urgent need for health care reform. And it's a personal story for me. It's personal to me and my constituents who are struggling with the medical costs, and it's personal for so many Americans that are struggling with these health care costs across our country.

I know what it's like for someone to struggle with health costs because of a lack of access to good health insurance. I've seen my parents take this battle on. Growing up, my dad was self-employed, and my parents just couldn't afford health care. Being self-employed, it was virtually an expense that we could not take on. In fact, I'm not even sure I remember going to the doctor. It was just something we didn't do.

Later on in life, my mom was only 49 when she was diagnosed with breast cancer. I can remember my parents spending all their time focusing on how to pay for the bills instead of focusing on her health. And it was very, very depressing for the whole family.

I can remember her talking about—and, remember, she was only 49. She's okay today, but I can remember her spending the next 15 years of her life just wishing and hoping she could make it until 65 so that she would have health care again, because virtually with that preexisting illness she could never have health care again. And that was so sad to our entire family.

And I'm not the only one that's been through it. I hear story after story after story, and certainly true with so many people with preexisting illnesses. My mom was very fortunate. She won her battle with breast cancer. But even today, many, many families find themselves in that same situation, and it shouldn't be that way. Even families who do have health insurance find these rising costs or they have the false sense of security that they have health insurance, only to find some of these costs and some of these tests, that they're denied.

So, in order to compensate for the care for the uninsured, families are paying about $1,000, each family, in additional costs each year in their own health care plans to cover those without insurance. So, it's obvious we need health care reform.

As Congress takes up this health care issue, we have to follow and focus on the following priorities. We need to reduce costs. We need to preserve everyone's choice of doctors and their plans. We need to improve the quality of care. These are the keys to successful reform health care and reforming of health care in America.

The cost for an average American, for businesses, and for our country are out of control, and they're still rising. As Representative BOCCIERI said, 15 percent of our gross national product, and it's going up every year. And it's just becoming one of the biggest burdens not only on families, but on businesses also. So we need health care reform. We need to reduce these costs.

Secondly, when we're talking about health care, I don't think there's anything more important than a person's relationship with their doctor. And we need the health care reform that's going to allow you to keep that relationship with your doctor and your health care plan if you like them.

Finally, we need to improve that quality of care and we need good access to preventive medicine and we need to encourage Americans to stay healthy. This is a cultural thing, and it's not going to happen overnight. But we really need to invest in health and wellness and help change the culture of our society.

So I'm just so glad that I have the opportunity to spend an hour here with my colleagues talking about some of the things that we need to do.

Representative, thank you for having us tonight to make sure that we talk about this very important issue.

Ms. PINGREE of Maine. Well, I know that not too many of the American people are still up and watching us on C–SPAN, but those who are and those who see this later I think will be just so grateful that they're hearing one more conversation about moving this forward.

What they don't want to hear from us is, Well, we talked it all over but we backed down. We just tinkered with it around the edges. We couldn't really pass anything. We couldn't find a way to get to a conclusion. That is definitely not what they want to hear from us.

They want to hear, you're on the floor, you're working hard, you're going to pass a health care bill before you go home on recess.

I just want to add one thing, then I hope you all continue with the stories that you're hearing from your district. Just as you said, there are so many families with those kinds of stories that say, We have never had health care coverage. I pulled a few out of our office this afternoon, and they're endless, the things that people tell you, the sad things that people come up and tell you.

Here's one that says, I earn $20,000 a year. What good is a mandated policy that would cost me $400 a month with a 5K deductible? I have been stripped of my wealth over the past 30 years and in nonadjusted dollars I made more when I was 24 years old than I make now as a 53-year-old. We need taxpayer-funded health care. If it's good enough for our elected officials—which we all know very well—it should be good enough for all of us. We want health care to pass right now.

Here's another person who said to me something that I mentioned before. I feel like I hear this a lot in Maine. People who are self-employed. We have a lot of fishermen and farmers, woodcutters in our area, who go out and get these plans with huge deductibles. It's all that they can afford.

Here's somebody who said, I can only afford a catastrophic plan with a $15,000 deductible. It's essentially insurance to save my home if my wife or I get sick. I can't afford a colonoscopy, which would cost around $3,000 to $4,000. With a family history of colon cancer, the chances of my dying from this cancer are pretty good unless I was able to detect it early. But the health insurance industry doesn't care about my health. They only care about the profit and will help those who help them.

He is just feeling angry and saying, you know, you have got to do something about this now. That's one of the things that you mentioned.

We need a plan, and the proposals before us talk about wellness, early intervention, women getting mammography, getting those early checkups and treatments when you need it.

Before I turn it back over, I just want to share my own story, or a little bit of it anyway. I had a brother who died of melanoma, which is almost always a tragic and difficult form of cancer. He was diagnosed 20 years ago, so he would be about 60 years old today. He was 40 at the time.

But without going into all the details—and sadly, most of them haven't changed, but his employer dropped his coverage. He was unable to get the kind of coverage that he needed. He and his wife had to basically turn over all their assets so they could be eligible for Medicaid.

I can guarantee you that my brother spent the 18 months of his illness worrying about how he was going to provide for his family when he was gone. That shouldn't be. It shouldn't have been that way 20 years ago. It's shocking to me to think that this is 20 years later and, really, people have the same problems, or worse.

We haven't fixed the system. It's only gotten more difficult.

So, hold forth.

Mr. BOCCIERI. The gentlelady from Maine is absolutely correct about how this dilemma that is facing our country has impacted many families not only across our districts but across the country. We have a responsibility and an obligation to fix this issue so that we can remain competitive as a country and help our citizens.

Now, I want to tell you about a personal story myself. As an Air Force pilot who was deployed all over the world, I had to get shots so that I wouldn't get sick when I went overseas. I received a couple of anthrax shots as part of our mobility deployment, and I was having these terrible reactions. My knees were swelling up. They were getting red. So the flight surgeon suggested that I should go see a rheumatoid specialist. I waited nearly 3 months to get in to see this rheumatoid specialist, and then I waited 2½ hours in the doctor's office when I finally got there.

When the nurse ushered me into the doctor's waiting room there, I sat on the table for about 20 minutes. The doctor came in. He did some movements with my knee and he said, Son, you're getting older. I said, Doctor, I could have made that diagnosis. But, I said, These are recurring as a coincidence to these shots that I have been getting.

So he went in the corner, wrote a prescription, and said, Call me in a month after taking these pills to see if this works. I said, Doctor, I'm 30-something years old. I'm in good shape. I want to figure out why this is happening. We went back and forth for a couple of minutes and he said, Son, I have got to get down the room to see 15 other patients so that I can keep the lights on in this building. And I thought to myself, Is that what we have reduced health care to? Is that what we have enabled our system to give and administer to our citizens? They deserve better.

And that's why our choices for the bills that we are introducing are going to add some significant improvements. One, we're going to make sure that Americans have more choices to see the doctor that they want, to develop and sign onto the plans that they want and to make sure, number two, the number two guidepost we have is that bureaucrats and bean counters are not deciding the type of health care that our citizens should get.

And, lastly, we want to make sure that families understand that there's enough money in the system. We hear from the other side about how are we going to pay for this. This is going to be more resources coming down here to Capitol Hill and being disbursed out.

We know this much, that one-third of the $2.5 trillion that we spend every year on health care, one-third of that never reaches the doctors, never reaches the patients. It's lost somewhere out in the administration of the system.

□ 2200

We know one-third of that money could be given and could be used to cover the 46 million uninsured and underinsured. So conceivably there is enough money in the system to pay for those people who are uninsured and underinsured. In fact, we hear that families have found that nearly 7 percent, in 1987, 7 percent of their median household income was being used and devoted for health care. And now it has grown to nearly 20 percent. In fact, Americans spend more than any industrialized country on health care, nearly $7,000 over the aggregate for a year, for a family, for a working family. And yet our health care and our life expectancy is on par with Cuba. It is on par with Cuba.

So we have got to make systematic and fundamental changes, as the gentlewoman said, to focus on prevention. Four cents of every dollar is only focused on prevention. Yet we have some of the worst chronic diseases that continue over this period.

So we want to stress that folks will have more choices, that bureaucrats and bean counters won't decide, but doctors and physicians will decide the type of health care that they get, and there is enough money in the system to pay for itself. Those are the three guideposts; those are the three beacons that we are using as we drafting the legislation here in the House.

I yield back.

Ms. PINGREE of Maine. I just want to reinforce one of the points you made about what you hear from physicians. I don't know about you guys, but I feel like every time I sit down and meet with a group of doctors, I feel like I'm in a completely different era than when I first ran for office in 1992. When I was first elected to be a State senator and I would meet with my local group of physicians, the first thing they would say was, you just keep your hands off health care reform. We are perfectly happy with the way it is going.

I would meet the occasional member of the practice who would say, I have got a few sources of dissatisfaction, but I mostly would meet with resistance. And when I recently met with a group of physicians in my district, I thought I was in a completely different country. Just as you said, it was physicians who are saying, I don't have any time with my patients. I signed up to make people well. And now I feel like I turn people away. I can't take low-income patients because I can't afford it. I have a room full of people that just fill out the paperwork for the insurance companies, and then half the time, the things that I know my patients should have are denied. And the kind of treatment that they should be getting, they are not able to get because they are turned down time after time.

I know people are going to find this hard to believe, but a group of Maine physicians, the Maine Medical Association affiliate, actually took a poll of themselves recently; and almost 50 percent, about 50 percent of them said they were in favor of single-payer health care. Now we are not even debating single-payer health care in the current bill. But the idea that physicians now who once said to me, keep

your hands off medical insurance and the health care system, are now saying, I can't take it anymore. I cannot run a practice. I can't be the kind of doctor I wanted to be. And I hear exactly the same thing from nurses, from everyone in the medical profession who just say, This is not working. How soon can you get it repaired so I can really give the care that people want? And I'm sure that you all have had similar or other experiences you want to share.

Mrs. HALVORSON. And I think the reason being is because they spend so much time on paperwork, and it is so much like a fee for service. They want to take care of people. That can't even keep them healthy. They spend all their time just curing ailments. So I think as the culture changes how we want to keep people healthy has not been very good for the doctors. Just like with the hospitals, they are seeing so much uncompensated care, they can hardly keep their doors open. In my district, several hospitals have already closed. They are just not able to keep the doors open because people are just not paying their bills. So they feel that if everybody has some sort of insurance, maybe they would get something.

When we talk about reform, do you know how much money we would save if hospitals didn't have to do all that cost shifting? They could spread the costs instead of charge people more who have insurance.

One of the other things we haven't talked about yet is Medicare part D and how our seniors who fall into that doughnut hole very seldom come out of that doughnut hole. And that is something that I brought up last week and that is one of my priorities. It is a huge challenge facing our senior citizens. And I have been working with AARP on trying to figure out how do we close that doughnut hole.

In fact, out of the entire country, Illinois has more seniors who fall into that doughnut hole than anybody else in the country. Thirty-two percent of our seniors fall into that doughnut hole. And very few of them ever come out. So we are working together. We need to do something about helping them. Lately, as you have heard, the pharmaceutical companies are coming out talking about how. So I think we will be able to come up with a very good compromise on how we can all work together to help them. I think that we have to think about that.

We think all of a sudden our seniors have Medicare or Medicare part D and that they are taken care of. Nobody thinks about the fact that once you hit a certain point you are on your own until you get to another point. There is a lot of money in there that you are going to have to pay on your own besides the cost of the premium. So there is a lot that we have to think of. And at the same time, I think there is a lot of places where we can find reform.

Ms. PINGREE of Maine. I will just jump in on that only because the issue of the pricing of prescription drugs is a big part of my own personal history in politics and one of my great concerns. I think I have the oldest population in the Nation in the State of Maine. So between MIKE MICHAUD and me and the two United States Senators, we cover some of the oldest Americans, and we are about 38th in per capita income. So we have a tremendous number of people who really struggle to make that decision every month: Do they pay for their medication or put food on their table or pay their heating oil bill?

Now, everyone may not agree with my particular perspectives on this, but I think one of the big mistakes when the Medicare part D bill was passed was that Congress specifically prohibited negotiating with pharmaceutical manufacturers for a better price. So here we are, the biggest purchaser of prescription drugs in the world on the Medicare plan; and when the bill was passed, and luckily none of us were there so we don't have to take responsibility for that, but there was no provision for negotiating for drugs.

Now, every other country in the world negotiates for a good price for prescription drugs. So in a sense, it is like we pay the highest prices in the world so that we subsidize everybody else. And I won't go on to my giant rant, but this was one of the bills that I passed when I was a State legislator on helping to regulate the pricing of prescription drugs.

I will just say that one of the ways I really got involved in that and very interested in it was because Maine is a border State, we have a lot of seniors who get on buses, bus trips for seniors and go to Canada to buy their medication. And you can buy medicine in Canada, sometimes it is exactly the same drug that you would buy just across the border for one-third or one-quarter of the price. And it is not because it is a subsidized price up there, because these aren't people with the Canadian health care plan, but because the Canadian Government negotiates for a good price.

So in my opinion, and I have signed on to H.R. 684, which is by our good friend and colleague, Representative BERRY, that bill would force us to look at this and to do something about the pricing of prescription drugs. And I think that is one other thing we have to address if we are really going to bring down the cost of health care, the one thing we know is that when people take their medications, they stay much healthier, whether you are a senior citizen or a person with a high cholesterol rate hereditarily and you need to keep it down.

So we know the importance of medication, and we know one way to drive down the cost of health care is to make sure that medicine is affordable. That is true of seniors and all people. And it is certainly one of the issues that concerns me and one of the things that I promised my constituents back home that even though we had passed this bill in Maine, I would take it on as an issue here in the United States Congress. And I know many share the same concern.

Mr. BOCCIERI. Well, I applaud the gentlelady's perspective because there is no question that getting costs under control are the most important facet of any health care reform package. And we talk about the health care delivery system. Really, we have sickness delivery system where we are actually doing a fee for service where folks are paid with the number of patients that they see in their hospital or their doctor's office. Well, how about providing incentives to say that, well, we didn't see any patients today because they are all healthy? What a novel idea that would be to provide incentives for prevention.

This is the type of plan we are embracing here. Our plan talks about prevention. It talks about rewarding citizens who are living healthy life styles, doctors who are able to have this relationship, as the gentlelady from Illinois suggested that we have to have a relationship with our doctor not necessarily one where you come in, you bounce in for 5 minutes, and he writes you a prescription, and you are out the door. That is not health care. That is not health care. That is not even health care delivery. To me that is something so far disconnected.

So our plan is going to make sure that we have more choices, better time with our doctors, more choices in the types of who we get to see and who we are able to see and to make sure that doctors and physicians are describing and predicting giving and subscribing the type of health care that we should have.

□ 2210

We should not have a bean counter at an insurance company deciding whether we should have an MRI, or a bureaucrat in Washington deciding if we should get this procedure or prescription drug. It should be left to physicians and doctors and our health care professionals.

And our plan will address the amount of money that we spend on health care. By getting costs under control, covering all people and making sure all people have access to health care, we actually will reduce the cost of health care because that diabetic that lost their job in Canton, Ohio, now can't get the syringes that they need to give themselves insulin, and they can't buy their prescriptions, and all of a sudden they need to go to the emergency room because of an ulcer on their foot, and they are using the emergency room as their primary care physicians. And that is costing all of us in the system four if not five times more.

By getting those costs under control, we will save money in the long run, more choices, better accessibility to the doctors we want to see, and making sure that we have the opportunity to contain these costs, keep them under control and making sure that doctors

and health care professionals are prescribing health care and not bean counters.

This is what our plan addresses, and this is a matter of our competitiveness of the country and having citizens that are healthy. And the well-being of our Nation is at stake here.

Ms. PINGREE of Maine. I am going to read a quote from one of the letters that I brought in because it reinforces your point. This person is talking about their issues with the health care system. It is a Maine constituent. It says: My wife and I struggled to get our provider to pay for special infant formula that our oldest son needed to live due to his protein intolerance. This was despite our specialist doctor showing us a letter in which the insurance company had agreed in arbitration from a previous case to pay in full for the formula in cases like our son's.

This is clearly one of those examples where it is a bureaucrat or a bean counter who is denying it just to save the insurance company some money.

This same person also says in another example my brother-in-law was denied cancer treatment that his doctors had recommended, and only began his treatment after the insurance company overturned the decision on appeal. The delay may prove fatal to him.

Both of you have said this over and over again, people want to go to their doctor or their primary care provider and get the advice they need, follow the treatment plan that they recommend, and not be told by a bureaucrat in Washington or an insurance company that they can't do it just because they are trying to save money on your health. I agree with you, we need cost-saving measures, but not on people's essential treatment.

Mrs. HALVORSON. That is so true. We hear story after story in our district office. I have a letter that was especially devastating to me. It caused me to actually put in a resolution or sponsor a bill. This constituent was a widowed mother of two. She was actually denied private health insurance because she attended grief counseling. Her husband, who was the primary wage earner, died suddenly at their home in front of the family. As a way to cope with the situation, she enrolled the family in group therapy. And at the same time, she was also faced with trying to find new health coverage for herself and her children because her husband just died in front of the family. While searching for that new private insurer, she was denied over and over again because she was participating in that grief counseling. So that is why I filed H.R. 2236, which we called the Grieving Families Insurance Protection Act, because we do not think health insurance companies should deny you health coverage due to family members needing grief counseling at awful times like this.

Ms. PINGREE of Maine. They really wouldn't allowed her to have insurance coverage, and that was their stated reason?

Mrs. HALVORSON. She could not get health coverage because she was attending grief counseling, so they would not give her health care. And isn't that a shame. This poor family, actually the father, the husband, died right there in front of them. The family obviously needed some help, and they couldn't get it.

So these are the kinds of things that we should never be putting people through. That is the other thing, it is not just people not having health care. I don't want people to have health care and give them that false sense of security because then they think they automatically will be taken care of, and we need to make sure that people are being taken care of and they have health care, not just necessarily health insurance.

Mr. BOCCIERI. Let me add something to the gentlelady's remarks. We talk about this notion of 46 million uninsured and underinsured folks. Let's explain for a minute what uninsured and underinsured means.

Uninsured means you have absolutely no health care coverage. If you were injured or had to seek routine medical care, you couldn't go to a physician unless you paid out of our pocket.

Underinsured are people who don't have quite enough insurance because they got caught in that preexisting net, that factory worker who lost their job and their health insurance with that pink slip, got rehired down the line but because they were a diabetic, that condition was preexisting, so they can't seek treatment. They are underinsured because they don't have enough insurance to cover all of their medical needs.

We found in a medical study that was published last year that health care insurance companies spend $84 billion every year to block, deny, and screen patients from seeing their physicians; $84 billion. In that same study it showed that only $77 billion would be required to cover all of those 46 million uninsured or underinsured. It actually would be cheaper to cover all of the folks who are actually costing us more by not seeing their primary care physician.

So we have an opportunity now with the bill that we have rolled out to end preexisting conditions, which have been one of the biggest albatrosses in health care in my opinion for such a long time; not being able to see the doctor because you have a condition that existed prior to your employment at some factory.

So this is something that affects middle class Americans all over the United States. I think if we address this, preexisting conditions, portability from job to job, covering all people so they are not using their primary care physician in the emergency room versus seeing the doctor that they want to see, and making sure that we provide incentives for prevention so that people are living healthy lifestyles and we are able to provide prevention and allowing physicians to make those medical diagnoses, that is what is going to be the cure for our health care dilemma here.

Ms. PINGREE of Maine. Preexisting conditions, it is kind of shocking when you hear those stories. I heard about a State the other day that didn't have a requirement that insurance cover you in spite of a preexisting condition. And someone told me about an insurance company that considered women of childbearing age a preexisting condition. So that didn't mean you had a child, it meant you could potentially get pregnant. You may have already decided never to have a child, and why shouldn't your insurance company cover you, but they weren't going to take any chances. Why don't they just say we only want healthy people who promise never to get sick. And if you get sick, we will deny you coverage.

I come from the State of Maine, where the State legislature has already required that insurance companies cover you in spite of preexisting conditions, and that is really a great reform. Maine is one of the leaders in health care reform. We have a very high number of people who have some form of insurance coverage. Many of them are on Medicaid or our MaineCare system. But the fact is, what my colleagues in Maine tell me, and I certainly felt when I was in the State legislature, is States can't go it alone. Many States in the country have passed these kinds of regulations, but then it makes it hard to compete with the State next door that doesn't bother doing any of that, or charges all the sick people more than the people who are well, and doesn't have a community rating kind of plan.

One of the issues that we are facing now, particularly in States that are having a hard time holding their own budgets together, is they are saying to us: Let's makes this universal. Let's make it the same kind of coverage from State to State. And you mentioned portability. There are a lot of people now, and I forgot what somebody called the term, it is something like job lock, people who stay in their job because they are terrified to leave that job because they can't go without health insurance, or their spouse is sick or one of their children is sick.

□ 2220

I meet people who say, you know, I've got a great idea for starting my own business. I'm ready to go out on my own, and I could create a job vacancy for somebody else here who would really like to come and work at this company because I'm ready to go do something else. But they can't take that risk. People who have just enough set aside to retire who say, I am ready to retire, but I don't dare be out there without health care coverage, so they don't retire at 57 or 58. And in this economy, where we can use any job we can find, having health care coverage

would do more to boost the economy, I think, than many other things.

I often say about the State of Maine, where, as I mentioned, a lot of people are self-employed, we have a lot of fishermen, or they run a small business or some kind of little entity that they are making enough money, people say to me all the time, We make enough to get by. We do okay. We own our own home. We make our own home repairs. We're doing all right, but it's health care coverage that we're worried about, our health care coverage that we can't afford and then we go without.

And exactly what you mentioned earlier, those are the very people who, when they do get sick, have to go to the emergency room, who often depend—and they hate it, they depend on charity care at the hospital, uncompensated care. And I have the same situation, a lot of rural hospitals who depend on fund-raising drives just to keep the doors open, who are desperately coming down to see us all the time to say, We can't keep the hospital open. What are we going to do? And that is a vital part of our infrastructure.

Mrs. HALVORSON. And something else that we haven't talked about is the outreach that I've tried to do—and I know a lot of Members of Congress have done—is with our FQHCs, our Federally Qualified Health Centers. There is a very important place for them because there is so much that they can do in the meantime for those who don't have insurance or those who aren't able to get the health care they need. I've toured so many of them in my district. They do a wonderful job. And so, in the meantime, we should be doing everything we can to make sure that people have a place to go where they can have a medical home, where they can feel comfortable and take their children.

I know in Illinois we have FamilyCare, where every child has health care. There are things, but we should not be doing this State by State. We spend a lot of time and effort doing these things State by State. That is part of the reason I ran for Congress. Even though I was a State senator and I spent so much time working on health care, we knew this was a Federal issue. So this is something that needs to be done on a national level, and it's something that everybody working together is going to be able to get accomplished.

Mr. BOCCIERI. Will the gentlelady yield? I know that there might be some apprehension out there from our seniors about health care reform. And let me stress to you that our plan allows you to keep the doctor that you want to keep. If you like the doctor that you're seeing, you can continue seeing that doctor. If you don't like the doctor that you're seeing and you would like to get into a different plan, it will allow you to go into a different plan.

There will be more freedom under this bill. There will be more freedom under these proposals. And we're going to make sure that physicians are telling our seniors, health care professionals are telling our seniors the type of health care that they need, whether this MRI was authorized, whether this cancer treatment was necessary and prudent. We want health care professionals to do that. We do not want bean counters making decisions based upon what the bottom line and dollars are going to be.

Now, the gentlelady was talking about what she did in the State legislature. In Ohio, we had a very similar situation where insurance companies were delaying payments to doctors who ultimately run a business. When you see your primary care physician, they have staff. They have a payroll. They have to keep the lights on. They have to pay utility bills just like any small business. But when you do look-backs and you suggest whether this MRI was really necessary or authorized, whether this x-ray was necessary or authorized and you delay those payments over a time period, the physician can't keep the lights on in the building, and that should end. We passed a bill in the State legislature called Prompt Pay to make sure that insurance companies were making best efforts to pay those bills on time so doctors could keep the lights on.

Additionally, we were doing health care simplification so that we could involve a little bit of health care IT, medical IT, so that when you roll into a hospital, God forbid, after an accident that's in your region, when they pull up your name, when they pull up your identification, they're able to identify who you are and your health care records.

The military has been doing this for years. In fact, on our military identification card, we have the medical technology to pull up all my medical records. If I rolled into a hospital or to a VA facility or to a military hospital, on my card, they would scan it in and my complete medical history would come up. And on that, you would be able to tell whether you were diabetic, what type of treatments you've had. And that ultimately is going to cost hospitals less because they're not going to run these battery of tests to see if this person is a diabetic because they know that John Doe, when they came in, has a medical history and it's on their card.

Perhaps this is something we should do. We're doing it in the military. It's something that we ought to explore for Americans so that they can have quick access to their medical records.

I yield to the gentlelady.

Ms. PINGREE of Maine. You know, absolutely. I think it's one of the reasons why earlier this year we went along with the President's proposal and invested so much in health information technology. It has been clear to people for a long time that so many different insurance companies and so many different kinds of forums just make it difficult for practitioners to run a business and hospitals to operate, and as you said, for people to get the kind of medical care that they really need.

Well, we are at about time to wrap up here. I will just kind of go over again from my perspective, and certainly will let the gentleman from Ohio close with a few thoughts as well, but I just want to emphasize again that from my perspective, in my home State—and really what I hear across the country and everywhere I go—people say, Can you get a health care plan passed? Are you going to do something about all of the things that we've been talking about tonight? People want the coverage, they want a choice. As we've said many times, if you like your plan, you can keep it; if not, there will be real alternatives.

They want affordability. People are willing to buy health care, but they want to know that they can afford it. This plan that has just been released has a shared responsibility from employers and individuals alike. It has real components to control costs. It makes a serious investment in prevention and wellness and invests in the health care workforce, something we haven't talked much about tonight. But I know I come from a State where there is a tremendous shortage of health care practitioners—doctor, nurses, those people that are needed to do this job to make sure that we can have good care, and that is part of the legislation is to really look at investing in our workforce.

I feel very hopeful, I feel hopeful that we have already moved us forward as far as we can, that there is a sense around here really from both sides of the aisle that we don't have to debate anymore whether or not there is a problem with the system. We may have differences about how we go about fixing it, but there is a real commitment to go ahead and fix it.

And I am very impressed with the President, who has just made it clear that this is something he wants to do on his watch. He wants to do it in the first year, and I think this is a tremendous commitment to really pass a health care package that works for America and get on with it.

And I yield to the gentleman from Ohio.

Mr. BOCCIERI. I thank the gentlelady for assembling this dialogue on health care. This is very important. And we know those Americans who might be listening in, those folks who are still awake after perhaps punching the time clock and working long hours, we want you to know that we are working on this issue. But we have studied it long enough. We've talked about it long enough. Now it's time to take action. Leadership is defined by action, not position, but by action. And what I applaud this President for is his bold efforts to step forward and take action on an issue that remains a dilemma for America. This is about us, as a Nation, being competitive with our foreign competitors. This is about how much

we spend on delivery of health care and making sure that all Americans have access to the quality of care that we want, not just because you can afford it but because you're American. And let me just say these things:

Number one, if you like your doctor, you will keep your doctor. If you don't like the plan that you're in, you can move to another. There is going to be freedom of choice, and there will be broad choices in the plan that has been unveiled in this Chamber.

Number two, we want to make sure that health care professionals and physicians and doctors and nurses are prescribing health care and administering health care and not necessarily the bean counters or bureaucrats that we find too often who are making health care decisions for too many Americans.

And the third issue that we need to emphasize is that there is enough money in the system already to pay for health care. The 46 million uninsured and underinsured folks who are out there, we know that there is enough money in the delivery of health care—$2.5 trillion we spend every year, 16 percent of our gross national product. We spend more than any other industrialized nation in the world, but yet have a life expectancy on par with Cuba. There is enough money in the system that is out there that we can make sure that 46 million uninsured or underinsured people have access to health care.

□ 2230

How are we going to do that? With the five P's. Making sure that all people have access to health care. If they don't, it is going to end up costing all of us more because when they use the hospital room as their primary care physician, they will actually cost all of us more.

Making sure they have a portable plan that allows them to take it from job to job to job. End this notion of preexisting conditions, that if you're working at one place and you go to another job that somehow being pregnant or being a diabetic or having a chronic disease somehow eliminates you from seeking health care from this new provider. End preexisting conditions.

Making sure that we provide incentives for physicians to not only enter the field but also that physicians are making the health care decisions.

And, lastly, prevention, prevention, prevention. Four cents of every dollar that we spend on health care is for prevention.

We can do a better job. We have to do a better job. The President has called us to action. The Nation has suffered for too long under a system that has excluded a few and allowed others to seek access. And this delivery system that we have should be about health care and not a health sickness plan that we have that's a fee for service but that encompasses all the things that we talked about here tonight.

I thank the gentlewoman from Maine for allowing me to be a part of this.

Ms. PINGREE of Maine. I thank my colleagues from Ohio and Illinois for being willing to be here.

MAN-MADE GLOBAL WARMING THEORY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, as I stand here on the floor of the House tonight, I am reminded of the television series the ''Twilight Zone.'' And these days I half expect Rod Serling to appear from behind a curtain and announce, ''This is the Twilight Zone.'' Yes, there is an almost bizarre sense of unreality here in the Nation's Capital.

The transformation of private liability into public debt on a massive scale. The unprecedented level of deficit spending, debt piled upon debt, borrowing from China to give foreign aid to other countries. The willingness to pass draconian restrictions and controls on our national economy and on the lives of our people. And while seeking to save us from a recession, Congress shovels hundreds of billions of dollars into the financial industry, much of which has ended up in the pockets of fat cats and wheeler-dealers who have been giving themselves multi-million dollar bonuses even as they drove their own companies into bankruptcy. The giveaway and the lack of oversight has been mind-boggling. And we don't know where hundreds of billions of dollars have gone, and we don't know to whom. Yet we know that the taxpayers are now on the hook for this increase in our national debt.

We have watched as this has been happening, and, of course, there are so many things that are being done here today to our people. But we also note how much is not being done that needs to be done to protect our people, which is just as mind-boggling.

Our Nation's borders leak like a spaghetti strainer. Millions of people illegally continue to pour into our country to consume our limited health care. And, by the way, we just heard a lot about health care. Why are we not hearing that we should not be picking up the tab for the tens of millions of illegals that have come into this country? But that's not part of the discussion. But millions of people are flowing into our country, and they are consuming the limited health care, education, and other social service dollars that we have. We have limited money; and yet they are taking that money, and they're taking jobs from our people.

And sometimes they come here and they commit crimes against our people. And our government just sits and lets it happen even while we are passing all these hundreds of millions on to wheeler-dealers in the financial industry. We can't even come to grips with our illegal immigration problem. We can't even build a fence.

In California we can't even build a new water system in the middle of a drought. This we are told is because of a tiny fish, the delta smelt. So our people will have to suffer because of concern over a little tiny worthless fish that isn't even good enough to be used as bait.

So last week even amidst California's tremendous difficulties, with drought conditions and a shortage of water at near crisis, this House, the House of Representatives, voted not for the people of California but for a fish. No water for our people because if we would give it to the people, that little fish might be affected in a detrimental way.

Perhaps the most damaging of the weird policies that I have described is America's longtime commitment not to develop its own domestic energy resources. Even as high energy prices have brought suffering and economic hardship to our people, we have not been developing our own resources. Even as we see dollars being siphoned from the pockets of our people and deposited in coffers overseas, enriching foreigners, some of those foreigners who hate us, while our hard-earned dollars are being extracted from us, massive deposits of domestic oil and gas worth trillions of dollars are untouched, untapped, and unused.

Even as California sinks into an economic catastrophe, off the coast are huge caverns filled with massive deposits of oil and gas just sitting there. And even as California cuts and cancels public services to our own people, billions of dollars of tax revenue could be derived by utilizing that oil and gas that's just sitting there right off our shore. Yet the State of California lets it sit there while our people suffer and the State goes broke. Trillions of dollars have been sent overseas for energy, while at home no new oil refineries, no hydroelectric dams, no nuclear power plants.

As I say, all of this seems a bit bizarre. And it may be a bit bizarre, but it is not meaningless nonsense. Those who have insisted upon these antidomestic energy development policies know exactly what they're doing. They want to change our way of life whether we like it or not. So a few decades ago, they grabbed onto a theory, a theory that the world is heating up because humankind uses carbon-based fuels. Read that oil, gas, and coal. This theory gives them the ability to stampede politicians and even stampede scientists with a certain amount of prodding and promises of being excluded from grants or promises to receive grants, but that theory gives them the ability to get these people, whether they are scientists or politicians, to support draconian policies and mandates, changes in our economy and lifestyle that they otherwise would never dream of considering and supporting.

All of this is in the name of protecting us from a climate calamity: man-made global warming. Well, the

Good Book says: ''The truth shall make you free.'' A caveat might be: ''And a lie can destroy your freedom.'' Man-made global warming has given respectable cover to advocates of a tax and regulatory policy that no one would even consider except, of course, unless it's to take care of an emergency.

□ 2240

In reality, the effort behind the man-made global warming juggernaut is the biggest power grab in history. It gives politicos who always wanted to control the behavior of normal people a seemingly legitimate reason to do so, even over those normal people's objections. This power grab was set in motion in the very first days of the Clinton administration in 1993.

When the Clinton administration took over, one of the first actions that the administration was to do was to fire Dr. William Happer, a man who dared challenge Vice President Gore. Yes, Dr. Happer believed in science, not in the junk science of radicals, and he was skeptical, although not an advocate of either side of the global warming debate.

He didn't fit in, so out he went. From there on, the pattern was very clear, and it's very clear. In order to receive even one penny of Federal research money, a scientist would have to tow the line on the man-made global warming theory. Any dissident would be quickly squashed or at least be cut off from any Federal research funding. That went on for 8 years.

So when approaching this concept of man-made global warming, we must examine the science behind it. So let's state right off, the unconscionable intimidation of the science community during the Clinton years has ensured that bad science permeates the entire argument of the alarmists who are perpetuating this man-made myth. This man-made myth global warming is based on bad science, and it's very easy to discern this by the Herculean efforts made by the man-made global warming advocates to cut off all debate on this issue.

So not only did we see people in the scientific communities being intimidated with the promise of having their research funds cut off, but now, after this, and after the presentation of the global warming alarmist alternative, let's say, alternative projects and alternative policies, that there has been an intense effort to cut off debate on the issue of man-made global warming itself. That is why in Congress they are now trying to quickly slip by a drastic life-altering legislation that is based on the science of man-made global warming. And they want to do this without confronting the basic science.

So, if we want to take a look at the science of global warming, the first thing to notice is why have those people who believe in global warming spent so much effort and so much time and been so abusive in trying to cut off debate? Has anyone ever heard the slogan, case closed?

Come on, if you really are honest, admit that is an attempt, and it was a huge attempt, to cut off debate. The debate is over.

How many heard that? Again, an attempt, not to discuss the issues, not to have an honest discussion of the science, but never to discuss the science. That is what the language—and that is the language of the debate. And what we have here is a language of debate and discussion restriction, not the language being used by the advocates of global warming for let's have an honest discussion, the words they used are aimed at limiting and restricting and cutting off debate. Case closed.

Al Gore never takes any questions. Do you know that, when he goes out and speaks and goes to universities, not only does he not debate, which would be a good idea, he refuses to take questions.

I don't know how many times have we heard, every prominent scientist agrees, so you must be a kook if you disagree. Well, every prominent scientist doesn't disagree and the names of hundreds, of those people in the scientific community, people who are heads of universities like Richard Lindzen, one of the great scientist from MIT, from all over the world there are major scientists who have put themselves on the record and taken great risk in doing so, telling them that they are, no, very skeptical and have serious doubts about the man-made global warming theory.

The name calling and stifling in this debate by the man-made global warming advocates has been shameful and a disservice to democracy. If someone so much as tries to make a joke, it is reported as if it is being serious. The people who do that are themselves admitting that they cannot stand a major scientific and truthful scrutiny and exchange of ideas.

So what about the science? Let's take a look, and I would challenge any Member of Congress to come here and debate me on the science of this issue.

First, let's talk about the so-called global-warming cycle that's being caused by human activity. That's the bases of what this whole issue is. We know that there have been weather and climate cycles throughout the history of the world, going back to prehistoric times. The global warming alarmists now are using a low point of a 500-year cycle of cooling, and that was at the end of the Little Ice Age, as the baseline for determining if humankind is making the planet hotter at this time.

So, let's get back to it. There have been all of these cycles through the history of the planet, and this cycle, there is a cycle that is going on. But to analyze that cycle, those people are saying man-made global warming, as differentiated from all the other cycles, are using the 1850s as their baseline, and that is at the 500-year low in the temperature of the Earth. It was the end of what they call the Little Ice Age.

Is that good science? Should we really be upset when there is a 1- or 2-degree rise from a 500-year low point in temperatures? So, come on, let's answer that scientific question. Let's not call me names, which is what's happened over and again, as if I don't believe in science, and I am some sort of Neanderthal, or that I am any number of pejorative names. Let's look and be honest.

Those people using names do not understand the issues and are afraid to discuss the science and the issues at hand. They are doing a disservice to our country, and they are exposing themselves as being people who do not believe in the very issue they are advocating because they can't defend it.

So, science question number one: Are they not using an unreasonably cooler moment as the baseline for analysis? Is that not an unreasonable thing to do, to start your settings and use as a baseline a 500-year low in temperature when trying to tell us that we should be concerned about the warming trend that's going on?

Question number two: What about those other weather cycles that we have had long before humankind emerged on this planet? A thousand years ago, even after we had people, things were much warmer than now. Iceland and Greenland were farmed by Norsemen. Farms, there were farms there. It was a time period a thousand years ago when there were not only cattle, but there were plants going there.

Vineland, was actually—people thought Vineland was something that Leif Erickson made up. No, there was a place, a Vineland, back in Nova Scotia, and in those days grew grapes. Well, that's because the weather was warmer then, and there was a cycle, as I say. Was that cycle—as I say, was that cycle—was the decline in temperature by the Little Ice Age, was that caused by human beings?

What about all the other cycles taking place. Were those caused by human beings? If we see that there were cycles that even happened before prehistoric man even existed, well then there must be some other explanation. Well, what is that explanation?

So, if there were cycles before human beings were forced on the planet, what is the other explanation? Well, it seems to many scientists who believed this that the cycles of climate have followed solar activity.

That's why, and I get that, the sun is the biggest force of energy on the planet, and they believe that many scientists believe that it's solar activity and not human activity that's creating this cycle, just as it did the other cycles that we have gone through long before human beings even existed on the planet.

And that also explains why we have cycles, monitoring those on Earth,

that have been observed on other planets. That's right, on other planets.

□ 2250

In recent years, we have been treated to the outcries of agony about the melting that is taking place in the Arctic. This is being used to touch people's hearts to get them alarmed so they will accept the draconian controls that will come from those people who are advocating policies to deal with man-made global warming.

They're saying, Oh, it's our activity that's causing the ice caps to melt. Well, who hasn't seen these pictures of these polar bears? The poor polar bears on the ice floe, obviously a victim of man-made global warming.

Well, not so fast. Yes, the ice cap is retreating. There's no doubt about that. But what about the ice cap on Mars? Yes. Right now, at the same time we have our ice cap that is retreating, the ice cap on Mars is retreating at exactly the same time, and it seems to be mirroring, paralleling what's going on on the Earth. Doesn't that indicate that it might be the Sun and not somebody driving an SUV or using modern technology that is creating such a cycle; it's creating the situation that left the bear in a warmer climate?

Well, if so, let us note this. If it is indeed caused by the Sun, and yet we have had all this propaganda to touch our hearts and get us to think, not to feel about the poor polar bear, let us note that if it is the Sun and it's not us, then that polar bear is the victim and has nothing to do with man-made global warming, but is being challenged, just like animals have been challenged throughout the history of our planet by planet cycles.

By the way, let me just note this. How many have not heard the polar bear is becoming extinct? The polar bears are not becoming extinct. In fact, the number of polar bears on this planet has dramatically expanded.

There are four to five times the number of polar bears on the world than there were in the 1960s. But you would believe from what you have seen and the movies and the ice caps melting and Al Gore showing, by the way, a false—a piece of Styrofoam that was breaking off in a movie, presenting to us as if that's the ice caps breaking off the Arctic. You'd think that it was that the polar bears were doomed and that we were to blame for it.

Well, here's another scientific challenge. Okay. If we have cycles already, if the ice is melting on Mars, just as it is here, what is the science behind this claim that mankind is causing the climate cycle, if there is a climate cycle, and what climate cycle it is?

So, let's have an answer to that. Let's not call me names. Let's not just say, Oh, the polar bear—I remember reading this on the Internet—the polar bear is near extinction, when it is clear from many other sources, which I will be happy to provide, that the polar bear population is actually going up. Besides that, that's not the point.

The point is that the polar bear is, whatever condition it's in, is not due to the fact that human beings can drive in automobiles or that we have to change our lifestyle and be controlled by the government in order to protect the polar bear from climate changes that our activities bring about. Man-made global warming theory?

And my colleague from Texas, if he would like to step in for a few words, I'd be very happy to have him.

Mr. GOHMERT. I certainly appreciate my friend from California yielding. With regard to the polar bears, in the Natural Resources Committee we have been hearing that by 20 years ago we were up to under 12,000 polar bears in the whole world, and now we know there are over 25,000 polar bears in the world. They're doing pretty well.

But as we know—and there's some friends here from Texas—in Texas we have a problem with overpopulation of deer because they don't know when to stop overpopulating, and so we have seasons to help keep them from starving themselves to death.

So it is a little misleading to see the ice cap breaking off and the starving mother bear and the cub. That's heartbreaking. And, apparently, it's heartbreaking enough that millions of people—or at least millions of dollars come flowing in.

You kind of hate if you've got millions of dollars coming in from people that feel bad about the polar bears—by the way, the Bush administration was asked to say that the polar bears should be on the endangered species list. But the Bush administration knew they were increasing, just like you were saying, and so what they did was compromised and allowed polar bears to be listed as threatened, even though they're increasing in population.

I'm pleased the polar bears are doing well. Hopefully, we won't have to open up additional seasons, that they will moderate their behavior.

But we also saw with the caribou and people talking about how terrible it is to produce oil in Alaska. And we heard that if they ever put that pipeline up to Prudhoe Bay, it would kill off the last 2,900 caribou that were in the area, that we just couldn't do that. It would destroy their mating habits.

Turns out, caribou now, when they want to go on dates, invite each other to go to the pipeline on cold winter nights because that oil is warm going through the pipeline and it makes them amorous. And now we're up to 30,000 caribou in that herd. So it turns out man and caribou and polar bears can do just fine.

But it does remind one a little bit of the scare that went across the Nation about chlorofluorocarbons just as the Freon patent was coming up, and lo and behold we had to outlaw CFCs that were destroying the ozone layer. It turned out we found out that one eruption of Mount St. Helens put a thousand years' worth of CFCs in the atmosphere—one eruption.

So sometimes I think that we think much too highly of ourselves as human beings and the effect that we have on the world and on the globe, when actually we do need to be good stewards of this wonderful planet, but we also should not be fearmongers that scare people out of doing things to help themselves and their families.

I appreciate so much my friend from California and his yielding.

Mr. ROHRABACHER. Thank you. I appreciate my friend from Texas reminding us of a past scare that proved not to be based on science. I remember about cranberries. Couldn't eat cranberries for 2 years because that caused cancer. I remember when they took cyclamates off the market to the cost of a billion dollars for the industry, then, 20 years later, found out that that was not legitimate.

I remember during the Reagan years, the same sort of intensity now being used on global warming was used to advocate we have to have massive controls on our economy based on controlling acid rain. And what happened to that? Ronald Reagan held firm. There was a scientific research project that went through for a $500 million research program that showed that, yeah, there's a little bit of a problem with acid rain, but not very much. In fact, it was not the threatening force that we were told at that time, which would have cost tens of billions of dollars if we tried to use their agenda, what was being put forward in order to ''stop acid rain.''

Well, the man-made global warming theory, again, is like that. It is based on another scientific factor, and that is CO_2. So let's talk about CO_2.

CO_2 is a part of what is in the atmosphere. CO_2, carbon dioxide, is a miniscule part of our atmosphere. So, CO_2 is, yes, part of the atmosphere, but it was always considered a very small part of the atmosphere.

Let me just make sure we get this right. That CO_2, most people believe that it is a large part of the atmosphere, because I have asked them, but in reality it is less than .04 percent. So what we're saying is much less than one-tenth of 1 percent of the atmosphere is CO_2.

□ 2300

So at that rate, basically when we take a look at that, one-tenth of 1 percent and 80 percent of the CO_2 in the atmosphere is not traced to human activity. There has been, over the years, times when CO_2 was going up. Now we are being told that the rise of CO_2 is causing the atmosphere to warm. But we have times when CO_2 was going up, but it didn't seem to affect the climate and the planet. For example, if man-made CO_2 causes warming, then why is it that when mankind was using much more CO_2 in the 1940s, 1950s and 1960s, as the CO_2 was rising, there was an actual cooling going on in the climate?

Okay, so let's hear the science about CO_2. Why is everyone afraid to try to look at the specific science? If CO_2 causes warming, why is it, when there were dramatic times of CO_2 increase that the Earth got cooler? I had one person suggest that the pollution in the atmosphere completely overwhelmed the greenhouse effect during that particular time period. Well, if that is true, then what we have to say is the Clean Air Act of 1970 is directly responsible for man-made global warming. And does anyone believe that? No, of course not. By the way, anyone telling a joke or trying to make humor is always reported as if that person is being serious.

So here is another scientific challenge. The recent studies show that over 80 percent of America's temperature and weather stations, the monitors who have been collecting the information that is being passed on to us by the global warming, man-made global warming advocates, that 80 percent of these stations have been compromised and are faulty in the information they are providing. The numbers have been skewed. They are suspect because the monitors have been placed in locations that do not meet the National Weather Service basic standards. In other words, the equipment is being compromised. The figures coming out of the equipment cannot be relied upon. And our system, with its 80 percent of the monitors that do not meet the standards, has been heralded as the best in the world.

So think about that, what is going on in the rest of the world. What we are talking about here is we are talking about a 1-degree, of course, rise in temperature, from the depths of the mini-ice age, and yet now we have these monitors that even by today's standards are substandard. And that is by today's standards, not back in the 1860s and not in other parts of the world.

So how is that for a scientific challenge?

If the data is being based on monitors that don't meet scientific standards either today or in the past, how could we pass laws with taxes and controls on our people if the so-called problem is based on bogus or absolutely unscientifically obtained numbers? And even with the current methods of collecting data, we have been warned time and again of dire predictions.

So the numbers themselves are suspect. But those people who have been warning us about those numbers over the last 20 years have been spreading incredible alarm, as exemplified by Vice President Gore and others. The temperatures, we were told over and over again, were going to climb. And they were going to continue to climb, and then it would reach a tipping point, and then the temperatures would really jump up. Well, wake up. Let's talk reality here. Again, let's talk science. Let's quit saying ''case closed.'' Let's not give speeches but never take any questions. Let's quit saying that all the scientists agree when there are scientists all over the world disagreeing.

They were wrong. When they said that there was going to be a continued climb in the temperature, they were 180 degrees wrong, much less having reached a tipping point which then jumped the temperature of the world by even a larger amount.

It has not gotten warmer for over a decade. And it looks like it is still getting cooler. Now, that is totally contradictory to the predictions of the alarmists and those media people around the world who pushed that idea. It is totally contradictory to what was aggressively told to us, to what was foisted off on the American people and people throughout the world. They were totally, 180 degrees wrong.

Please let's talk about the science here. Come and talk to us about why, if your major prediction was that the Earth was going to continue getting warmer because of this CO_2 that comes out of the engines that we use and the coal and the oil and natural gas, if that was what you were saying and that you were very aggressive in your advocacy of this, now that it hasn't happened, come and talk to us. Don't dismiss us. Don't try to pass a piece of legislation here based on the alarms that went off 15 years ago that have been proven not to be true.

So that is another scientifically based challenge, again, not just ignored; but I would say that this is the arrogance behind never answering these types of science charges remains evident. Please don't ignore it anymore. Please let's respect each other, and let's get away from this basic idea that you can just shut off debate. But let's pay attention to what the debate was like before, if there was any debate. There was just a one-sided debate, because people weren't able to get any government grants, so we had a one-sided drumbeat going on. But those people were aggressive in that man-made global warming was being caused by CO_2, and we have got to control human beings for this.

Well, by the way, they don't even use the words ''global warming'' any more. Think about that. We have a situation that people who were just aggressively talking and putting down anybody who disagreed with them about man-made global warming, now they use the word ''climate change.'' Now if I am proven wrong in a point, if I were to be proven wrong in any point of this speech, I will apologize, and I will change my position. I won't try to change my wording so it sounds like I was never wrong in the first place. These people were wrong. Remember it. Every time they say ''climate change,'' remember that that is an admission that they didn't know what they were talking about before. Man-made global warming. Their dishonesty is underscored every time they use the phrase ''climate change.''

Now, no matter if it gets warmer or if it gets cooler, they can tell us that that backs up their theories, and we should do what they say, because now whether it is warmer or cooler, they have been proven right because they were saying and they were predicting nothing. Well, they believe they should have the power to tax and control us, even though the preponderance of evidence shows that the cycles that we are talking about were not global warming cycles created by human activity or even a cooling cycle created by human activity, but instead something that is based on solar activity.

Let me note this, the gang that told us that human activity was causing the planet to warm and to dramatically heat up, now I say they are using the word ''climate change,'' is an admission of something. But what is it an admission of? They were saying ''global warming,'' and now they are saying ''climate change.'' It is basically an admission that, yes, for 10 years the world has been getting cooler. So if human activity through CO_2 was making it warmer, then maybe it is a good thing that human beings will mitigate the cooling cycle.

Now they are sort of admitting we are in a cooling cycle because they are saying global ''climate change'' and not ''warming.'' So if they said that our activities were going to make it warmer, and now they have admitted they were wrong because they are using a different word, and it is actually getting cooler, then will the human activity that they were complaining about before that was making it warmer, well, logically then shouldn't Al Gore and these other people be advocating more fossil fuel use? Anybody who advocated global warming before and now says ''climate change'' is admitting that it is cooler now, that maybe we are in a cooling trend.

Well, if they believed that human activity made things warmer, maybe they should be advocating that we use more fossil fuel to mitigate the problem of a declining temperature of the planet.

□ 2310

So all of Al Gore's scientific mumbo jumbo is deceptive, and the contention that all of the prominent scientists that agreed with him was not true, wasn't true then, and it is especially not true now, and I would like to add to the RECORD, Mr. Speaker, a long list of prominent scientists who opposed the man-made global warming theory.

Temperature predictions have been wrong. The CO_2 premise is wrong, and we now find out that the monitors that were used to collect the data that were placed next to the air-conditioning exhaust vents in parking lots and on top of buildings near to heat sources, which of course made all of their data unreliable, we now know that was done wrong. And we also know the methodology of using computer models has been questionable from the very beginning.

We know the saying garbage in and garbage out. But let's look at the computer models we have been told are the basis for all of these predictions, many which we now know are wrong. No one was permitted to hear the questions, and no one was permitted to ask follow-up questions. And what about the information that was fed into the computer?

We weren't actually able to find out exactly what the basis of and what was going into those computer models. That was kept from us as well. But we do know that the projections have been wrong. We know there has been an attempt to stifle and shut up debate. People have been called names. Grants have been denied and personal attacks have been evident. All of this has been wrong.

So let's review the scientific challenges of man-made global warming, of the man-made global warming theory, which they have even given up because they now note that it is getting cooler, which is contrary to all of their predictions, because now they use the word ''climate change.''

I have issued a challenge to any of my colleagues to debate me on this issue. No one has come forward. And yet these very same people who refuse to debate the science will vote for draconian legislation that will implement the recommendations of global warming alarmists, even though these people have not stepped forward to debate, they will vote for the program that these alarmists have been advocating.

I am afraid that we should have some confrontation of ideas here and an honest discussion, and this issue has not been honestly discussed in terms of the science.

The baseline comparison, I just noted, started in a 500-year decline. It was based at the bottom of a 500-year decline in temperature. Science measurements were partly or severely flawed by monitoring systems that do not meet minimum acceptable standards. And past climate cycles were frequent even before the emergence of mankind, cycles like the retreating of polar ice caps that we are shown all of the time to touch our hearts so we won't think but will feel. Those solar ice caps and the retreat of the solar ice caps are very similar to the cycles on other planets, especially the planet Mars, for example, suggesting that solar activity rather than human activity is the culprit.

Increasing levels of CO_2 did not cause warming back in the 1940s, 1950s, 1960s, and even the 1970s, when there were large increases of CO_2, yet we are told now that the CO_2 was causing the world to get warmer. But yet more CO_2 has even been produced and for 10 years we haven't had a warming. Now that man-made global warming has been driven into the public consciousness, the alarmists have the leverage here in Washington.

I could talk all night long, but no one is going to confront the science on this, as rotten as the science is. So right here there is a price to pay when the American people have been lied to in a big way. If the truth will set you free, lies will enslave you. There is a price to pay. Like, for example, the millions of children dying in Third World countries of malaria, all because we wanted to prevent the use of DDT. Why did we want to stop DDT? Because bird eggshells were thinning out, we believed, because of DDT. And thus, millions of children in the Third World have lost their lives to malaria because birds were more important to those who made policy than the millions of children in the Third World who were going to die as a result.

Remember, there is a serious price to pay for listening to irrational alarmists. And now all of this confronts us, and there is a bill to be voted on this week called the American Clean Energy and Security Act of 2009. I call it the Destroy American Jobs and Use Candles Act.

It is a bill, of course, that is based on the theories of the man-made global warming alarmists that I have just demonstrated is totally flawed and wrong science, and a science that these people refuse to get up and defend.

This bill, of course, comes at exactly the wrong time, and its negative consequences will be ever more severe in economic hard times as we are suffering right now than they would be if we were in times of prosperity.

Even if it were true that man-made use of CO_2 was causing a warming, a global warming, this wouldn't be the time to try to implement it, at a time when we are going into such a recession and depression.

Maybe we are like the Third World children in the minds of the people who are going to vote for this horrible legislation. Maybe the birds are more important than the suffering of our own people. Maybe it is more important to posture yourself as a friend of the planet than it is to try to take care of the people of this country and try to alleviate their suffering.

So let's be clear. Our unemployment is currently at 9.4 percent, and that is expected to rise into double digits. There are unsubstantiated boasts coming about jobs saved through the Stimulus Act, but that doesn't help the 345,000 Americans who lost their jobs just last month. It doesn't put food on their table.

Our projected Federal deficit this year is going to reach $1.8 trillion, almost $2 trillion, which our children are going to have to pay for. We are going to have to service that debt. When the interest rate goes up, it will destroy all of our discretionary money. We will soon auction off an unprecedented $104 billion of debt. That $104 billion has $11 billion in interest. That is $11 billion that we are going to pay, and that is just thrown away. Wait until the interest rates go up. This $11 billion will not save anybody's job or pave any roads or provide any health care. It will just be used to continue our massive level of deficit spending.

And yet, excessive taxation and regulation mandates are now being proposed in Washington to deal with man-made global warming, which is a total fraud, as I have demonstrated, and which they admit because they are unwilling to debate the basic facts of global warming, the scientific facts that I have over and over again, myself and Senator INHOFE and others, have over and over presented, but instead we are called names and belittled by this arrogant group that just has in mind they want to tax and regulate and control us, and they always have.

So here and now we are asked to pass this economy-killing bill in the name of stopping man-made global warming.

What's in the bill? I don't have to go into total detail here, but let's just mention that Chairman WAXMAN was asked about a certain section of the bill. And he said, and this was in committee, Why are you asking me? I certainly don't know everything that is in my bill.

I would suggest if you are writing a bill that will have such profound repercussions for decades to come by killing our economy and subduing our people, that is an unacceptable answer.

□ 2320

We know that there are many dangers that are going to be unleashed by this legislation, and it's an economy-killing piece of legislation. Its aim supposedly is to reduce CO_2 emissions—and let's again say this. CO_2, 80 percent of it in the atmosphere is traced not to human activity, it's a minuscule part of the atmosphere. Yet the goal of this draconian legislation, this oppressive, anti-economy legislation is to reduce emissions to around 80 percent of the current level of the world level by 2020. From there, it would be gradually reduced further. In order to do this, the Federal Government would issue permits that companies would use in exchange for the right of emitting CO_2.

Now, let's make this very clear; CO_2 does not harm human beings. CO_2, we pump it into these greenhouses to make tomatoes grow better. I am all in favor of controlling pollution, pollution of the water, of the air, of the ground. CO_2 is not a pollutant that hurts human beings, but that's what we are being asked to focus on and that's what this legislation that will destroy the jobs of the American people focuses on.

Well, one wonders who will decide who will receive the vouchers that are going to be given out. Apparently, 85 percent of the vouchers for the next few years will just be given out by the government, and those vouchers will be used to give permits to people who want to do business that produces CO_2. Who is going to get those? This is an invitation for corruption, an invitation for corruption. We don't even know where the money went from the TARP bill where we spent hundreds of billions of dollars.

So let's remember that this bill will have a dramatic impact on our economy and the American family. There will be over $1,600 in new taxes per American family by this legislation. And all the jobs will then go to India and to China. That's what we're doing. We're taxing our people, regulating our business, and encouraging our businessmen then to go to China and to India. It will destroy millions of jobs by 2012.

Electricity rates will go up 90 percent above the inflation rate. We will incur $33,000 worth of additional Federal debt for every man, woman, and child in America because of this legislation. And gas prices will rise over 50 percent, natural gas prices well over 50 percent.

And who will be helped by this? The Chinese and the Indians. That's what we're going to get out of this legislation. What did you expect from legislation that was designed to meet a phony problem, man-made global warming, which I have just demonstrated doesn't exist.

So, why is this happening? Why are we on the verge of passing legislation? Why have people even advocated man-made global warming? Well, this has all come about because there are people in our country and throughout the world who want to control the American people. They have wanted to do this forever. They have wanted to change our lifestyles whether we like it or not. But this is a democracy, and they had to scare us and they had to skew the argument. They had to beat down anybody who wanted to offer alternative arguments in order to get us to this point of passing legislation that will dramatically control our people and control industry and put us under a burden of taxation and regulation that will destroy the meaning of opportunity in America in the years to come.

Now, why do they want to do this? Because they want to build a whole new world based on benevolent control of people like themselves. And that's where the real threat comes in. The real threat comes in that this is not just the idea of centralizing power in the Federal Government—which in and of itself is contrary to what America is supposed to be all about. We're supposed to let local government and State governments control many things, but this is a centralization of power into the hands of global government.

Yes, you hear global answers, We're global this and global that. What that means is international organizations like the United Nations—which is filled with corrupt governments and representatives from corrupt governments, filled with representatives from governments that are despotic gangsters who murder their own people. We should not be transferring power globally. That is the worst possible scenario. But this, too, like the man-made global warming theory, is their dream, the dream of a planet being planned out by benevolent people, as if people on the international scale and Washington, D.C., are naturally more competent and more benevolent than the people themselves or the people in local government.

What can we expect? Yes, as this moves along, this is the first major step. This bill that will be coming up this week, the cap-and-trade bill based on fraudulent science, this will be the first step towards what? Towards centralizing money and power in the Federal Government.

The next step is centralizing that power globally, all in the name of benevolent ends, all in the name of stopping this horrible threat that's hanging over our heads, man-made global warming. Of course, they don't use that anymore. Again, remember, every time the word ''climate change'' is used is an admission that the people who advocated man-made global warming were wrong all along.

So I would suggest that this is the time for the patriots to stand up to the globalists. This is the time for us to say, We don't want this legislation. It will be harmful to our families. It will centralize power and money and resources in the Federal Government. It will destroy our economy at a time when people need jobs and a stronger economy. It will actually help the Chinese and the Indians more than us, all in the same benevolent-motivated activity, which is very similar to the ending of the use of DDT, which caused millions of children in the third world to die.

I don't care if people are benevolent. I don't care what their motives are, if their motives are benevolent. What is important is whether they're rational and whether they're right. I have pointed out in this speech numerous examples where the science is wrong, and I would suggest that the theory that big government controlling our lives as the way to solve our problems is also wrong. It will lead us not to more prosperity and not to more liberty, but a diminishing of the liberty and prosperity of our people.

Again, wake up America. It's time for the patriots to act. We still have time to turn this around. We have seen $4 trillion being given out, $4 trillion of private liability put on our shoulders as public debt in this last year. This is a tremendous centralization of power.

We will not give up our freedom and let this happen. We are not powerless. This is still a democracy. People need to call their Member of Congress. They need to call their Senator and say man-made global warming was a hoax. It was not something that we should be basing a centralization of wealth and power in the Federal Government, and certainly not something that we should be getting involved in in order to enrich the power of the United Nations and other international bodies.

I would invite my fellow Americans to get involved in the system. If one does not get involved in the system, we will not go the right way. And I will say that in our country's history, it has always been the intervention of the American people at the right moment that has kept us on the right track. It wasn't just sitting back and allowing special interests—like are so evident in this cap-and-trade legislation that will be voted on later on this week—to write the legislation, to control what sounds like a benevolent-sounding initiative which will wreak havoc on the life of the American people. They want to control us and change our lifestyle. Let them convince us. Don't let them control us and take away our democratic rights.

Mr. Speaker, as I stand here on the floor of the House tonight, I am reminded of the television series, The Twilight Zone. These days I half expect Rod Serling to appear from behind a curtain and announce that "This is the Twilight Zone." Yes, there is an almost bizarre sense of unreality here in the Nation's Capitol: The transformation of private liability into public debt on a massive scale, the unprecedented level of deficit spending, debt piled on debt, borrowing from China to give foreign aid to other countries, the willingness to pass draconian restrictions and controls on our national economy and on the lives of our people.

While seeking to save us from recession, Congress shovels hundreds of billions into the financial industry, much of which has ended up in the pockets of fat cats and wheeler-dealers who've been giving themselves multi-million dollar bonuses even as they've driven their own companies into the ground. The give-aways and lack of oversight have been mind boggling. We don't know where hundreds of billions of dollars went and to whom, yet now the taxpayers are on the hook for this increase in our debt.

We've watched as nothing has been done to protect the well being of our people.

Our nation's borders leak like a spaghetti strainer, millions of people illegally continue pouring into our county to consume our limited healthcare, education, and other social service dollars, and yes, to take jobs from our people, and in some cases commit crimes against our people. Our government lets it happen. We can't even build a fence.

In California we can't even build new water systems in the middle of a drought, this we are told because of a tiny fish—the delta smelt—so our people will suffer because of concern over a little, tiny, worthless fish that's not even good enough to use as bait. So last week, even amidst California's tremendous difficulties, with drought conditions and a shortage of water at near-crisis, this House voted not for the people, but for fish. No water for our people if that little fish might be affected.

Perhaps the most damaging of the weird policies I've described is America's long time commitment not to develop our domestic energy resources. Even as high energy prices have brought suffering and economic hardship to our people. Even as dollars have been siphoned from our pockets and deposited in coffers overseas, enriching foreigners, some of whom hate us. While our hard-earned dollars are being extracted from us, massive domestic deposits of oil and gas worth trillions of dollars are untouched, untapped, unused. Even as California sinks into an economic catastrophe—off the coast, are huge caverns filled

with massive deposits of oil and gas sitting there? Even as California cuts or cancels public services, billions of dollars of tax revenue from that oil and gas sits right off shore, yet the state of California lets it sit while our people suffer and the state goes broke. Trillions of dollars have been sent overseas for energy while at home, no new oil refineries, no hydro electric dams, no nuclear power plants.

As I say all of it's a bit bizarre. But it is not meaningless nonsense. Those who've insisted up these anti-domestic energy policies know what they are doing. They want to change our way of life whether we like it or not. So a few decades ago they grabbed onto a theory that the world is heating up because humankind uses carbon based fuel—oil, gas, coal, etc. This theory would give them the ability to stampede politicians, even scientists, into supporting draconian policies and mandates, changes in our economy and our lifestyle. All in the name of protecting us from a climate calamity: Man-made Global Warming.

The good book says ''the truth shall make you free''; a caveat might be ''and a lie can destroy your freedom.'' Man-made Global Warming has given respectable cover to advocates of tax and regulatory policies that no one would even consider, except, of course, unless it is an emergency. In reality, the effort behind the Man-made Global Warming juggernaut is the biggest power grab in history. It gives politicos, who've always wanted to control the behavior of normal people, a seemingly legitimate reason to do so . . . even over their objections. This power grab was set in motion back in the very first days of the Clinton administration in 1993.

When the Clinton Administration took over, one of the first actions of that administration was to fire Dr. William Happer, a man who dared challenge Vice President Gore. He believed in science, not the junk science of the radicals. He didn't fit, so out he went. From there the pattern became all too clear. In order to receive even one penny of federal research funds, a scientist would expected to toe the line of Man-made Global Warming alarmism. Any dissent would be quickly quashed, or at least cut off from any federal research funding. So when approaching this concept of Man-made Global Warming we must examine the science behind it. So let's state right off, the unconscionable intimidation of the science community during the Clinton years has ensured that bad science permeates the entire argument of those alarmists perpetuating this man-made myth.

That it is based on bad science and lies is easy to discern by the herculean effort Man-made Global Warming advocates have made to cut off debate. That is why in Congress they are now trying to quickly slip by drastic life altering legislation based on the Man-made Global Warming theory without confronting the basic science. How many of us have heard ''Case closed?'' ''This debate is over.'' That is the language of debate and discussion restriction.

Case closed. Al Gore takes no questions. Every prominent scientist agrees so you must be a kook to disagree. The name calling and stifling of debate by the Man-made Global Warming advocates has been shameful and a disservice to democracy.

So what about the science?

First, about the so-called warming cycle caused by human activity—we know that there have been weather cycles and climate cycles throughout the history of the world. The Global Warming alarmists are now using a low point of a 500 year cooling cycle, the end of the Little Ice Age, as their baseline for determining if humankind is making the planet hotter. Should we really be upset when there is a 1 or 2 degree rise from a 500 year low point in temperatures?

So science question number one: are they not using an unreasonably cooler moment as a baseline for analysis? Question number two: what about the other weather cycles that have had nothing to do with human activity? A thousand years ago things were much warmer than now. Iceland and Greenland were farmed by Norsemen. What about the many other cycles, many of them to prehistoric times, even before man? So, all of a sudden it's man's fault?

So, if these cycles were happening before humans were a force on the planet, isn't it likely there is another explanation for the cycles? Well, it seems to many scientists that cycles of climate follow solar activity. That's why cycles mirroring those on earth have been observed on other planets.

In recent years we've been treated to outcries of agony about the melting taking place in the Arctic. Who has not seen the pictures of the poor polar bear on the ice flow, obviously a victim of Man-made Global Warming? Well not so fast. Yes, the ice cap is retreating. There's no doubt about that. But what about the ice cap on Mars? There is an ice cap on Mars and it is retreating at exactly the same time as our ice cap is retreating. Doesn't that indicate that it might be the sun and not driving SUVs or modern technology that's creating such cycles, including the one that we are already in?

So, if a polar bear is hurt it is not caused by human activity. And by the way, the polar bear population has dramatically expanded—there are 4 to 5 times the number of polar bears as there were in the 1960s.

So here's another scientific challenge: were there already cycles? And if polar ice on Mars is retreating as well, aren't cycles likely the result of solar activity? Let's have an answer to that.

The Man-made Global Warming theory has been focused on CO_2. Let's talk about the science of this. CO_2 is a miniscule part of our atmosphere, and if you ask the ordinary person, they think it's 20 percent of the atmosphere. Well, actually it's less than 0.04 percent. Much less than 1 tenth of 1 percent of the atmosphere is CO_2. And of that, at least 80 percent of the CO_2 in the atmosphere is not traced to human activity.

There have been, over the years, times when CO_2 was going up and down dramatically but did not affect the climate of the planet. For example, if Man-made CO_2 causes warming, why, as CO_2 levels were rising dramatically in the 1940s, fifties, sixties and seventies why, if the CO_2 was rising in those decades, why was there actually a cooling of our climate in those decades?

Okay. Let's hear the science. Come on. Why is everyone afraid to take on these scientific answers? I had one person suggest to me that the pollution in the atmosphere completely overwhelmed the ''Greenhouse Effect'' during this period. If that's true, then The Clean Air Act of 1970 is directly responsible for Man-made Global Warming. Does anyone believe that?

And here's another scientific challenge. A recent study shows that over 80 percent of America's temperature and weather stations have been compromised and are faulty in the information they're providing.

The numbers have been skewed. They are suspect because the monitors have been placed in locations that do not meet the National Weather Service basic standards. In other words, the equipment is compromised; the figures coming out of the equipment cannot be relied upon. And our system, with 80 percent of our monitors that do not meet the standards, has been heralded as the best in the world. So think about that. What's going on in the rest of the world when we're talking about a one-degree rise in temperature since the end of the little ice age?

So how about that as a scientific challenge? If the data is based on monitors that don't meet scientific standards, how can we pass laws with taxes and controls on our people, even if the the so-called problem is based on a bogus number?

And even with the current methods of collecting data, we have been warned time and again with dire predictions. Over the last 20 years, spreading the alarm, told us, Vice President Gore and others.

The temperatures were going to continue to climb and then we would reach a tipping point and temperatures would jump dramatically. Well, wake up. Quit talking theory.

The Global Warming alarmists' predictions were wrong, 180 degrees wrong. It has not gotten any warmer for over a decade and it looks like we're even still getting cooler. That is totally contradictory to the predictions that alarmists like VP Gore and others aggressively made to us. OK, this is yet another science-based challenge.

Don't ignore it, please pay us more respect than just changing your basic mantra from ''Man-made Global Warming'' to ''climate change.''

If I am proven wrong on a point, I will apologize and change my position. I won't try to change my wording so it sounds like I was never wrong in the first place.

These people were wrong. Remember it. Every time they say ''climate change'' remember these were the same people who were talking about Man-made Global Warming. Their dishonesty is underscored every time they now use the phrase ''climate change.'' Now, no matter if it gets warmer or colder, they want us to give them the power to tax and control us even though the preponderance of evidence now suggests that cycles come from solar activity.

Let me note this, this gang told us human activity was causing the planet to warm. Now they are using the words ''climate change,'' which is an admission that the Earth is getting cooler. So if human activity was making it warmer, then maybe it is good that human beings will mitigate a cooling cycle with the human activity that, according to Al Gore and others, was making it warmer. Logically, they should now be advocating we use more fossil fuel.

So Al Gore's scientific mumbo-jumbo was deceptive, the contention that all of the prominent scientists agreed with him was not true then and especially not true now. I'd now like to add a long list of many prominent scientists who oppose the Man-made Global Warming theory. The temperature predictions have

been wrong, and the man-made CO_2 premise is wrong.

Now we find out that the monitors used to collect the data were placed next to air-conditioning exhaust vents, and in parking lots, and on top of buildings, and near other heat sources which, of course, made all of their data totally unreliable.

We also know the methodology of using computer models has been questionable from the very beginning. We all know the saying: garbage in, garbage out. But no one was permitted to hear the questions; no one was permitted to ask follow-up questions; and to this day no one has been permitted to view the assumptions and calculations that went into the incorrect computer models used to justify the alarmist campaign that is now being used to justify punitive taxes and controls on our people.

The projections have been wrong. The attempt to stifle debate and shut up those people who disagree by calling them names, denying grants, and making personal attacks has been wrong.

So, let's review the scientific challenges to the Man-made Global Warming theory. I have issued challenges to any of my colleagues to debate the science of this issue, not one of those who now seem willing to vote for draconian legislation to implement the recommendations of the Global Warming alarmists have ever stepped forward. What is it they don't want to confront?

Baseline comparison is at the bottom of a 500-year decline in temperature. The science measurements were partly or severely flawed by a monitoring system that does not meet minimum acceptable standards. Past climate cycles were frequent even before the emergence of mankind. Cycles like the retreating polar ice caps are parallel to similar cycles on Mars suggesting solar activity, rather than human activity, is the culprit. Increasing CO_2 levels did not cause warming, which can be shown in the 1940s, 1950s, 1960s, and 1970s where there was an increasing level of CO_2, but yet it was getting cooler.

Now that Man-made Global Warming has been driven into the public consciousness, the alarmists have the leverage right here in Washington. There is a price to pay, like the millions of children dying in Africa of malaria because we prevented the use of DDT. We did this so that bird egg shells would be thicker. The birds were more important to them than millions of third world children. So remember, there is a serious price to pay for listening to irrational alarmists.

And now all of this confronts us. There is a bill to be voted on this week—the "American Clean Energy and Security Act of 2009" though I would call it the "Destroy American Jobs and Use Candles Act." It is a bill that comes at exactly the wrong time, and its negative consequences will be ever more severe in economic hard times as we are now suffering. Maybe we are like the 3rd world children in their minds. The birds are more important than our own suffering people.

So let's be clear. Our unemployment is currently at 9.4%, and that is expected to soon rise over double digits. There are unsubstantiated boasts of jobs saved through the stimulus act, but that doesn't help the 345,000 Americans who lost their jobs last month put food on the table for their families. Our projected federal debt for this fiscal year reaches to one point eight trillion dollars!

We will soon auction an unprecedented $104 billion in debt. $104 billion with $11 billion in interest. That's $11 billion just thrown away. It will not save jobs; it will not repave roads; it will not provide healthcare. It will just be used to continue our massive level of spending.

And yet excessive taxation regulation mandates are now being proposed in Washington, and they will have severe consequences.

So here we are, and now we are asked to pass an economy killing bill, in the name of stopping Man-made Globa Warming. What's in this bill? Well don't ask the bill's author. During markup of this bill, Chairman WAXMAN, when asked about a section of the bill claimed, "You're asking me? I certainly don't claim to know everything that's in this bill." Well I would suggest, that if you are writing a bill that will have profound repercussions for decades to come, that is an unacceptable answer.

Of course, we know the aim of this bill is to reduce carbon dioxide emissions. As I have already said, this goal is foolhardy at best. It will reduce emissions of a harmless gas, while neglecting to address the dangerous pollutants that have had a demonstrated negative effect on human health.

The current proposal would reduce allowable CO_2 emissions to around 80 percent of the current level by 2020. From there it would gradually decrease further. In order to control this, the federal government would issue permits that companies would use in exchange for the right to emit CO_2. These permits could be traded, bought and sold. Companies which emit more CO_2 than they have allowances for would face heavy fines. The sale of these revenues will supposedly cover the cost of the bill. It is surprising then, that 85% of these allowances will be given out for free during the next twenty years. What?!? One wonders who will decide who receives what will become yet another government subsidy, or a political giveaway. According to recently released numbers by the nonpartisan Congressional Budget Office, this bill gives away $821 billion worth of allocations to who the hell knows who, while consumers are going to pay $846 billion more in carbon energy costs. We have no idea where those funds will go. The last time we passed legislation with no idea what we were voting on, AIG got big bonuses. Who will win big under this bill is still unclear, but what is clear is who will lose: The American worker.

But even if we believe all of the arguments made by those who would foist this bill on us, it will still not accomplish any meaningful CO_2 reduction. Remember, 80 percent or more of the CO_2 in the atmosphere is not linked to human activity. We must ask ourselves if the cost of this bill, over $1600 in new taxes per American family, is warranted given the fact that the U.S. share of CO_2 emissions is falling as China and India's emissions are rising. So again, is it really worth it? Both of these countries have already stated publicly that they will not match these suicidal policies being proposed. All this bill will do is further encourage manufacturing to leave the United States for these countries. All of this will cost America. All of this, to decrease worldwide temperatures by less than one degree over the next 20 years, that might take us a little close to the 500-year low in global temperatures.

So it will not do what the bill's sponsors claim it will. But what this bill will also do is reduce our gross domestic product by over $7 trillion and destroy nearly 2 million jobs by 2012. It will raise electricity rates by 90 percent above inflation, incur $33,000 worth of additional Federal debt for every man, woman and child in America. Gas prices will rise over 50%. Natural Gas prices will rise by 50% as well. And it will help the Chinese and other people steal our businesses from us. This is the real climate change calamity.

So yes, this bill costs on average 1.1 million jobs a year. Between 2012 and 2035 the US GDP will lose $9.4 trillion. All of this leads me to ask this simple question Mr. Speaker: What is worse: Living under Man-made Global Warming, or living under Man-made Global Warming legislation? I would suggest the latter.

For decades, phony, frightening predictions, false climate assumptions and inaccurate information fed into computer climate models have been foisted on the American people, including our young people, and people throughout the world. Even worse, honest discussion on these issues of climate have been stifled, and critics have been silenced in order to create an illusion of a consensus that the climate is going haywire and that we're in for a Man-made Global Warming calamity. So why is this? Why do we have this specter of Man-made Global Warming being portrayed as a global calamity in the making? Well, it's being used to stampede the public and, yes, stampede officials into accepting what appears to be the biggest power grab in history. One doesn't have to be a conspiracy nut to realize there are a significant number of people who really believe in centralizing the power of government into the hands of elected and even unelected officials, centralizing that power in Washington and elsewhere. And these unelected officials, who now will be given so much power, are expected to be competent and expected to be well motivated. They are expected to prove that by doing the things that are consistent with the goals and the values of the people who are pushing to centralize power in their hands.

That we have a group of leftists who believe in centralizing power should not surprise anyone. But what we have here is the leftist politicos in this country who believe in centralizing power anyway.

Global and international bodies and our own government and our own Congress will be given the right and power to intervene in our lives to prevent Man-made Global Warming. That's what it's all about, globalism. If man makes it, man must then be controlled. That's why it was so important for them to steamroll over anybody who is in opposition and wanted to ask some questions. They want nobody to ask questions about their theory about Man-made Global Warming because they believe men and women, people, need to be controlled. That is part of their theory of government. It will make it a whole new, more benevolent world. Unfortunately, a lot of the government they are talking about is not the American Government. We are talking about international mandates from unelected bodies that we will then pass on power and authority to, which is supported by many of the people right here in this Congress.

Of course, the proposal before us will destroy the economy, and the irony of it is that it will have nothing to do with saving the planet, but will in fact perhaps make the environment of our planet worse, rather than better.

That is why they have tried to stifle the debate and the attempt to push climate change legislation has never been more intense. People in Washington, we don't need to be told that there has been an attempt to stifle debate. But I would ask that the American people think about what they have heard about the Man-made Global Warming theory over these 15 years, but especially over these last 4 years. The attempt to ramp up these scare tactics is at an all-time high.

But mark my words, the real calamity will not be an out-of-control climate caused by humans; the real calamity brought on by Man-made Global Warming will be the economy-killing taxes and regulations that are put in place to solve a nonexistent problem. That economic decline that we're talking about is just Round one, however. Round two is easy to predict.

For example, in the future, we are going to face all kinds of mandates and controls from the Federal Government and the internationalcy. Some of these would be, for example, mandated increases in parking fees. Do they tell you that now? All your local communities are going to have to raise your parking fees. And there will be major impediments to the private use of automobiles. And then, of course, they've got to end frequent flyer miles and they've got to end discount air travel because, believe it or not, and nobody has ever been telling you this, they believe that airplanes are the biggest CO_2 footprint of all. That's right. Your frequent flyer miles and your discount tickets have got to go. Of course, the elite will be able to fly around in their private planes giving a donation by supposedly planting trees somewhere and thus they can fly in their private planes. But the rest of us cannot go to see our sick relatives on a discounted ticket. No one has heard about this. Nobody has heard about these types of controls that are going to be mandated on our own people by the United Nations perhaps. What has been the purview of local government will be transferred to much higher authorities. Local government will be required to follow international guidelines, climate guidelines, when it comes to building, zoning, even local planning.

This is part of our liberty. Where we live, what we eat, how we run our lives, this is what is at stake. It's called liberty. This is a fight between the globalists, who found a vehicle to try to gain power and grab power, and those people who do believe in liberty and justice. We call them patriots. We call them people around the world who do believe in these Western values of dignity for the individual and freedom and justice.

If you aren't frightened by this, you should be. We have a fanatical movement of steely-eyed zealots who cannot admit they made a mistake, who always attack the other person rather than trying to have honest discussions of issues. Couple that with self-serving interests, and there are many self-serving interests who are involved in this. They now have joined in a political coalition that believes they have the right to run the economy, run business, run local schools, and run our lives. They have been looking for an excuse to assume power.

We must stand up and defeat this power grab. Wake up America! Your freedom and prosperity are at stake.

I yield back the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–182) on the resolution (H. Res. 572) providing for consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–183) on the resolution (H. Res. 573) providing for consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CONNOLLY of Virginia) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. FLEMING, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today, June 24, 25 and 26.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 19, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 2346. Making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

H.R. 2344. To amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

H.R. 837. To designate the Federal building located at 799 United Nations Plaza in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''.

H.R. 2675. To amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

H.R. 813. To designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse''.

ADJOURNMENT

Ms. PINGREE of Maine. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 24, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter and second quarter of 2009 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO DENMARK, EXPENDED BETWEEN MAY 26 AND MAY 29, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Steny Hoyer	5/26	5/29	Denmark		1,529.64		7,039.27				8,568.91
Hon. Mariah Sixkiller	5/26	5/29	Denmark		1,529.64		7,039.27				8,568.91
Austin Burnes	5/26	5/29	Denmark		1,529.64		7,039.27				8,568.91

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO DENMARK, EXPENDED BETWEEN MAY 26 AND MAY 29, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total											25,706.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. STENY H. HOYER, Chairman, June 6, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA—U.S. INTERPARLIAMENTARY GROUP, CONFERENCE HELD IN LA MALBAIE, QUEBEC, CANADA, EXPENDED BETWEEN MAY 15 AND MAY 18, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James Oberstar	5/15	5/18	Canada		1,004.03						1,004.03
Hon. Cliff Stearns	5/15	5/18	Canada		599.29						599.29
Hon. Bart Stupak	5/15	5/17	Canada		393.00		1,008.41				1,401.41
Hon. Candice Miller	5/15	5/17	Canada		393.00		1,167.68				1,560.68
Peter Quilter	5/15	5/18	Canada		472.18						472.18
Robyn Wapner	5/15	5/18	Canada		472.18						472.18
Mary McVeigh	5/15	5/18	Canada		472.18						472.18
Dr. Kay King	5/15	5/18	Canada		472.18						472.18
Carl Ek	5/15	5/18	Canada		472.18						472.18
Jason Lamote	5/15	5/18	Canada		472.18						472.18
Shanna Winters	5/15	5/17	Canada		314.79		1,357.35				1,672.14
Committee total					5,537.19		3,533.44				9,070.63

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JAMES L. OBERSTAR, Chairman, May 17, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO JORDAN, QATAR, UNITED KINGDOM, EXPENDED BETWEEN MAY 7 AND MAY 12, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nancy Pelosi	5/07	5/08	Jordan		354.00		(3)				354.00
Hon. Rush Holt	5/07	5/08	Jordan		354.00		(3)				354.00
Hon. Brian Monaghan	5/07	5/08	Jordan		354.00		(3)				354.00
Hon. Wilson Livingood	5/07	5/08	Jordan		354.00		(3)				354.00
John Lawrence	5/07	5/08	Jordan		354.00		(3)				354.00
Wyndee Parker	5/07	5/08	Jordan		354.00		(3)				354.00
Andrew Hammill	5/07	5/08	Jordan		354.00		(3)				354.00
Bridget Fallon	5/07	5/08	Jordan		354.00		(3)				354.00
Hon. Nancy Pelosi	5/08	5/11	Qatar		1,073.00		(3)				1,073.00
Hon. Rush Holt	5/08	5/11	Qatar		1,073.00		(3)				1,073.00
Hon. Brian Monaghan	5/08	5/11	Qatar		1,073.00		(3)				1,073.00
Hon. Wilson Livingood	5/08	5/11	Qatar		1,073.00		(3)				1,073.00
John Lawrence	5/08	5/11	Qatar		1,073.00		(3)				1,073.00
Wyndee Parker	5/08	5/11	Qatar		1,073.00		(3)				1,073.00
Andrew Hammill	5/08	5/11	Qatar		1,073.00		(3)				1,073.00
Bridget Fallon	5/08	5/11	Qatar		1,073.00		(3)				1,073.00
Hon. Nancy Pelosi	5/11	5/12	United Kingdom		452.00		(3)				452.00
Hon. Rush Holt	5/11	5/12	United Kingdom		452.00		(3)				452.00
Hon. Brian Monaghan	5/11	5/12	United Kingdom		452.00		(3)				452.00
Hon. Wilson Livingood	5/11	5/12	United Kingdom		452.00		(3)				452.00
John Lawrence	5/11	5/12	United Kingdom		452.00		(3)				452.00
Wyndee Parker	5/11	5/12	United Kingdom		452.00		(3)				452.00
Andrew Hammill	5/11	5/12	United Kingdom		452.00		(3)				452.00
Bridget Fallon	5/11	5/12	United Kingdom		452.00		(3)				452.00
Committee total											15,112.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. NANCY PELOSI, Speaker of the House, June 12, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2358. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl Amine Polyalkoxylates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0738; FRL-8418-6] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2359. A letter from the Majority Co-Chair and Minority Co-Chair, Commission on Wartime Contracting in Iraq and Afghanistan, transmitting the Commission's Interim Report describing the Commission's origins, its plan of work, its review of existing knowledge and results of investigations so far, and items on the agenda for further investigation; to the Committee on Armed Services.

2360. A letter from the General Counsel, Department of Defense, transmitting legislative proposals to be incorporated as part of the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

2361. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

2362. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

2363. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

2364. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010; to the Committee on Armed Services.

2365. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8069] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2366. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Real Estate Settlement Procedures Act (RESPA): Rule To Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs; Withdrawal of Revised Definition of ''Required Use'' [Docket No.: FR-5180-F-06] (RIN: 2502-AI61) received June 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2367. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Affiliate Marketing Regulations; Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID: OCC-2009-0001 (RIN: 1557-AD14) received June 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2368. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — TARP Standards for Compensation and Corporate Governance (RIN: 1505-AC09) received June 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2369. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Reserve Requirements for Depository Institutions [Regulation D; Docket Nos.: R-1334 and R-1350] received June 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2370. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard [EPA-R03-OAR-2008-0595; FRL-8918-1] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2371. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Northern Virginia Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard [EPA-R03-OAR-2007-0287; FRL-8918-2] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2372. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inclusion of CERCLA Section 128(a) State Response Programs and Tribal Response Programs [EPA-HQ-SFUND-2009-0144; FRL-8919-3] (RIN: 2050-AG53) received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2373. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Rulemaking to Reaffirm the Promulgation of Revisions of the Acid Rain Program Rules [EPA-HQ-OAR-2008-0774; FRL-8917-6] (RIN: 2060-AP35) received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2374. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation [EPA-HQ-OAR-2003-0064; FRL-8904-5] (RIN: 2060-AP49) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2375. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Bismarck, North Dakota) [MB Docket No.: 08-134 RM-11466] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2376. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Canton, Ohio) [MB Docket No.: 08-126 RM-11458] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2377. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Spokane, Washington) [MB Docket No.: 08-129 RM-11461] received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2378. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Consideration of Aircraft Impacts for New Nuclear Power Reactors [NRC-2007-0009] (RIN: 3150-AI19) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2379. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Revision of Fee Schedules; Fee Recovery for FY 2009 [NRC-2008-0620] (RIN: 3150-AI52) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2380. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Chile for defense articles and services [Transmittal No. 09-16], pursuant to 22 U.S.C. 2776(b)(1); to the Committee on Foreign Affairs.

2381. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2382. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2383. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2384. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-104, ''WMATA Compact Consistency Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2385. A letter from the Secretary, Department of Agriculture, transmitting the Department's semiannual report from the office of the Inspector General for the period ending March 31, 2009, pursuant to Public Law 95-452; to the Committee on Oversight and Government Reform.

2386. A letter from the Acting Assoc. Gen. Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2387. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2388. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 19998; to the Committee on Oversight and Government Reform.

2389. A letter from the Acting Chairman, Equal Employment Opportunity Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period ending March 31, 2009, pursuant to Section 5(b) of the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2390. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the Commission's audited Sixty-Eighth Financial Statement for the period of October 1, 2007 to September 30, 2008 pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2391. A letter from the International Roll Call, transmitting a presentation that compares their Legislative clients' use of four (4) available display technologies; to the Committee on House Administration.

2392. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the California Advisory Committee; to the Committee on the Judiciary.

2393. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the New Hampshire Advisory Committee; to the Committee on the Judiciary.

2394. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

2395. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Georgia Advisory Committee; to the Committee on the Judiciary.

2396. A letter from the Acting Administrator, Department of Transportation, transmitting the Federal Aviation Administration's Capital Investment Plan (CIP) for fiscal years 2010-2014, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

2397. A letter from the Acting Administrator, General Services Administration, transmitting informational copies of

prospectuses and fact sheets that support the U.S. General Services Administration's Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

2398. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill to authorize $1,196,230,000 for the Department of Veterans Affairs (VA) major facility construction project for Fiscal Year 2010 and $196,227,000 for major facility leases for Fiscal Year 2010; to the Committee on Veterans' Affairs.

2399. A letter from the Acting Administrator, Department of Homeland Security, transmitting a draft bill ''to authorize the Transportation Security Administration to adjust the fee imposed on passengers of air carriers and foreign air carriers to pay the costs of aviation security, and for other purposes''; to the Committee on Homeland Security.

2400. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Pub. L. 101- 576, and the Government Performance and Results Act of 1993, the Corporation's 2008 Annual Report; jointly to the Committees on Financial Services and Oversight and Government Reform.

2401. A letter from the Secretary, Department of Energy, transmitting the Department's 2008 report entitled, ''Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board'', pursuant to Section 316(b) of the Atomic Energy Act of 1954; jointly to the Committees on Energy and Commerce and Armed Services.

2402. A letter from the Chairman, Labor Member and Management Member, Railroad Retirement Board, transmitting the Board's 2009 annual report on the financial status of the railroad unemployment insurance system, pursuant to Public Law 100-647, section 7105; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2403. A letter from the Director, Executive Office of the President, Office of National Drug Policy, transmitting the Office's 2009 National Southwest Border Counternarcotics Strategy, pursuant to Public Law 109-469, section 1110; jointly to the Committees on Armed Services, Homeland Security, Oversight and Government Reform, Energy and Commerce, the Judiciary, and Appropriations.

2404. A letter from the Honorable Tim Murphy (R-PA) and the Honorable Neil Abercrombie (D-HI), transmitting a draft bill entitled, ''H.R. 2227, the American Conservation and Clean Energy Independence Act of 2009''; jointly to the Committees on Natural Resources, Oversight and Government Reform, Energy and Commerce, Ways and Means, Science and Technology, Transportation and Infrastructure, Education and Labor, Rules, the Budget, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. Supplemental report on H.R. 2647. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes (Rept. 111–166 Pt. 2).

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations For Fiscal Year 2010 (Rept. 111–174). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 556. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; with an amendment (Rept. 111–175). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 934. A bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; with an amendment (Rept. 111–176). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1018. A bill to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes; with an amendment (Rept. 111–177). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 762. A bill to validate final patent number 27–2005–0081, and for other purposes (Rept. 111–178). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1275. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; with an amendment (Rept. 111–179). Referred to the Committee of the Whole House on the State of the Union.

Mr. DICKS: Committee on Appropriations. H.R. 2996. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–180). Referred to the Committee of the Whole House on the State of the Union.

Ms. DELAURO: Committee on Appropriations. H.R. 2997. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–181). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 572. Resolution providing for consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes (Rept. 111–182). Referred to the House Calendar.

Mr. PERLMUTTER: Committee on Rules. House Resolution 573. Resolution providing for consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–183). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself and Mr. ANDREWS):

H.R. 2989. A bill to amend the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and to provide a minimum investment option requirement for such plans, to amend such Act to provide for independent investment advice for participants and beneficiaries under individual account plans, and to amend such Act and the Internal Revenue Code of 1986 to provide transitional relief under certain pension funding rules added by the Pension Protection Act of 2006; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON (for himself, Mr. TOWNS, Mr. SPRATT, Mr. WAXMAN, Mr. RAHALL, Mr. MARKEY of Massachusetts, Mrs. DAVIS of California, and Mr. LYNCH):

H.R. 2990. A bill to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Oversight and Government Reform, Natural Resources, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H.R. 2991. A bill to amend title 49, United States Code, to provide authority to the Secretary of Transportation to guarantee sureties against loss resulting from a breach of the terms of a bond by an eligible small business concern, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COLE (for himself and Mr. JORDAN of Ohio):

H.R. 2992. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions; to the Committee on House Administration.

By Mr. COLE (for himself and Mr. JORDAN of Ohio):

H.R. 2993. A bill to amend chapters 95 and 96 of the Internal Revenue Code of 1986 to terminate taxpayer financing of presidential election campaigns; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. STEARNS):

H.R. 2994. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DAVIS of Alabama (for himself, Mr. BOUSTANY, Mr. CASSIDY, Mr. BACHUS, Mr. CAO, Mr. MELANCON, Mr. BRALEY of Iowa, Mr. FLEMING, Mr. SCALISE, and Mr. BOSWELL):

H.R. 2995. A bill to amend the American Recovery and Reinvestment Tax Act of 2009 to clarify the low-income housing credits that are eligible for the low-income housing grant election, and for other purposes; to the Committee on Financial Services.

By Mr. WAXMAN (for himself and Mr. MARKEY of Massachusetts):

H.R. 2998. A bill to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, Ways and Means, Financial Services, Education

and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. PALLONE, Mr. TIM MURPHY of Pennsylvania, and Mr. SCHRADER):

H.R. 2999. A bill to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health; to the Committee on Energy and Commerce.

By Ms. LEE of California:

H.R. 3000. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. WAXMAN, Ms. LEE of California, Mr. HONDA, and Ms. VELÁZQUEZ):

H.R. 3001. A bill to address the health disparities experienced by lesbian, gay, bisexual, and transgender Americans, to eliminate the barriers they face in accessing quality health care, and to ensure that good health and well-being is accessible to all; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, the Judiciary, Ways and Means, Oversight and Government Reform, House Administration, Education and Labor, Veterans' Affairs, Transportation and Infrastructure, Intelligence (Permanent Select), and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself and Mr. CANTOR):

H.R. 3002. A bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. ROGERS of Michigan, Mrs. DAVIS of California, Mrs. CAPITO, Mrs. NAPOLITANO, Mr. BERMAN, Mr. HARE, and Ms. SCHAKOWSKY):

H.R. 3003. A bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GINGREY of Georgia (for himself, Mr. BROUN of Georgia, Mr. KING of Iowa, Mr. BRADY of Texas, Mr. PAULSEN, Ms. FALLIN, Mr. BARTLETT, Mr. PITTS, Mrs. BLACKBURN, Mr. CULBERSON, Mr. LAMBORN, Mr. BONNER, Mr. FRANKS of Arizona, Mr. BILBRAY, Mr. JONES, Mr. WESTMORELAND, Mr. WAMP, Mr. SESSIONS, Mr. NUNES, and Mr. SMITH of Nebraska):

H.R. 3004. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the conversion of property by reason of eminent domain; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 3005. A bill to expedite the increased supply and availability of energy to our Nation; to the Committee on Energy and Commerce.

By Mr. GRIJALVA (for himself, Mr. FATTAH, Ms. CLARKE, Mr. HARE, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. YARMUTH, Mr. LANGEVIN, and Mr. SESTAK):

H.R. 3006. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Education and Labor.

By Mr. KANJORSKI:

H.R. 3007. A bill to provide fiscal assistance to local governments; to the Committee on Oversight and Government Reform.

By Mr. KISSELL:

H.R. 3008. A bill to establish a National Strategic Gasoline Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROSS:

H.R. 3009. A bill to promote alternative and renewable fuels and domestic energy production, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 3010. A bill to amend the Elementary and Secondary Education Act of 1965 to reduce class size through the use of fully qualified teachers, and for other purposes; to the Committee on Education and Labor.

By Mr. TURNER (for himself, Mr. LATOURETTE, Mr. PITTS, Mr. BARTLETT, Mr. SHADEGG, Mr. BROUN of Georgia, Mr. PRICE of Georgia, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. GINGREY of Georgia, Mr. POSEY, Mr. FRANKS of Arizona, Mr. BONNER, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mrs. BLACKBURN, Mr. TIAHRT, Mr. LATTA, Mr. HELLER, Mr. ROGERS of Alabama, Mr. LEE of New York, Mr. MILLER of Florida, Mr. GARRETT of New Jersey, Mr. WESTMORELAND, Mr. MARCHANT, Mr. GARY G. MILLER of California, Mr. CALVERT, Mr. GALLEGLY, Mr. REHBERG, Mr. ALEXANDER, Mrs. SCHMIDT, Mr. PENCE, Mr. BURTON of Indiana, Mr. SOUDER, Mr. BOOZMAN, Mr. DAVIS of Kentucky, Mr. SENSENBRENNER, Mr. PLATTS, Mr. LINDER, Mr. WAMP, Mr. AKIN, Mr. KINGSTON, Mr. MARIO DIAZ-BALART of Florida, Mr. MCKEON, Mr. KLINE of Minnesota, Mrs. CAPITO, Mr. TERRY, Mr. BACHUS, Mr. LAMBORN, Mr. ROE of Tennessee, Mr. FLEMING, Mr. CULBERSON, Mr. YOUNG of Alaska, Mr. TIBERI, Mr. STEARNS, Mr. YOUNG of Florida, Mr. HUNTER, Mr. SHUSTER, Mr. MICA, Mr. COFFMAN of Colorado, Mr. LUETKEMEYER, Mr. KING of New York, Mr. BARRETT of South Carolina, Mr. COLE, Mr. SESSIONS, Mr. OLSON, Mr. HALL of Texas, Mr. FORBES, Mr. AUSTRIA, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. ROGERS of Kentucky, Mr. JONES, Mr. BOEHNER, Mr. BOUSTANY, Mr. DUNCAN, Ms. FOXX, Mr. SHIMKUS, Mr. POE of Texas, Mr. HERGER, Mr. HOEKSTRA, Mr. MANZULLO, Mr. BURGESS, Mr. LEWIS of California, Mr. FLAKE, Mr. LUCAS, Mr. CARTER, Ms. GRANGER, Mr. WALDEN, Mr. LANCE, Mr. HENSARLING, Ms. GINNY BROWN-WAITE of Florida, Mrs. MYRICK, Mr. COBLE, Mr. MCCLINTOCK, Mr. BILBRAY, Mr. NEUGEBAUER, Mr. NUNES, Mr. MCCAUL, Mrs. BACHMANN, Mr. GRAVES, and Mr. CANTOR):

H.J. Res. 57. A joint resolution proposing an amendment to the Constitution of the United States to prohibit the United States from owning stock in corporations; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA (for himself, Mr. MEEKS of New York, Mr. HONDA, Mr. KILDEE, Mr. PAYNE, Mrs. CHRISTENSEN, and Ms. BORDALLO):

H. Res. 574. A resolution expressing the sense of the House of Representatives that Peru should immediately cease any hostile activity against its indigenous peoples and instead engage in dialogue to address ongoing political conflict between state authorities and indigenous peoples; to the Committee on Foreign Affairs.

By Mr. GINGREY of Georgia (for himself, Ms. WATERS, Mr. BROUN of Georgia, Mr. KING of Iowa, Mr. BONNER, Mr. BRADY of Texas, Ms. FALLIN, Mr. AKIN, Mr. TIAHRT, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. SCALISE, Mr. THOMPSON of Pennsylvania, Mr. CULBERSON, Mr. LAMBORN, Mr. SAM JOHNSON of Texas, Mr. BILBRAY, Mr. JONES, Mr. WESTMORELAND, Mr. MCCAUL, Mr. ROHRABACHER, Mr. MACK, Mr. SIMPSON, Mr. JOHNSON of Illinois, Mr. WAMP, Mr. SESSIONS, Mr. NUNES, and Mr. SMITH of Nebraska):

H. Res. 575. A resolution expressing support for the private property rights protections guaranteed by the 5th Amendment to the Constitution on the 4th anniversary of the Supreme Court's decision of Kelo v. City of New London; to the Committee on the Judiciary.

By Mr. SESTAK (for himself, Mr. VAN HOLLEN, Mr. MCCAUL, and Mr. TIBERI):

H. Res. 576. A resolution expressing support for designation of September 12, 2009, as ''National Childhood Cancer Awareness Day''; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself, Mr. BILBRAY, Mr. CARTER, Mr. PIERLUISI, and Mr. BURTON of Indiana):

H. Res. 577. A resolution recognizing the Nation's orthopedic industry for its continued legacy of innovation in providing devices that relieve the pain of, and restore mobility to, active duty armed service members, veterans, and patients of all ages from all walks of life; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

97. The SPEAKER presented a memorial of the State Senate and Assembly of the State Legislature of Nevada, relative to SENATE JOINT RESOLUTION No. 2 Urging the Nevada Congressional Delegation and Congress to take certain actions concerning wilderness areas and wilderness study areas; to the Committee on Natural Resources.

98. Also, a memorial of the State House of Representatives of Alaska, relative to House Resolve No. 9 Reaffirming support for the environmentally responsible development of

the Kensington Gold Mine; and urging the governor to encourage and facilitate the prompt continuation or reinstatement, reactivation, and period extension of permits authorizing the construction and operation of the Kensington Gold Mine upon a decision by the United States Supreme Court in favor of the Kensington Gold Mine; to the Committee on Natural Resources.

99. Also, a memorial of the State Senate and the Assembly of the State Legislature of Nevada, relative to Senate Concurrent Resolution No. 35 Urging Congress to enact legislation allowing states to collect sales taxes on remote sales, including sales on the Internet; to the Committee on the Judiciary.

100. Also, a memorial of the State House of Representatives of Alaska, relative to House Resolve No. 8 Requesting the United States Congress to permanently repeal the federal unified gift and estate tax; to the Committee on Ways and Means.

101. Also, a memorial of the State Senate and Assembly of the State Legislature of Nevada, relative to SENATE JOINT RESOLUTION No. 4 Urging Congress to fund fully and protect the future of the Medicare program; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 164: Mr. YOUNG of Alaska.
H.R. 179: Ms. HIRONO.
H.R. 186: Ms. LEE of California.
H.R. 197: Mr. STUPAK, Mr. BILBRAY, Mr. TERRY, Mr. TIM MURPHY of Pennsylvania, and Mr. AUSTRIA.
H.R. 209: Mr. SESTAK.
H.R. 303: Mr. STEARNS and Mr. SESSIONS.
H.R. 433: Mr. BARTLETT.
H.R. 442: Mr. TERRY.
H.R. 503: Mr. WILSON of South Carolina, Mr. MCMAHON, and Mr. CHANDLER.
H.R. 510: Mr. LARSON of Connecticut.
H.R. 517: Mr. HALL of Texas.
H.R. 571: Mr. MCCLINTOCK, Mr. MARKEY of Massachusetts, and Mr. OLVER.
H.R. 574: Mr. MARKEY of Massachusetts, Ms. MATSUI, and Mr. GRIFFITH.
H.R. 610: Mr. POE of Texas.
H.R. 621: Mr. COURTNEY, Mr. GENE GREEN of Texas, Mr. EHLERS, and Mr. JONES.
H.R. 669: Ms. DEGETTE.
H.R. 685: Mr. SOUDER, Ms. SCHWARTZ, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Mr. BARROW, Mr. GONZALEZ, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Ms. EDWARDS of Maryland, Ms. CLARKE, Ms. NORTON, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. WATT, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. CLEAVER, Mrs. CHRISTENSEN, Ms. RICHARDSON, Ms. KILPATRICK of Michigan, Ms. WATSON, Ms. FUDGE, and Ms. WATERS.
H.R. 731: Mr. WILSON of South Carolina.
H.R. 745: Mr. LOEBSACK and Ms. BERKLEY.
H.R. 753: Mr. LEVIN.
H.R. 775: Mr. FOSTER, Mr. LEWIS of Georgia, Ms. RICHARDSON, and Mr. JACKSON of Illinois.
H.R. 816: Ms. RICHARDSON and Mr. BISHOP of Georgia.
H.R. 930: Mr. POMEROY.
H.R. 946: Mrs. DAHLKEMPER.
H.R. 950: Mr. TEAGUE.
H.R. 995: Mr. WELCH.
H.R. 1024: Ms. SLAUGHTER.
H.R. 1051: Mr. HODES.
H.R. 1064: Ms. KOSMAS and Mr. ALTMIRE.
H.R. 1067: Mr. SIRES and Mr. SHIMKUS.
H.R. 1074: Mr. TERRY and Mr. SMITH of Nebraska.
H.R. 1075: Mr. SESTAK.
H.R. 1077: Mr. TERRY and Mr. MCHUGH.
H.R. 1091: Mr. WEXLER.
H.R. 1101: Mr. MCDERMOTT and Ms. PINGREE of Maine.
H.R. 1137: Mr. TEAGUE.
H.R. 1147: Mr. AKIN, Ms. BORDALLO, Mr. BARTLETT, Mr. CUMMINGS, and Mr. SMITH of Nebraska.
H.R. 1177: Mr. CALVERT and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1207: Mr. CANTOR, Mr. SPACE, Mr. CONYERS, Mr. SHERMAN, and Mr. SNYDER.
H.R. 1210: Mr. DOYLE.
H.R. 1215: Mr. ROTHMAN of New Jersey.
H.R. 1230: Mr. ALTMIRE, Ms. BALDWIN, Mr. MURPHY of Connecticut, and Mr. BARROW.
H.R. 1242: Mr. TANNER.
H.R. 1255: Ms. MOORE of Wisconsin, Mr. NUNES, Mr. GINGREY of Georgia, and Mr. SAM JOHNSON of Texas.
H.R. 1283: Mr. LARSON of Connecticut and Mr. LUJÁN.
H.R. 1293: Mr. STEARNS and Mr. BOOZMAN.
H.R. 1302: Mr. BOSWELL.
H.R. 1310: Ms. KILROY.
H.R. 1313: Mr. COURTNEY, Mr. MORAN of Virginia, and Mr. WILSON of South Carolina.
H.R. 1335: Mr. BISHOP of New York.
H.R. 1362: Mr. MCCOTTER.
H.R. 1398: Mr. ELLSWORTH.
H.R. 1422: Mr. HERGER.
H.R. 1428: Ms. BORDALLO.
H.R. 1441: Mr. LOEBSACK and Mr. CARNEY.
H.R. 1443: Mr. LOEBSACK and Mr. SCHIFF.
H.R. 1452: Mr. UPTON.
H.R. 1454: Mr. COFFMAN of Colorado and Mr. RUPPERSBERGER.
H.R. 1458: Mr. WILSON of South Carolina, Mr. BUTTERFIELD, Ms. JACKSON-LEE of Texas, Ms. MOORE of Wisconsin, and Mr. SPRATT.
H.R. 1470: Ms. MARKEY of Colorado.
H.R. 1478: Mr. NADLER of New York.
H.R. 1507: Mr. PAUL.
H.R. 1548: Mr. COBLE and Mr. SCHOCK.
H.R. 1585: Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, and Mr. PALLONE.
H.R. 1587: Mr. YOUNG of Alaska.
H.R. 1616: Mr. LOEBSACK, Ms. SUTTON, and Ms. KILROY.
H.R. 1633: Mr. BISHOP of New York.
H.R. 1682: Mr. POE of Texas.
H.R. 1685: Ms. SCHAKOWSKY.
H.R. 1700: Mr. JACKSON of Illinois and Mr. MEEK of Florida.
H.R. 1705: Mr. HONDA.
H.R. 1751: Mr. DOGGETT, Mr. SMITH of Washington, Mr. BLUMENAUER, Mrs. MALONEY, Ms. WATERS, and Mr. NADLER of New York.
H.R. 1758: Mr. SESTAK and Mr. MORAN of Virginia.
H.R. 1799: Mrs. LOWEY, Mr. GRIFFITH, and Ms. MARKEY of Colorado.
H.R. 1818: Mr. BISHOP of New York.
H.R. 1821: Mr. CONNOLLY of Virginia.
H.R. 1822: Mr. FLEMING.
H.R. 1849: Mr. SMITH of Texas.
H.R. 1897: Ms. BALDWIN, Mr. ELLSWORTH, Mr. PITTS, and Mr. JOHNSON of Georgia.
H.R. 2006: Ms. SCHWARTZ.
H.R. 2017: Mr. FARR, Mr. COURTNEY, Mr. RODRIGUEZ, and Mr. SPACE.
H.R. 2028: Mr. DAVIS of Kentucky.
H.R. 2049: Mr. ISRAEL, Mr. PLATTS, Mr. WU, and Mr. NEUGEBAUER.
H.R. 2058: Mr. HODES.
H.R. 2061: Mr. GOHMERT.
H.R. 2068: Mr. BUTTERFIELD.
H.R. 2093: Mr. FARR.
H.R. 2097: Mr. BROWN of South Carolina, Mr. HALL of New York, Mr. ROGERS of Kentucky, Mr. BERRY, Ms. MCCOLLUM, Ms. LEE of California, Mr. SERRANO, Mr. SCHIFF, Mr. MORAN of Virginia, Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Mr. SALAZAR, Mr. PASTOR of Arizona, Ms. KAPTUR, Mr. DICKS, Mr. FATTAH, Ms. DELAURO, and Mr. HONDA.
H.R. 2102: Mr. VAN HOLLEN and Ms. BALDWIN.
H.R. 2110: Mr. COURTNEY and Ms. BERKLEY.
H.R. 2119: Mr. BURGESS.
H.R. 2156: Mr. MICHAUD, Mr. MCGOVERN, and Mr. PAULSEN.
H.R. 2159: Mr. ISRAEL.
H.R. 2190: Mr. KUCINICH, Mr. COHEN, Mr. ROTHMAN of New Jersey, Mr. JOHNSON of Georgia, and Ms. TSONGAS.
H.R. 2220: Mr. HUNTER, Ms. NORTON, Mr. DOYLE, Mr. LATHAM, Ms. BERKLEY, Mr. BOCCIERI, Mr. HARE, Mr. HASTINGS of Washington, Mr. CONNOLLY of Virginia, and Mr. SOUDER.
H.R. 2227: Mr. WOLF and Mr. DENT.
H.R. 2231: Mr. KUCINICH.
H.R. 2239: Mr. MASSA.
H.R. 2243: Ms. KOSMAS and Mr. SNYDER.
H.R. 2245: Mr. WU, Ms. JACKSON-LEE of Texas, Mr. CULBERSON, and Mr. BISHOP of New York.
H.R. 2246: Mr. MURPHY of Connecticut.
H.R. 2266: Mr. YOUNG of Alaska.
H.R. 2267: Mr. YOUNG of Alaska.
H.R. 2272: Mr. PRICE of North Carolina.
H.R. 2293: Mr. MCDERMOTT.
H.R. 2296: Mr. DAVIS of Kentucky and Mr. AUSTRIA.
H.R. 2304: Mr. RODRIGUEZ and Mr. WAXMAN.
H.R. 2315: Mr. SPACE.
H.R. 2329: Mr. MANZULLO, Mr. SHULER, and Ms. SCHWARTZ.
H.R. 2360: Mr. HALL of New York and Mr. LANCE.
H.R. 2389: Mrs. LOWEY.
H.R. 2390: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2404: Mr. HASTINGS of Florida, and Mr. JOHNSON of Illinois.
H.R. 2408: Mr. UPTON, Ms. WOOLSEY, Mr. MAFFEI, Mr. HALL of Texas, Mr. WEXLER, Mr. PIERLUISI, Mrs. MCCARTHY of New York, Ms. KILPATRICK of Michigan, Mr. CONYERS, and Mr. PETERS.
H.R. 2413: Mr. SCHIFF, Mr. MCGOVERN, Mr. KING of New York, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. REYES, and Ms. DELAURO.
H.R. 2414: Mr. BLUMENAUER and Mr. FILNER.
H.R. 2421: Mr. SERRANO, Mr. SHIMKUS, and Mr. KING of New York.
H.R. 2427: Mr. JACKSON of Illinois.
H.R. 2438: Mr. PAUL.
H.R. 2456: Mr. MEEK of Florida, Mr. BRADY of Pennsylvania, Mr. BOOZMAN, Mr. MITCHELL, Mr. MCGOVERN, and Mr. RODRIGUEZ.
H.R. 2476: Mr. PERLMUTTER, Ms. MARKEY of Colorado, and Mr. MCCLINTOCK.
H.R. 2478: Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Mr. MARKEY of Massachusetts, Mr. CARTER, Mr. HALL of New York, Mr. GUTIERREZ, Mr. BONNER, Ms. HIRONO, Mr. ELLISON, Mrs. CAPPS, Ms. MATSUI, Mr. HASTINGS of Florida, Mr. TIERNEY, Ms. SUTTON, Mr. DELAHUNT, Mr. HOLT, Mr. OLVER, Mr. LYNCH, Mr. FILNER, Mr. ISRAEL, Mr. TAYLOR, Mr. MILLER of Florida, Mr. KANJORSKI, Mr. ROHRABACHER, Ms. GRANGER, Mr. EHLERS, Mr. MANZULLO, and Mr. DANIEL E. LUNGREN of California.
H.R. 2480: Mr. COURTNEY, Mr. SESTAK, Mr. FILNER, and Mr. HONDA.
H.R. 2488: Mr. NYE, Mr. EDWARDS of Texas, Mr. HASTINGS of Florida, Mr. SPACE, Mr. BISHOP of New York, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2499: Ms. PINGREE of Maine, Ms. TITUS, and Mr. HIMES.
H.R. 2531: Mr. CARNAHAN.
H.R. 2539: Mr. MCCOTTER.

H.R. 2560: Mr. MICHAUD.
H.R. 2561: Mr. CARNEY, Mr. FOSTER, and Mr. FILNER.
H.R. 2568: Mr. ELLISON.
H.R. 2578: Ms. KAPTUR, Mr. MCCOTTER, and Mr. BURTON of Indiana.
H.R. 2614: Mr. MITCHELL.
H.R. 2619: Mr. BARTLETT.
H.R. 2648: Mrs. MALONEY, Mr. SNYDER, and Mr. PASTOR of Arizona.
H.R. 2672: Mr. ROE of Tennessee.
H.R. 2681: Mr. STARK.
H.R. 2692: Mr. YOUNG of Alaska.
H.R. 2697: Mr. ROGERS of Kentucky and Mr. SMITH of Nebraska.
H.R. 2708: Mrs. CHRISTENSEN.
H.R. 2710: Mr. RYAN of Ohio, Mr. POMEROY, Ms. DEGETTE, Mr. CARSON of Indiana, and Mr. ABERCROMBIE.
H.R. 2720: Mrs. MALONEY.
H.R. 2724: Mr. ELLISON, Ms. LEE of California, Mr. SIRES, Mr. PAYNE, and Mrs. NAPOLITANO.
H.R. 2743: Mr. TIM MURPHY of Pennsylvania, Mr. PERLMUTTER, Mr. SMITH of New Jersey, Mr. GRIFFITH, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. AUSTRIA, Mr. COFFMAN of Colorado, Mr. CULBERSON, Mr. ARCURI, Ms. LINDA T. SÁNCHEZ of California, Mr. ETHERIDGE, Ms. HERSETH SANDLIN, Mr. BACA, and Mr. SIMPSON.
H.R. 2746: Mr. PASCRELL, Mr. MCMAHON, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. KLEIN of Florida, and Mr. LYNCH.
H.R. 2752: Mr. HENSARLING and Mr. ROGERS of Kentucky.
H.R. 2754: Ms. SCHWARTZ.
H.R. 2770: Mr. WALZ.
H.R. 2777: Mr. COURTNEY.
H.R. 2784: Mr. YOUNG of Alaska.
H.R. 2786: Mr. YOUNG of Alaska.
H.R. 2796: Mr. FRELINGHUYSEN and Mr. AUSTRIA.
H.R. 2810: Ms. SCHAKOWSKY.
H.R. 2817: Mr. FILNER.
H.R. 2819: Mr. SERRANO.
H.R. 2828: Mrs. BLACKBURN.
H.R. 2831: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2835: Mr. POLIS of Colorado and Mr. DEFAZIO.
H.R. 2842: Mr. STEARNS, Mr. HALL of Texas, Mr. PAUL, Mr. TURNER, Mr. AKIN, Mr. BROUN of Georgia, and Mr. ISSA.
H.R. 2844: Mr. LOEBSACK and Mr. POMEROY.
H.R. 2846: Mr. THORNBERRY and Mr. BARRETT of South Carolina.
H.R. 2850: Mr. ANDREWS, Mr. BOUCHER, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. GENE GREEN of Texas, Mr. GORDON of Tennessee, and Ms. SCHAKOWSKY.
H.R. 2875: Mr. SIMPSON.
H.R. 2882: Ms. RICHARDSON, Ms. HIRONO, and Mr. ROTHMAN of New Jersey.
H.R. 2891: Ms. SCHAKOWSKY.
H.R. 2894: Mr. VAN HOLLEN and Mr. RUPPERSBERGER.
H.R. 2902: Mr. FRANK of Massachusetts.
H.R. 2913: Mr. BILIRAKIS and Ms. CASTOR of Florida.
H.R. 2920: Mr. MURPHY of Connecticut.
H.R. 2941: Mr. SESTAK and Mr. CARNAHAN.
H.R. 2943: Mr. POLIS of Colorado.
H.R. 2956: Mr. HENSARLING.
H.R. 2969: Mr. COSTA, Ms. EDWARDS of Maryland, Mr. MORAN of Virginia, and Mr. GEORGE MILLER of California.
H.J. Res. 56: Mr. PITTS and Mr. MCCOTTER.
H. Con. Res. 49: Mr. MELANCON.
H. Con. Res. 74: Ms. WATSON and Mr. ELLISON.
H. Con. Res. 128: Mr. BOOZMAN.
H. Con. Res. 144: Mr. VISCLOSKY, Mr. RUSH, Mr. COURTNEY, Mr. HARE, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. SESTAK, Mr. CARNAHAN, Ms. SCHAKOWSKY, Ms. KAPTUR, Ms. HIRONO, and Mr. SMITH of Washington.
H. Con. Res. 146: Mr. FILNER.
H. Con. Res. 152: Mr. BERMAN.
H. Con. Res. 154: Mr. WEINER, Mr. SHERMAN, Mr. FRANK of Massachusetts, and Mr. CLEAVER.
H. Res. 69: Ms. RICHARDSON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CLEAVER, Mr. CONYERS, Mr. MARIO DIAZ-BALART of Florida, Ms. SCHAKOWSKY, Mr. SKELTON, and Ms. LEE of California.
H. Res. 111: Mr. CARNEY, Ms. KOSMAS, Ms. CLARKE, Mr. GALLEGLY, Mr. CONNOLLY of Virginia, Mr. MCCLINTOCK, Mr. BILBRAY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MILLER of Florida, Mrs. CAPITO, Mr. HALL of Texas, Mrs. LOWEY, and Mr. BOUSTANY.
H. Res. 159: Ms. BALDWIN.
H. Res. 199: Mr. JOHNSON of Illinois.
H. Res. 209: Ms. ZOE LOFGREN of California.
H. Res. 244: Mr. AUSTRIA.
H. Res. 278: Mr. WU and Mr. TOWNS.
H. Res. 285: Mr. LAMBORN, Ms. BORDALLO, Mr. HUNTER, and Mr. MCMAHON.
H. RES. 288: MR. FATTAH, MR. SIRES, MRS. CHRISTENSEN, MR. PAYNE, MR. HALL of Texas, and Mr. MICHAUD.
H. Res. 364: Mrs. HALVORSON.
H. Res. 397: Mr. JOHNSON of Illinois, Mr. GOODLATTE, and Mr. MCCLINTOCK.
H. Res. 412: Mr. SESTAK.
H. Res. 433: Mr. ROTHMAN of New Jersey and Mrs. LOWEY.
H. Res. 441: Mr. KUCINICH, Mr. COURTNEY, Mr. RYAN of Ohio, Mr. DAVIS of Illinois, Mrs. DAHLKEMPER, Mr. GUTIERREZ, Mr. KILDEE, Ms. ESHOO, Mr. MORAN of Virginia, Mr. COSTELLO, Mr. ROTHMAN of New Jersey, Mrs. NAPOLITANO, Mr. WILSON of Ohio, and Mr. STUPAK.
H. Res. 452: Ms. BORDALLO, Mr. MCGOVERN, Mr. SESTAK, and Ms. MOORE of Wisconsin.
H. Res. 476: Mrs. BLACKBURN.
H. Res. 491: Mr. BISHOP of New York.
H. Res. 494: Mr. LARSEN of Washington and Mr. PRICE of North Carolina.
H. Res. 497: Mr. MCCOTTER, Mr. STEARNS, Mr. JORDAN of Ohio, Mr. PENCE, Ms. FOXX, Mr. CASSIDY, Mr. LATTA, Mr. BOOZMAN, Mr. MARIO DIAZ-BALART of Florida, Mrs. MCMORRIS RODGERS, Mr. OLSON, Mr. FORBES, Mr. DUNCAN, Mr. KING of New York, and Mr. BUYER.
H. Res. 507: Mr. BOSWELL, Mr. MCCOTTER, and Mr. SCOTT of Georgia.
H. Res. 512: Mr. KIRK, Ms. MOORE of Wisconsin, Mr. KRATOVIL, Mr. JONES, and Mr. HASTINGS of Florida.
H. Res. 543: Ms. TITUS, Mr. MINNICK, and Mr. BLUMENAUER.
H. Res. 547: Mrs. MCMORRIS RODGERS.
H. Res. 549: Mr. BURTON of Indiana.
H. Res. 550: Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Georgia, Mr. FATTAH, Ms. MOORE of Wisconsin, Mr. RUSH, and Ms. NORTON.
H. Res. 556: Mr. ROYCE.
H. Res. 566: Mr. GEORGE MILLER of California.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative SKELTON, or a designee, to H.R. 2647, the National Defense Authorization Act for FY10, contains the following congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI: Title II; Acct RDDW; PE or Project 1160405BB; Line 247; Description Advanced, Long Endurance Unattended Ground Sensor; Amount $8,000 (Dollars in Thousands); Member HARPER; Intended Recipient Mississippi State University; Intended Location of Performance; Starkville, MS.

The amendment to be offered by Representative PRICE of North Carolina, or a designee, to H.R. 2892, the Department of Homeland Security Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f) or 9(g) of rule XXI.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

55. The SPEAKER presented a petition of the California Federation of Teachers AFT, AFL-CIO, relative to 2009 CFT RESOLUTION 35 Endorsing the Workers Emergency Recovery Campaign; to the Committee on Education and Labor.

56. Also, a petition of the Clayton County Public Schools Office of the Interim Superintendent in Jonesboro, Georgia, relative to a resolution fully supporting the intention "Sexual Abuse Awareness Month" and further supporting this "awareness" not only in the month of April but supporting this cause throughout the year for the protection of children from the spiritual, physical and mental harm that can be caused by sexual abuse and urging the State of Georgia, the United States Congress and the President of the United States to likewise support actions to protect children from the harm that is caused by sexual abuse; to the Committee on Energy and Commerce.

57. Also, a petition of the City of North Miami Beach, Florida, relative to RESOLUTION NO. R2009-29 URGING PRESIDENT OBAMA TO GRANT TEMPORARY PROTECTIVE STATUS TO HAITIANS IN THE UNITED STATES; to the Committee on the Judiciary.

58. Also, a petition of the American Bar Association, relative to a resolution relating to Juvenile Sex Offender Registration; to the Committee on the Judiciary.

59. Also, a petition of the American Bar Association, relative to a resolution relating to the Mediation of Criminal Matters; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2647

OFFERED BY: MR. SKELTON

AMENDMENT NO. 1: Page 72, line 18, strike "(h)" and insert "(d)".

At the end of section 414 (page 122, after line 14), add the following new subsection:

(c) CONFORMING AMENDMENT TO STATUTORY LIMITATION.—Section 10217(c)(2) of title 10, United States Code, is amended by striking "1,950" and inserting "2,541".

Page 260, lines 9 and 10, strike "by adding at the end the following new section" and insert "by inserting after section 235, as added by section 242(a) of this Act, the following new section".

Page 260, line 11, strike "235." and insert "236.".

Page 262, before line 1, strike "235." and insert "236.".

At the end of subtitle A of title X (page 323, after line 12), add the following new section:

SEC. 1003. ADJUSTMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Funds authorized to

be appropriated in section 201(3) for research, development, test, and evaluation for the Air Force are reduced by $2,900,000, to be derived from sensors and near field communication technologies.

(b) ARMY OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(1) for operation and maintenance for the Army are reduced by $18,000,000, to be derived from unobligated balances for the Army in the amount of $11,700,000 and fuel purchases for the Army in the amount of $6,300,000.

(c) NAVY OPERATION AND MAINTENANCE.—

(1) REDUCTION.—Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy are reduced by $22,900,000 to be derived from unobligated balances for the Navy in the amount of $11,700,000 and fuel purchases for the Navy in the amount of $11,200,000.

(2) AVAILABILITY.—Of the funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy for the purpose of Ship Activations/Inactivations, $6,000,000 shall be available for the Navy Ship Disposal–Carrier Demonstration Project

(d) MARINE CORPS OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(3) for operation and maintenance for the Marine Corps are reduced by $2,000,000, to be derived from unobligated balances for the Marine Corps in the amount of $1,100,000 and fuel purchases for the Marine Corps in the amount of $900,000.

(e) AIR FORCE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force are reduced by $25,000,000, to be derived from unobligated balances for the Air Force in the amount of $4,300,000 and fuel purchases for the Air Force in the amount of $20,700,000.

(f) DEFENSE-WIDE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(5) for operation and maintenance for Defense-wide activities are reduced by $5,200,000, to be derived from unobligated balances for Defense-wide activities in the amount of $4,300,000 and fuel purchases for Defense-wide activities in the amount of $900,000.

(g) MILITARY PERSONNEL.—Funds authorized to be appropriated in section 421 for military personnel accounts are reduced by $50,000,000, to be derived from unobligated balances for military personnel accounts.

Page 345, line 16, strike ''30 days'' and insert ''90 days''.

Page 391, line 15, strike ''the budget fiscal year'' and insert ''subsequent fiscal years''.

Strike section 1505 (page 493, beginning line 12) and insert the following new section:

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $916,553,000.

(2) For weapons procurement, Navy, $73,700,000.

(3) For ammunition procurement, Navy and Marine Corps, $710,780,000.

(4) For other procurement, Navy, $318,018,000.

(5) For procurement, Marine Corps, $1,164,445,000.

Page 556, line 14, strike ''2821(b)'' and insert ''2811(b)''.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, JUNE 23, 2009 No. 95

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

Gracious God, Ruler of all nature, protect our Senators from the seductive influences of power and prestige. Today, deliver them from the delusion of self-importance which their position and status subtly nurture. Remind them of the example of the greatest man who ever lived. He said: ''Those who would be greatest must be servants of all.'' In disagreement and confrontation, help them to respect and esteem each other as they struggle together for the resolution of complex issues. Lord, give them the humility to know that no one has a monopoly on Your truth and that all need each other to discover Your guidance together.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 23, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period for the transaction of morning business. Senators will be allowed to speak for up to 10 minutes each. Republicans will control the first 30 minutes and the majority will control the next 30 minutes. The Senate will be in recess from 12:30 p.m. to 2:15 p.m. today to allow for weekly caucus luncheons. We will continue to work on an agreement to consider the legislative appropriations bill today. Senators could expect votes in relation to that bill during today's session.

MAKING TECHNICAL CORRECTIONS TO THE HIGHER EDUCATION ACT OF 1965

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 1777.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1777) to make technical corrections to the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Mr. President, I rise to speak in support of this bill and our need to make important technical corrections to the Higher Education Opportunity Act. I thank Senator KENNEDY for his willingness to approach this bill in a bipartisan manner, I always believe that working together we produce a better policy.

Any time this body considers a bill that has over 1,000 pages, there is bound to be a need to do some ''clean up'' and to correct unintended consequences. Fortunately, we were also provided an opportunity to broaden benefits to the children who have lost a parent in either Iraq or Afghanistan since 2001. It is important that we do all we can to support these individuals whose families have made the ultimate sacrifice for our country. I am appreciative of Senators BURR and ALEXANDER for their leadership in getting this bill done.

A college education is not a luxury in the 21st century economy. It is a necessity. This bill will improve the ability of our student assistance programs to function and meet the needs of institutions of higher education, students and their families.

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 1364) was agreed to.

(The amendment is printed in today's RECORD under ''Amendments Submitted.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1777), as amended, was read the third time and passed.

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

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CONDOLENCES TO WASHINGTON METRO CRASH VICTIMS

Mr. REID. Mr. President, before we turn to legislative matters, I wish to express my personal condolences and those of the Senate to the people affected by yesterday's tragedy, and that was a lot of people. That tragedy took place on the Washington Metro system. Nine people were killed and scores more injured yesterday evening as they simply made their way home during rush hour. The accident has shaken this city and this body. Like so many other commuters, many who work on Capitol Hill rely on the Metro system every day. It has been reliable, and it has been safe. My heart goes out to the families who lost loved ones and those who were injured. As we learn more about what caused this terrible accident, we will work to ensure it never happens again.

HEALTH CARE

Mr. REID. Mr. President, this new year began with so much hope. When we began the 111th Congress, I had hoped Republicans would leave their Republican games in the 110th Congress. I had hoped they would have listened when the American people reviewed their record and said no to the party of no.

I wrote the following at the time, this past January:

> We have no choice but to govern differently. The times demand it. If we do not govern differently, we will have taken no good lessons from the bad experience of the Bush years.

That goes for Republicans and Democrats alike.

In my first address to this Chamber this year, I reminded both Republicans and Democrats that when we retreat to partisanship, when we fail to reach for common ground, we rob ourselves of the ability to create the change the American people demanded.

As the health care debate approached in April, I reached out to our Republican colleagues and wrote this:

> Rather than just saying no, you must be willing to offer concrete and constructive proposals. We cannot afford more of the obstructionist tactics that have denied or delayed Congress' efforts to address so many of the critical challenges facing this nation.

Last week, I reminded the other side that our hands remain outstretched across the aisle. I assured them we still save them a seat at the negotiating table. And just yesterday, I encouraged our Republican friends to join with us to pass an important bill that would promote foreign travel to the United States—creating jobs, reducing our deficit, and strengthening our economy in the process. Everyplace in America, there are hotel rooms and motel rooms that are not occupied as they should be. The legislation killed yesterday by the Republicans would have had more people coming to those hotel and motel rooms.

At the beginning of this year, at the beginning of this Congress, at the beginning of this debate, and even up to the beginning of this week, my commitment to bipartisanship and finding common ground has not changed one bit. Unfortunately, a stubborn group of Senate Republicans has not changed either.

Yesterday, Republicans blocked a bill that had 11 Republican cosponsors. I assumed when they sponsored that bill they were in favor of the bill. That is kind of an idea people get around here. They blocked a bill that would support a trillion-dollar industry in an otherwise slow economy. They blocked a bill that would create 40,000 new jobs right here at home over the next year. It would have cut our deficit by $425 million and helped our economy recover.

Perhaps, though, we shouldn't be surprised. Just last week, a Republican Senator said the following:

> Democrats need to know when they bring [bills] up, we're going to extend the debate as long as we can—even if we can't win.

That is what he said.

Given their commitment to obstruction, it is remarkable we have gotten anything done this year, let alone such a strong catalog of important accomplishments that have helped us revive our economy, strengthen our national security, protect our environment, demand accountability, promote equality, and ensure progress. But if Republicans are going to stand in the way of a bill that creates tens of thousands of new jobs, cuts our deficit by hundreds of millions of dollars, and helps every single State in the Union, how are we going to do the other important work the American people sent us here to do? What is it they want to do?

As my good friend from North Dakota, Senator DORGAN, said yesterday on the floor:

> If we can't agree on a piece of legislation that was offered by over 50 Senators, Republicans and Democrats, dealing with promotion of tourism and creating jobs and promoting this country's economic interests by asking international tourists to come to America and see what America is all about—if we can't agree on that, how on Earth will we get agreements on energy, health care, climate change, and so on? It is so disappointing.

I don't know if anyone could put it any better than Senator DORGAN did. I couldn't.

Reforming health care and pursuing energy independence are daunting tasks. No one claims it is simple, but nearly everyone knows it is essential. No one claims the answer is obvious, but everyone knows we must work toward one. Yet, if Republicans refuse to find common ground on the easy things, how will we do so on the hard ones?

It is difficult to understand, but it is clear to anyone following this debate that our Republican friends are not interested in making the difficult but necessary decisions to dig our economy out of this ditch and move us further down the path of recovering prosperity. They have said publicly and privately they are waiting on President Obama's failure. At this point, it has been a bad bet because President Obama is still—today in the press, his popularity is approaching 70 percent.

Instead, they like to echo talking points written by pollsters. They like to repeat the tired, trite, and baseless claim that if we reform health care—85 percent of Americans want us to reform health care, but they are saying that if we improve health care, they will be denied and delayed in getting health care. It is absolutely incomprehensible what their reasoning is. Nothing could be further from the truth.

First, let me state once again the facts. No matter what Republicans claim, the government has no intention of choosing any part of your medical plan. Remember, we are talking a public option, a public choice. The government has no intention of choosing for you any part of your medical plan or meddling in any of your medical relationships. If you like the coverage you have, you can keep it. In fact, it is the name of a whole section of the HELP Committee's bill. Section 131 is called ''No Changes to Existing Coverage.'' That is what the title of the bill section is. Every time you hear Republicans say otherwise, you know they are not interested in an honest debate.

Second, let me reiterate once again the reality. The only thing being delayed is urgently needed reform that ensures all Americans have access to quality, affordable health care. The only thing at risk of being denied is Americans' ability to stay healthy, get healthy, or care for a loved one. It is being delayed by a party that has made such stalling tactics their speciality, as evidenced last night.

The party of no is showing no interest in sitting down with us at the negotiating table. The party of no has shown no interest in legislating. And I am most concerned that the party of no has shown no interest in helping the millions of people who have no insurance and the 20 million who are underinsured and the millions more who are paying too much for health care they could lose with one pink slip, one accident, or one illness. Millions of people are afraid they are going to lose their insurance. That is what this debate is about. It is not just about people who have no insurance, it is about people who have insurance, to keep it. In the last 8 years, the number of uninsured in this country has gone up by 10 million people—10 million people.

So I remind my Republican colleagues again, this is not about winning and losing. This is not the time for ideology. This is not the place for political games. For the millions of Americans who have paid crushing health care costs or those with no coverage at all, it is about a concrete and critical crisis that children, families, and small businesses feel every single day. It is about the parent who cannot afford to take their kid to the doctor because insurance is too expensive. It

is about the small businesses that have to lay off employees because they cannot afford skyrocketing health care payments. It is about small businesses that have to eliminate health insurance because they cannot afford it. It is about the three in five families who put off necessary medical care because it costs too much.

American families in every one of our States are counting on us to work together in our common interests. They are not counting the political points scored by either party. Senate Democrats want nothing more than to work with Republicans to create a bipartisan health reform bill that ensures quality and affordable help for all Americans. That is why the HELP Committee has held 14 bipartisan roundtables, 13 committee hearings, and 20 meetings of committee members to discuss various proposals—each one with the goal of reaching a bipartisan agreement. Hardworking Americans are too often casualties of our health care system. They deserve better than to also be the casualties of this kind of politics.

It is not too late for Republicans to join us for a serious discussion and sincere dialog about how to move this country forward. As I did at the beginning of this year, this Congress, this debate, and this week, I still have hope they will.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE WEEK IV, DAY II

Mr. MCCONNELL. Mr. President, the Secretary of Health and Human Services recently said that when it comes to health care, the status quo is unacceptable, and I agree with her. She then went on to say that there are a lot of people on Capitol Hill who are content with doing nothing, though she didn't name names. On that point, I totally disagree. Republicans and Democrats all share the belief that health care reform is needed. The question is what kind of reform it should be.

Some have proposed a government-run health care system that would force millions to give up the private health plans they have and like and replace them with a government plan where care is denied, delayed, and rationed. This so-called ''reform'' is not the kind of change Americans want. They want health care that is more affordable and accessible, but that preserves the doctor-patient relationship and the quality of care they now enjoy.

And that is why Republicans are proposing reforms to make health care less expensive and easier to obtain without destroying what's good about our system. Republicans want to reform our medical liability laws to discourage junk lawsuits and bring down the cost of care; we want to encourage wellness and prevention programs that have been successful in cutting costs; we want to encourage competition in the private insurance market to make care more affordable and accessible; and we want to address the needs of small businesses without creating new taxes that kill jobs. But instead of embracing these commonsense ideas that Americans support, Democrats in Congress are trying to rush through a health care bill that will not only lead to a government-run system, but will do so by spending trillions of dollars and plunging our country deeper and deeper into debt.

Recently, the independent Congressional Budget Office told us that just one—just one—section of the bill being discussed in the HELP Committee would spend $1.3 trillion over a decade. And Senator GREGG, the ranking member on the Budget Committee, estimates the HELP bill could end up spending more than $2 trillion—more than $2 trillion on a bill that would not even solve the entire problem.

The American people don't want us to spend trillions of dollars we don't have on a health care system they don't want. And yet that is exactly what Democrats plan to do, even though they can't explain to anyone how they will pay for it. Despite the staggering costs of the Democrat health care plan, we're being told we need to rush it through the Congress for the sake of the economy. When Republicans ask how Democrats are going to pay for it, or what impact it will have on our health care system and the economy, the only words we hear are rush and spend, rush and spend.

We heard similar warnings earlier this year when Democrats pushed through their stimulus bill, and voted on it less than 24 hours after all of the details were made public. Well, if the American people learned anything from the stimulus, it is that we should be suspicious when we are told that we need to spend trillions of dollars without having the proper time to review how the money will be spent or what effect it will or will not have.

Democrats also said the stimulus money wouldn't be wasted and that they would keep track of every penny spent. Yet already we are learning about outrageous projects like a $3.4 million turtle tunnel that is 13 feet long or more than $40,000 being spent to pay the salary of someone whose job is to apply for more stimulus money.

The administration also predicted that if we passed the stimulus, the unemployment rate wouldn't exceed 8 percent. But just last week, the President said that unemployment would likely rise to 10 percent.

So when Democrats now predict that their health care plan will cut costs, Americans should be skeptical. And they have good reason to be, since independent estimates show that every health care proposal Democrats have offered would only hurt the economy.

Americans should also be skeptical when it comes to Democrat promises that people will be able to keep their current insurance. Just last week, the independent Congressional Budget Office said that just one section of the HELP Bill will cause 10 million people with employer-based insurance to lose the coverage they have. And that is even before we have seen a finished product. The bill is still missing significant sections, such as a government plan that Democrats want, which could force millions more to lose their current coverage.

The stimulus showed that when politicians in Washington say the sky is going to fall unless Congress approves trillions of dollars right away, we should be wary. Yet just a few months later, Americans are hearing the same thing from Democrats in the health care debate: rush and spend, rush and spend. Americans want health care reform, but they want the right health care reform. They want us to take the time and care necessary to get it right. And that is why the Democrats' rush and spend strategy is exactly the wrong approach.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from Arizona is recognized.

HEALTH CARE REFORM

Mr. MCCAIN. Mr. President, today, the HELP Committee will meet to discuss another new government program that seeks to promote prevention and wellness. While prevention and wellness are important and can lead to lower overall health care costs, we already have several programs focused on prevention and wellness.

The HHS Fiscal year 2010 budget request for prevention is $700 million. In the recent omnibus approps bill there were $22 million worth of earmarks for legislators' pet projects for prevention and wellness, and $310.5 million worth of earmarks under the Health Resources and Services Administration. Yet the health care bill proposed by the majority includes $80 billion new spending on new prevention programs without even acknowledging the existing programs or suggesting improvements to them. In other words, wellness and fitness has become another trough to put both feet in for earmarks and pet projects of members.

We already have $1.8 trillion in Federal debt. Yet the majority keeps on spending on new government programs that intervene in the markets and our personal lives. Where will it stop?

The Center for Disease Control has devised programs focused on weight loss and obesity, smoking and tobacco, drinking and alcohol, injury and accident prevention. These programs receive hundreds of millions of taxpayer dollars each year. But the health reform bill being considered by the HELP Committee adds billions more for prevention on top of these programs.

This reckless spending by the majority is irresponsible. The majority should focus on whether the existing programs achieve the stated objectives. The Federal Government does nothing to measure effectiveness of prevention programs and has not a single metric for program performance. Before we create a new Federal entitlement program costing billions, we should first measure the effectiveness of our current programs.

I can tell you what is working. Employers all over the country are creating innovative, voluntary programs to promote healthier lifestyles and bring down costs. However, instead of removing hindrances to more employer prevention and wellness programs, the majority's first instinct is to create another government entitlement program and set up roadblocks to employer innovation.

I would now like to take a moment to put all of this in perspective. Today is Tuesday, June 23, and another day has passed without the Senate having a complete health care reform bill to consider. We don't yet know what the majority will propose for their so called ''government plan'' or how it will be paid for. What we do know is that a Congressional Budget Office preliminary estimate believes that the incomplete bill will cost over $1 trillion but cover only one-third of those current uninsured. So I dread the Congressional Budget Office cost estimate of a complete bill. Some fear that the final price tag for covering all Americans Auld cost taxpayers as much as $3 trillion.

We have a real problem here. Every day that goes by without the key elements of the majority's bill being available for consideration leads to another day where millions of Americans will become uninsured. This is an absolute disservice to our constituents and an embarrassment.

The President of the United States and the majority continue to allege that we will enact health care reform before we leave for the August recess. We are now approaching the July recess. We do not have an estimate or the language, much less the estimate, of two vital, important parts of any health care reform legislation: what will be the role of the employer and what will be the government mandate or the government role, and, finally, how much all this will cost the taxpayers.

So we are talking about one-fifth of the gross domestic product of this Nation, and we are expected, in a few short weeks, to enact overall health care reform with still the Members on this side of the aisle not being informed as to what the plan is, much less have a serious debate. There are meetings of the committees going on and discussion and nice things said about each other. I always enjoy that. But the fact is, we have not gotten down to the fundamental challenges of health care reform in America.

The days are growing shorter and the time is growing short. We cannot enact health care reform and fail. We cannot do that. The sooner the better that we get the full perspective of what is the proposal of the administration and the other side and how much it costs and what the fundamental issues are that are being addressed—such as employer mandates and government mandates. They are certainly not clear not only to us but to the American people.

We have to communicate to the American people how we are going to fix health care. We can't do that unless we have a complete plan to consider and present to them, as well as to Members on this side of the aisle.

I yield the floor.

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

SOTOMAYOR NOMINATION

Mr. CORNYN. I would like to use the next 10 minutes or so to address the nomination of Judge Sonia Sotomayor to be the next Associate Justice of the U.S. Supreme Court. I spoke last week a little bit on this nomination and the constitutional responsibility of the Senate to conduct a fair and, I believe, dignified hearing that will be held, now, on July 13, just a couple of short weeks from now. As I said then, and I will say it again, she deserves the opportunity to explain her judicial philosophy more clearly and to put her opinions and statements in proper context. I think every nominee deserves that. But I don't think it is appropriate for anyone—this Senator or any Senator—to prejudge or to preconfirm Judge Sotomayor or any judicial nominee.

This is an important process, as I said, mandated by the same clause of the Constitution that confers upon the President the right to make a nomination, and it is the duty of the Senate to perform something called advice and consent, a constitutional duty of ours. It should be undertaken in a responsible, substantive, and serious way.

Last Thursday I raised three issues I will reiterate briefly with regard to Judge Sotomayor's record. I would like to hear more from her on the scope of the second amendment to the Constitution and whether Americans can count on her to uphold one of the fundamental liberties enshrined in the Bill of Rights: the right to keep and bear arms. I would also like to hear more from Judge Sotomayor on the scope of the fifth amendment and whether the government can take private property from one person and give it to another person based on some elastic definition of public use. And, I want to hear more from her on her thoughts on the equal protection clause of the 14th amendment of the Constitution, which reads in part:

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

Obviously, the third issue is going to be very much in the news, probably again as soon as next Monday, when the Supreme Court hands down its decision in the Ricci v. DiStefano case, a case in which Judge Sotomayor participated on the panel before her court of appeals. That case, as you may recall, involves firefighters who took a competitive, race-neutral examination for promotion to lieutenant or captain at the New Haven Fire Department.

The bottom line is, the Supreme Court could decide the Ricci case in a matter of days, and the Court's decision, I believe, will tell us a great deal about whether Judge Sotomayor's philosophy in that regard, as far as the Equal Protection Clause is concerned, is within the judicial mainstream or well outside of it.

The Ricci case is one way the American people can get a window into Judge Sotomayor's judicial philosophy. Another way is to look at some of her public comments, including speeches made on the duty and responsibility of judging.

The remarks that have drawn the most attention are those in which she said:

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

As I said before, and I will say it again, there is no problem—certainly from me, and I do not believe any Senator—if she is just showing what I think is understandable pride in her heritage, as we all should as a nation of immigrants. But if the judge is talking about her judicial philosophy and suggesting that some people, some judges, because of their race, because of their ethnicity, because of their sex, actually make better decisions on legal disputes, then that is something Senators will certainly want to hear more about, this Senator included.

Judge Sotomayor has made other public remarks that deserve more scrutiny than they have received so far. For example, in a speech in 2002, Judge Sotomayor embraced the remarks of Judith Resnick and Martha Minow, who are two prominent law professors who have each proposed theories about judging that are far different than the way most Americans think about these issues. Most Americans think the people elect their representatives, Members of the House and Senate, to write

the laws, and the judges, rather than rewriting those laws, should interpret those laws in a fair and commonsense way, without imposing their own views on what the law should be.

Most Americans think that when judges impose their own views on a case, when they substitute their own political preferences for those of the people and their elected representatives, then they undermine Democratic self-government and they become judicial activists.

Professors Resnick and Minow have very different ideas than I think the mainstream American thinks on what a judge's job should be. Their views may not be controversial in the ivory tower of academia. Academics often encourage each other to engage in provocative theories so they can write about them and get published and get tenure.

But the American people generally do not want judges to experiment with new legal theories when it comes to judging. They have a more commonsense view that judges should follow the law and not the other way around.

So where does Judge Sotomayor stand on some of these academic legal theories, which I think are far out of the mainstream of American thought? I am not sure. But in her 2002 remarks she said this:

> I accept the proposition that as [Professor] Resnick describes it, ''to judge is an exercise of power.''

And:

> as . . . Professor Minow . . . states ''there is no objective stance but only a series of perspectives—no neutrality, no escape from choice in judging.''

If I understand her quotes correctly, and those are some things I want to ask her about during the hearing, that is not the kind of thing I think most Americans would agree with. They do not want judges who believe that there is no such thing as neutrality in judging because neutrality is an essential component of fairness. If you know you are going to walk into a courtroom only to have a judge predisposed to deciding against you because of some legal theory, then that is not a fair hearing. And we want our judges to be neutral and as fair as possible when deciding legal disputes.

The American people, I do not think, want judges who believe they have been endowed with some power to impose their views for what is otherwise the law. Americans believe in the separation of powers, the separation between Executive, legislative and judicial power and that judges should, by definition, show self-restraint and respect for our branches of government.

I hope Judge Sotomayor will address these academic legal theories during her confirmation hearing. I hope she will clarify what she sees in the writings of Professors Resnick, Minow, and others whom she finds so admirable.

I hope she will demonstrate that she will respect the Constitution more than those new-fangled legal theories and that she will respect the will of the people as represented by the laws passed by their elected representatives and not by life-tenured Federal judges who are not accountable to the people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, will the Chair please let me know when I have consumed 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator will be so notified.

HEALTH CARE

Mr. ALEXANDER. Mr. President, this morning one of our bipartisan breakfasts occurred which we have here every so often. Senator LIEBERMAN and I and other Senators organized it. 16 Senators there attending this morning's breakfast. The Presiding Officer is often a participant in those meetings. At this morning's breakfast we discussed health care. As we listened to the chairman, ranking member, and other senior members of the Finance Committee one of the things we said is that we agree on about 80 percent of what needs to be done.

But one of the areas where we do not agree is cost. Another area is whether a so-called government-run insurance option will lead to a Washington takeover of health care. A lot of us are feeling like we have had about enough Washington takeovers: our banks, our insurance companies, our student loans, our car companies, even our farm ponds, and now health care.

Government-run insurance is not the best way to extend coverage to low-income Americans who need it. The chairman of the Finance Committee indicated that his bill would be paid for. But on the Health, Education, Labor, and Pensions Committee, on which I serve, that is not the case. The bill is not even finished yet, and already, as the Senator from New Hampshire has pointed out, in the 5th through the 14th year, 10 years, it would cost 2.3 trillion new dollars, raising the Federal debt to even further unimaginable levels.

Let me mention an aspect of cost which is often overlooked. Federal debt is certainly a problem, but as a former Governor, I care about the State debt and State taxes. The States do not have printing presses, they have to balance their budgets. So when we do something up here that puts a cost on States down there, they have to raise taxes or cut programs.

We know the programs they have to cut: education, and health care programs, both are important to people in Illinois and people in Tennessee.

The Medicaid Program in the Kennedy bill that we are considering would increase Medicaid to 150 percent of the Federal poverty level, which sounds real good until you take a look at the cost.

In Tennessee alone, if the State had to pay its share of the requirement, about one-third, that would be $600 million. It would be another $600 million if, as has been suggested, it is required that the State reimburse physicians up to 110 percent of Medicare. So that is $1.2 billion of new costs just for the State of Tennessee.

The discussion has been that the Federal Government will take that over for a few years and then will shift that back to the States. Well, my response is that every Senator who votes for such a thing ought to be sentenced to go home and serve as Governor of his or her State for 8 years and figure out how to pay for it or manage a program like that.

In our State, we talk about money. Up here, a trillion here, a trillion there. But $1.2 billion in the State of Tennessee equals to about a 10-percent income tax on what the people of Tennessee would bring in. We do not have an income tax. So that would be a new 10-percent income tax.

So one of my goals in the health care debate is to make sure we do not get carried away up here with good-sounding ideas and impose huge, unfunded mandates on the States, which, according to the tenth amendment to the Constitution, we are not supposed to. But we superimpose our judgment upon the Governors, the legislators, the mayors, the local politicians who are making decisions about whether to spend money to lower tuition or improve the quality of the community college or provide this form of health care or build this road or bridge. That is their decision. And if we want to require something, we should pay for it from here.

I am going to be very alert on behalf of the States and the citizens of the States to any proposal that would shift unfunded mandates on State and local governments. I hope my colleagues will as well.

My suggestion to every Governor in this country is, over the next few days, to call in your Medicaid director, ask that Medicaid director to call the Senate and say: Tell us exactly how much the Kennedy bill and the Finance Committee bill will impose in new costs on our State if the costs are shifted to the States. Then when we come back at the first of July, we can know about that cost.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. ALEXANDER. I thank the Chair very much. So my interest is not just in additions to the Federal debt but not allowing unfunded mandates to the States.

I ask unanimous consent to have printed in the RECORD an article from the New York Times from June 22, 2009, showing what condition the States are in. Almost all are in a budget crisis and not in any position to accept this.

I also would like to thank the Senator from Arizona for allowing me to go ahead of him so I can go to the committee and offer an amendment.

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

[From the New York Times, June 22, 2009]

STATES TURNING TO LAST RESORTS IN BUDGET CRISIS

(By Abby Goodnough)

In Hawaii, state employees are bracing for furloughs of three days a month over the next two years, the equivalent of a 14 percent pay cut. In Idaho, lawmakers reduced aid to public schools for the first time in recent memory, forcing pay cuts for teachers.

And in California, where a $24 billion deficit for the coming fiscal year is the nation's worst, Gov. Arnold Schwarzenegger has proposed releasing thousands of prisoners early and closing more than 200 state parks.

Meanwhile, Maine is adding a tax on candy, Wisconsin on oil companies, and Kentucky on alcohol and cellphone ring tones.

With state revenues in a free fall and the economy choked by the worst recession in 60 years, governors and legislatures are approving program cuts, layoffs and, to a smaller degree, tax increases that were previously unthinkable.

All but four states must have new budgets in place less than two weeks from now—by July 1, the start of their fiscal year. But most are already predicting shortfalls as tax collections shrink, unemployment rises and the stock market remains in turmoil.

''These are some of the worst numbers we have ever seen,'' said Scott D. Pattison, executive director of the National Association of State Budget Officers, adding that the federal stimulus money that began flowing this spring was the only thing preventing widespread paralysis, particularly in the areas of education and health care. ''If we didn't have those funds, I think we'd have an incredible number of states just really unsure of how they were going to get a new budget out.''

The states where the fiscal year does not end June 30 are Alabama, Michigan, New York and Texas.

Even with the stimulus funds, political leaders in at least 19 states are still struggling to negotiate budgets, which has incited more than the usual drama and spite. Governors and legislators of the same party are finding themselves at bitter odds: in Arizona, Gov. Jan Brewer, a Republican, sued the Republican-controlled Legislature earlier this month after it refused to send her its budget plan in hopes that she would run out of time to veto it.

In Illinois, the Democratic-led legislature is fighting a plan by Gov. Patrick J. Quinn, also a Democrat, to balance the new budget by raising income taxes. And in Massachusetts, Gov. Deval Patrick, a Democrat, has threatened to veto a 25 percent increase in the state sales tax that Democratic legislative leaders say is crucial to help close a $1.5 billion deficit in the new fiscal year.

''Legislators have never dealt with a recession as precipitous and rapid as this one,'' said Susan K. Urahn, managing director of the Pew Center on the States. ''They're faced with some of the toughest decisions legislators ever have to make, for both political and economic reasons, so it's not surprising that the environment has become very tense.''

In all, states will face a $121 billion budget gap in the coming fiscal year, according to a recent report by the National Conference of State Legislatures, compared with $102.4 billion for this fiscal year.

The recession has also proved politically damaging for a number of governors, not least Jon Corzine of New Jersey, whose Republican opponent in this year's race for governor has tried to make inroads by blaming the state's economic woes on him. Mr. Schwarzenegger, who sailed into office on a wave of popularity in 2003, will leave in 2011—barred by term limits from running again—under the cloud of the nation's worst budget crisis. And the bleak economy has played a major role in the waning popularity of Gov. David A. Paterson of New York.

Over all, personal income tax collections are down by about 6.6 percent compared with last year, according to a survey by Mr. Pattison's group and the National Governors Association. Sales tax collections are down by 3.2 percent, the survey found, and corporate income tax revenues by 15.2 percent. (Although New Jersey announced last week that a tax amnesty program had brought in an unexpected $400 million—a windfall that caused lawmakers to reconsider some of the deeper cuts in a $28.6 billion budget they were set to approve in advance of the July 1 deadline.)

As a result, governors have recommended increasing taxes and fees by some $24 billion for the coming fiscal year, the survey found. This is on top of more than $726 million they sought in new revenues this year.

The proposals include increases in personal income tax rates—Gov. Edward G. Rendell of Pennsylvania has proposed raising the state's income tax by more than 16 percent, to 3.57 percent from 3.07 percent, for three years—and tax increases on myriad consumer goods.

''They have done a fair amount of cutting and will probably do some more,'' said Ray Scheppach, executive director of the governors association. ''But as they look out over the next two or three years, they are also aware that when this federal money stops coming, there is going to be a cliff out there.''

Raising revenues is the surest way to ensure financial stability after the stimulus money disappears, Mr. Scheppach added, saying, ''You're better off to take all the heat at once and do it in one package that gets you through the next two, three or four years.''

While state general fund spending typically increases by about 6 percent a year, it is expected to decline by 2.2 percent for this fiscal year, Mr. Pattison said. The last year-to-year decline was in 1983, he said, on the heels of a national banking crisis.

The starkest crisis is playing out in California, where lawmakers are scrambling to close the $24 billion gap after voters rejected ballot measures last month that would have increased taxes, borrowed money and reapportioned state funds.

Democratic legislative leaders last week offered alternatives to Mr. Schwarzenegger's recommended cuts, including levying a 9.9 percent tax on oil extracted in the state and increasing the cigarette tax to $2.37 a pack, from 87 cents. But Mr. Schwarzenegger has vowed to veto any budget that includes new taxes, setting the stage for an ugly battle as the clock ticks toward the deadline.

''We still don't know how bad it will be,'' Ms. Urahn said. ''The story is yet to be told, because in the next couple of weeks we will see some of the states with the biggest gaps have to wrestle this thing to the ground and make the tough decisions they've all been dreading.''

In one preview, Gov. Tim Pawlenty of Minnesota, a Republican, said last week that he would unilaterally cut a total of $2.7 billion from nearly all government agencies and programs that get money from the state, after he and Democratic legislative leaders failed to agree on how to balance the budget.

In an example of the countless small but painful cuts taking place, Illinois announced last week that it would temporarily stop paying about $15 million a year for about 10,000 funerals for the poor. Oklahoma is cutting back hours at museums and historical sites, Washington is laying off thousands of teachers, and New Hampshire wants to sell 27 state parks.

Nor will the pain end this year, Ms. Urahn said, even if the recession ends, as some economists have predicted. Unemployment could keep climbing through 2010, she said, continuing to hurt tax collections and increasing the demand for Medicaid, one of states' most burdensome expenses.

''Stress on the Medicaid system tends to come later in a recession, and we have yet to see the depth of that,'' Ms. Urahn said. ''So you will see, for the next couple years at least, states really struggling with this.''

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

HEALTH CARE

Mr. KYL. I wish to commend the Senator from Tennessee because he has been a leader in pointing out the problems that these new health care expenditures would impose upon our States. It is important to have the Governors of the States and the State legislators to begin to let Washington know what they think about these new costs that they are somehow going to have to bear.

Let me begin at the outset here, on the same subject, to make it clear that Republicans are very eager for serious health care reform, just as I think the American people are.

That is why we support new ideas that would actually cut health care costs and make all health care more affordable and accessible. Republicans want to reform our medical liability laws to curb frivolous lawsuits. We want to strengthen and expand wellness programs that encourage people to make healthy choices about smoking, diet, and exercising. All those have huge impacts on the cost of health care.

We also wish to address the needs of the unemployed, those who work for or own a small business, those with preexisting conditions, all of these we can address. And this can and must be done without imposing job-killing taxes and regulations. In short, we favor innovation, not just regulation.

Our Democratic friends would like to take a different route. Many of them would like to impose a one-size-fits-all Washington-run bureaucracy that we believe, ultimately, would lead to the kind of delay and denial of care we have heard about in Canada and Great Britain. I have spoken at length about the trouble with health care rationing, so today I would like to talk about the cost of a new Washington-run health care system.

The administration often argues that we need Washington-run health care to help the economy. Well, ''Washington bureaucracy'' and ''economic growth'' are not phrases that tend to have a positive correlation. Is it realistic to think that adding millions of people to a new government-run health insurance system will somehow save money or help the economy?

As the Wall Street Journal recently editorialized about the so-called plan:

In that kind of world, costs will climb even higher as far more people use ''free'' care and federal spending will reach epic levels.

One wag quipped: ''If you think health care is expensive now, just wait until it is free.''

In fact, the first estimate from the nonpartisan Congressional Budget Office shows that just a portion of the Democratic plan, covering only one-third of the uninsured, will cost over $1 trillion—$1 trillion to cover 16 million more people.

That is just for one part of the proposed plan. That works out to about over $66,000 per person.

The administration said last weak it wants to rework the plan to bring the cost down below $1 trillion. Well, that will help. They have not provided a specific number. But what I would like to know is: Do they consider anything below $1 trillion acceptable—$999 billion, $800 billion? What is acceptable here? Is it trying to get it down below $1 trillion so the sticker shock is not quite so great?

The American people are very worried about our increasing national debt. This only makes the problem worse, not better.

As the Republican leader mentioned in his radio address Saturday, the President used this same economic argument to sell the $1.3 trillion stimulus package: ''We have to move quickly to pass new government spending to help the economy.'' Four months later, unemployment has risen to 9.4 percent, much higher than the 8-percent peak the administration said it would be if we quickly passed the stimulus legislation. Now the administration is asking for billions more for a Washington-run health care plan.

As the New York Times noted last Friday, while the Democrats' bill outlines massive amounts of new spending, it does not explain how it intends to pay for it. That is an important detail. Congress would either have to run up more debt on top of the historic debt already produced by the President's budget and the stimulus bill, or it will have to raise taxes. That is one area in which our colleagues on the other side of the aisle have actually offered a lot of new ideas: Taxes on beer, soda, juice, and snack food, along with new limits on charitable contributions have all been proposed. But actually, they are a drop in the bucket relative to the amount of new taxes that would be required to fund their plan.

I would like to know: When will we draw the line and try something other than new taxes and massive new government spending to solve the problem?

Americans want health care reform, but most of them don't want to be saddled with mountains of new debt. As a June 21 New York Times article reported, a new survey shows—and I am quoting—''considerable unease about the impact of heightened government involvement on both the economy and the quality of respondents' own care.''

The American people are very worried that their own care, which they are generally satisfied with, will be negatively impacted as a result of the so-called ''reform'' that is being proposed. That same survey, which was an NBC New York Times survey, also showed that while 85 percent of Americans want serious reform, only 28 percent are confident that a new health care entitlement will improve the economy. So as the President is trying to sell this on the basis that we need it for the economy, only 28 percent of Americans believe that is the case. Frankly, I share their skepticism. It is going to hurt, not help.

We need to reform health care right. I think there is much more virtue in doing it correctly over doing it quickly. President Obama promised change, but there is nothing new about dramatically increasing government spending and adding even more to our national debt. I hope some of my friends on the Democratic side, as well as Republicans, can agree that when it comes to health care reform, we should embrace real changes that support medical innovation and put patients first. That is the answer. That is what the American people want.

Mr. President, I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

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

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

HEALTH CARE

Mr. DURBIN. Mr. President, the Senate is considering many issues now of great importance, but none more important to the American people than the future of health care in this great Nation.

This weekend, a new poll was released by the New York Times and CBS. Eighty-five percent of the people surveyed said the health care systems in America need fundamental change or to be completely rebuilt—85 percent. So people sense all across this country that though we have great hospitals and doctors, there is something fundamentally flawed with our system, and we can understand why. We are spending more money than any other country on Earth and we are not getting the medical results we want; and there is real uncertainty that average people won't be able to keep up with the costs of health insurance, the battles with health insurance companies over coverage, and whether at the end of the day they can have the quality health care every single person wants for themselves and their family.

They asked the American people which party they trusted to deal with health care reform, and 18 percent said they trusted the party on the other side of the aisle—the Republicans, while 57 percent trusted the Democratic majority. Even one out of every four Republicans said that the Democrats would do a better job in creating a better health care system.

People on this side of the aisle want a bill that works with the current system and fixes what is broken. We not only want to respond to the 85 percent of people who want change, we are listening to 77 percent of the people who say they are satisfied at this moment with the quality of their own care. So the starting point is if you have health insurance you like and it is good for your family, you can keep it. We are not going to change that. It is a tricky balance but one we have to address: how to preserve what is good but fix what is broken.

One of the foundations is the so-called public option. A lot of people don't know what that means, but it basically says there should be an option to private health insurance companies that is basically public in nature. We have a lot of public health now in America. Medicare is the obvious example. Forty million people count on Medicare to provide affordable, quality care in their elderly years and during their disabilities. The Medicaid Program is another one for the poor people in our society. We have veterans health care. There are ways that we involve the government in health care that have been proven to be successful—not just for years but for decades.

Many folks on the other side of the aisle come to the floor warning us about government involvement in health care. I have not heard a single one of them call for the end of Medicare or the end of veterans' care, not a one of them. We asked the American people: What do you think about a government health care plan as an option—a choice—for you so that you can choose from the well-known names in health insurance, private companies, but then you also have one other choice; you can pick the public plan, the public interest plan, the government plan. This poll taken by the New York Times and CBS found that there was broad bipartisan backing for a public option. Half of those who call themselves Republican say they would support a public plan, along with nearly three-quarters of Independents. This chart here shows the question: Would you favor or oppose the government offering everyone a government-administered health insurance plan such as Medicare that would compete with private health insurance plans? All respondents—72 percent—said they favored it. Only 20 percent were opposed.

So three to one favor the idea of a public health care plan. Fifty percent of Republicans do, 87 percent of Democrats, and 73 percent of Independents.

Then we asked the harder question: Are you willing to pay more or higher taxes so that all Americans can have health insurance that they can't lose no matter what happens? Look at this number: Fifty-seven percent of all who responded said they are willing to pay higher taxes if it means that everybody has peace of mind that health insurance would be there. Those making less than $50,000, 64 percent of those folks support it, and those with incomes over $50,000, 52 percent supported it as well.

Many of the people coming to the floor on the other side of the aisle don't agree with the vast majority of Americans when it comes to this issue. I commend my colleagues on the other side of the aisle for at least coming to engage us in this debate, but we do see things a lot differently. We have heard a lot of Republicans coming to the floor discussing health care. Many of them have been critical of change. Maybe it has been made clear to a majority of the American people that those who are waiting on Congress to act may see some on the other side of the aisle reluctant and slow, while those on our side of the aisle are trying to follow President Obama to a solution. Regardless of the reason, it seems that most of the Republicans' approach to this can be summarized in three words: deny, delay, and ration. That is what we have heard from the Republicans on health care reform.

The Republican leader started it 2 weeks ago. We heard it from him again last week, and no doubt we will hear it from him again this week, as well as from the Republican whip. Perhaps they think if they keep drilling home these three words—deny, delay, and ration—that people will lose their appetite for change in our health care system.

When our economy was in a deep freeze earlier this year with the recession that President Obama inherited, he called on us to enact landmark legislation to try to get this economy moving forward. It was an effort that was resisted by the other side of the aisle. We ended up with three Republicans at the time who supported us, even though the President asked them personally to be engaged, to be involved, and to help us solve this problem. But they denied that the problem was as great as it was. They wanted to delay consideration of the legislation, drag it out as long as possible, and then they wanted to limit, or ration, the dollars we put into recovery. They thought the economy would get well all by itself. If we had given in to their view, I am afraid unemployment figures today would be even higher, economic output anemic, and many of our States facing bankruptcy today would be faced with even worse circumstances. So we went forward. We would not allow the Republican approach when it came to recovery and reinvestment in the American economy.

We see the strategy now repeatedly from the Republican side of the aisle. It seems to be their approach to governing or not governing. They want to deny requests on the floor to move to legislation. Last night was the most recent. Here is a bill which nobody argues against to increase tourism in the United States, bring in more foreign visitors who will spend more money, who will help hotels and restaurants and airlines and businesses, large and small. Eleven Republicans cosponsored it. Last night we said, OK, let's pass it. Let's get it done. Let's move on. This is the type of thing that is good, but it shouldn't take all of this time to do. Only 2 of the 11 Republicans who cosponsored the tourism bill were willing to vote for it last night. They wanted to delay this again. They want us to end up this week accomplishing little or nothing. At the end of the week, if they get us to do nothing, they consider it a successful week. I don't see how it can be. This bill we are talking about on tourism is designed to help create jobs in this country—something we desperately need.

Health care is a serious issue which we need to move on and not delay. Democrats believe the role of the Federal Government is to keep the best interests of the American people in mind. Half of those questioned in the New York Times-CBS poll said they thought the government would be better at providing medical coverage than private insurers. Incidentally, that number is up from 30 percent a couple of years ago. Nearly 60 percent said Washington would have more success in holding down the costs, up from 47 percent.

The American people know the government doesn't want to deny people health care, delay their services, or ration, but it is no surprise the Republican leaders still use these words. That is their playbook. It is a playbook that was written by a pollster, an adviser and counselor whom I know—Frank Luntz. Mr. Luntz has been around a long time. He is the guru, the go-to guy, the great thinker on the Republican side of the aisle. He calls himself in his own publications Dr. Frank Luntz. Well, it looks as though when it comes to strategy on health care reform, the Republicans are more focused on Dr. Frank than they are on the realities that doctors and patients face in America every single day. Dr. Frank give them a 28-page memo on how to stop health care reform before we had even put a bill on the table.

There are those who want to stop health care reform before they know what is in it. Do you know who they are? They are the people who are today making a fortune on the current health care system. They see their profitability at risk if there is health care reform.

It is no wonder that you hear Dr. Frank come up with proposals for the Republican side of the aisle, which are then repeated here on the floor of the Senate. On page 15 of his marching orders, Frank Luntz wrote:

> It is essential that ''deny'' and ''denial'' enter the conservative lexicon immediately.

On page 24, he said:

> Of the roughly 30 distinct messages we tested, nothing turns people against what Democrats are trying to do more immediately than the specter of having to wait.

On page 23 of the memo of Dr. Frank Luntz, he wrote:

> The word ''rationing'' does induce the negative response you want. . . .

He says that to his Republican followers.

> . . . ''rationing'' tests very well against the other health care buzzwords that frighten Americans.

That last phrase caught my attention, because more and more of what we hear from the other side of the aisle in criticizing President Obama's agenda is fear—be afraid, very afraid, be afraid of change.

The American people weren't afraid of change last November; they voted for it. They asked for change in the White House. I think they said it overwhelmingly. We have seen change. What we hear from the Republican side is to be afraid of change. That is their mantra, whether it is a question of changing the economy as it was under the Bush administration, changing health care as it has been for years, changing education so that we get better results, the Republicans say be afraid of this, be frightened.

I think that is, unfortunately, their motto. They have used it time and again. I don't think it is what Americans feel. We are a hopeful nation, not a fearful nation. We want to be careful but not afraid. We want to make the right decisions and make them on a cooperative basis and bring everybody in a room and try to come up with a reasonable answer. But we should not be afraid to tackle these things and not frightened by the prospect that it might be hard work. As the President said about health care reform, if it were easy, it would have been done a long time ago. That is something we all need to look at and understand.

I can tell you that Democrats recognize the status quo, the way we have been doing things forever, isn't working for millions of Americans when it comes to health care. The idea of having the public insurance plan option is a course to make sure that we keep the private profitable health insurance companies honest, and see that they have some competition; otherwise, we are stuck with the current system, where they can make a blanket decision that people with preexisting conditions have no coverage or they can decide what your doctor thinks is the best procedure is something they won't pay for.

American families deserve health insurance that does not force families to face limitless out-of-pocket expenses.

Americans want real health insurance reform. This public option is going to promote that kind of choice.

My colleagues on the other side of the aisle continue to assault this idea of public insurance, insisting it is too much government. The minority leader on the Republican side said Americans don't deserve a health care system that forces them into government bureaucracy that delays or denies their care and forces them to navigate a web of complex rules and regulations. Of course they don't.

Raising that fear, as suggested by Dr. Frank Luntz, the Republican strategist, is what they want to do—plant the seeds in the minds of people that any change will be bad. I don't think the American people feel that way. If you want to see a bureaucracy, try getting through a call to your health insurance company after you get the letter that says they won't cover the $1,500 charge for the procedure your doctor ordered. Talk to someone who can no longer get health insurance because of an illness they had years ago, a preexisting condition, or because they are too old in the eyes of health insurance companies. Ask them how streamlined or efficient conversations are with insurance companies today.

If you want to see a bureaucracy, talk to a small businessman in Springfield, a friend of mine, who had to jump through a series of hoops to find a way to continue health care coverage for his employees and keep his business going. Plain and simple, health insurance today is a bureaucracy. It is one most people know firsthand. Americans and small business owners face it every day.

We need to move to a new idea, an idea not based on the health insurance companies' model. Frankly, they are the ones who are profiting.

Last year was a bad year for most American businesses. According to CNN and Fortune Magazine, only 24 Fortune 500 companies' stocks generated a positive return last year. Among those that didn't have that were GM, United Airlines, Time-Warner, Ford, CBS, and Macy's. All these companies lost billions in what financial analysts tell us was the fortune 500's ''worst year ever.''

There were two sectors of the economy that did well—the oil industry and the health insurance industry. The top four health insurance companies in America—UnitedHealth Group, WellPoint, Aetna, and Humana—made more than $7.5 billion in combined profit last year, while the bottom fell out for virtually every other company, short of the oil industry, across the board.

The goal with the Democratic health reform bill is to create health care that values patients over profits and quality more than bottom line take-home pay and bonuses.

Republicans want to preserve a broken system, one with escalating costs and no guarantee the policy will be there when you need it. Rather than help insurance companies, Democrats want to put American families first and help those struggling with high health care costs.

This is a moment of truth for us in this Congress. This isn't an easy issue. Right now, the Finance Committee and HELP Committee are working hard to put together health care reform. Without it, things are going to get progressively worse. The cost of health care will continue to rise to unsupportable levels. Even if individuals have a good health insurance plan today, it may cost too much tomorrow. Even if they think their health insurance covers them well today, they may be denied coverage tomorrow. Businesses that want to keep insuring their employees worry over whether they can be competitive and still pay high health insurance premiums. Individuals worry about this as well.

The last point I want to make is that I think the President is right to say to us that we have to get this job done. I say to my friends on the other side of the aisle: Don't deny the obvious. Don't come to the floor and deny the need for health care reform. It is real. We need it in this country, and 85 percent of the American people know it. The Republican leadership should come to know it in the Senate.

Second, don't dream up ways to delay this important deliberation. That isn't serving our country well. If justice delayed is justice denied, the same is true regarding health care reform. Delaying this into another Congress and another year doesn't solve the problem. It makes it worse. We need to face it today, and we need a handful of Republicans who will step away from the Republican leadership and say they are willing to talk, that if this is a good-faith negotiation to find a reasonable compromise, they are willing to do it. It has happened in the past—even a few months ago; it can happen again. It will take real leadership on their side.

The President said his door is open. The same thing is true on the Democratic side. The door is open for those who want to, in good faith, try to solve the biggest domestic challenge we have ever faced in the Senate. We have that chance to do it. We honestly can do it if we work in good faith.

But denying the problem, delaying efforts to get to the problem, and deciding we are only going to do a tiny bit of it so we can move on to something else is, unfortunately, a recipe for disaster. It is one the American people don't deserve and one we should avoid.

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

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 1321 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. UDALL of Colorado. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Madam President, I ask unanimous consent that Senator SESSIONS and I be granted 20 minutes.

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

SOTOMAYOR NOMINATION

Mr. MCCONNELL. Madam President, this morning I would like to turn my attention to the nomination of Judge Sonia Sotomayor to the Supreme Court and more specifically to the so-called empathy standard that President Obama employed in selecting her for the highest Court in the land.

The President has said repeatedly that his criterion for Federal judges is their ability to empathize with specific groups. He said it as a Senator, as a candidate for President, and again as President. I think we can take the President at his word about wanting a judge who exhibits this trait on the bench. Based on a review of Judge Sotomayor's record, it is becoming clear to many that this is a trait he has found in this particular nominee.

Judge Sotomayor's writings offer a window into what she believes having empathy for certain groups means when it comes to judging, and I believe once Americans come to appreciate the real-world consequences of this view, they will find the empathy standard extremely troubling as a criterion for selecting men and women for the Federal bench.

A review of Judge Sotomayor's writings and rulings illustrates the point. Judge Sotomayor's 2002 article in the Berkeley La Raza Law Journal has received a good deal of attention already for her troubling assertion that her gender and ethnicity would enable her to reach a better result than a man of different ethnicity. Her advocates say her assertion was inartful, that it was taken out of context. We have since learned, however, that she has repeatedly made this or similar assertions.

Other comments Judge Sotomayor made in the same Law Review article underscore rather than alleviate concerns with this particular approach to judging. She questioned the principle that judges should be neutral, and she said the principle of impartiality is a

mere aspiration that she is skeptical judges can achieve in all or even in most cases—or even in most cases. I find it extremely troubling that Judge Sotomayor would question whether judges have the capacity to be neutral ''even in most cases.''

There is more. A few years after the publication of this particular Law Review article, Judge Sotomayor said the ''Court of Appeals is where policy is made.'' Some might excuse this comment as an off-the-cuff remark. Yet it is also arguable that it reflects a deeply held view about the role of a judge—a view I believe most Americans would find very worrisome.

I would like to talk today about one of Judge Sotomayor's cases that the Supreme Court is currently reviewing. In looking at how she handled it, I am concerned that some of her own personal preferences and beliefs about policy may have influenced her decision.

For more than a decade, Judge Sotomayor was a leader in the Puerto Rican Legal Defense and Education Fund. In this capacity, she was an advocate for many causes, such as eliminating the death penalty. She was responsible for monitoring all litigation the group filed and was described as an ardent supporter of its legal efforts. It has been reported that her involvement in these projects stood out and that she frequently met with the legal staff to review the status of cases.

One of the group's most important projects was filing lawsuits against the city of New York based on its use of civil service exams. Judge Sotomayor, in fact, has been credited with helping develop the group's policy of challenging those exams.

In one of these cases, the group sued the New York City Police Department on the grounds that its test for promotion discriminated against certain groups. The suit alleged that too many Caucasian officers were doing well on the exam and not enough Hispanic and African-American officers were performing as well. The city settled a lawsuit by promoting some African Americans and Hispanics who had not passed the test, while passing over some White officers who had.

Some of these White officers turned around and sued the city. They alleged that even though they performed well on the exam, the city discriminated against them based on race under the settlement agreement and refused to promote them because of quotas. Their case reached the Supreme Court with the High Court splitting 4 to 4, which allowed the settlement to stand.

More recently, another group of public safety officers made a similar claim. A group of mostly White New Haven, CT, firefighters performed well on a standardized test which denied promotions for lieutenant and for captain. Other racial and ethnic groups passed the test, too, but their scores were not as high as this group of mostly White firefighters. So under this standardized test, individuals from these other groups would not have been promoted. To avoid this result, the city threw out the test and announced that no one who took it would be eligible for promotion, regardless of how well they performed. The firefighters who scored highly sued the city under Federal law on the grounds of employment discrimination. The trial court ruled against them on summary judgment. When their case reached the Second Circuit, Judge Sotomayor sat on the panel that decided it.

It was, and is, a major case. As I mentioned, the Supreme Court has taken that case, and its decision is expected soon. The Second Circuit recognized it was a major case too. Amicus briefs were submitted. The court allotted extra time for oral argument. But unlike the trial judge who rendered a 48-page opinion, Judge Sotomayor's panel dismissed the firefighters' appeal in just a few sentences. So not only did Judge Sotomayor's panel dismiss the firefighters' claims, thereby depriving them of a trial on the merits, it didn't even explain why they shouldn't have their day in court on their very significant claims.

I don't believe a judge should rule based on empathy, personal preferences, or political beliefs, but if any case cried out for empathy—if any case cried out for empathy—it would be this one. The plaintiff in that case, Frank Ricci, has dyslexia. As a result, he had to study extra hard for the test—up to 13 hours each day. To do so, he had to give up his second job, while at the same time spending $1,000 to buy textbooks and to pay someone to record those textbooks on tape so he could overcome his disability. His hard work paid off. Of 77 applicants for 8 slots, he had the sixth best score. But despite his hard work and high performance, the city deprived him of a promotion he had clearly earned.

Is this what the President means by ''empathy''—where he says he wants judges to empathize with certain groups but, implicitly, not with others? If so, what if you are not in one of those groups? What if you are Frank Ricci?

This is not a partisan issue. It is not just conservatives or Republicans who have criticized Judge Sotomayor's handling of the Ricci case. Self-described Democrats and political independents have done so as well.

President Clinton's appointee to the Second Circuit and Judge Sotomayor's colleague, Jose Cabranes, has criticized the handling of the case. He wrote a stinging dissent, terming the handling of the case ''perfunctory'' and saying that the way her panel handled the case did a disservice to the weighty issues involved.

Washington Post columnist Richard Cohen was similarly offended by the way the matter was handled. Last month, before the President made his nomination, Mr. Cohen concluded his piece on the subject as follows:

> Ricci is not just a legal case but a man who has been deprived of the pursuit of happiness on account of his race. Obama's Supreme Court nominee ought to be able to look the New Haven fireman in the eye and tell him whether he has been treated fairly or not. There's a litmus test for you.

Legal journalist Stuart Taylor, with the National Journal, has been highly critical of how the case was handled, calling it peculiar.

Even the Obama Justice Department has weighed in. It filed a brief in the Supreme Court arguing that Judge Sotomayor's panel was wrong to simply dismiss the case.

So it is an admirable quality to be a zealous advocate for your clients and the causes in which you believe. But judges are supposed to be passionate advocates for the evenhanded reading and fair application of the law, not their own policies and preferences. In reviewing the Ricci case, I am concerned Judge Sotomayor may have lost sight of that.

As we consider this nomination, I will continue to examine her record to see if personal or political views have influenced her judgment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator MCCONNELL for his thoughtful comments. He is a former member of the Judiciary Committee, a lawyer who has studied these issues and cares about them deeply, and I value his comments. I do think that, as Senator MCCONNELL knows, and while he is here, once a nominee achieves the Supreme Court, they do have a lifetime appointment and these values and preferences and principles on which they operate go with them. So it is up to us, I think my colleague would agree, to make sure the values and principles they bring to the Supreme Court would be consistent with the rule of law. So I appreciate the Senator's comments.

Mr. MCCONNELL. If the Senator from Alabama will yield.

Mr. SESSIONS. I will yield.

Mr. MCCONNELL. I commend Senator SESSIONS for his outstanding leadership on this nomination and his insistence that we be able to have enough time to do the job—to read the cases, read the Law Review articles, and to get ready for a meaningful hearing for one of the most important jobs in America. I think he has done a superb job, and I thank him for his efforts.

Mr. SESSIONS. I thank the Senator. I would note that there are only nine legislative days between now and the time the hearing starts, so we are definitely in a position where it is going to be difficult to be as prepared as we would like to be when this hearing starts. We still don't have some of the materials we need.

My staff and I have been working hard to survey the writings and records of Judge Sotomayor.

Certainly, the constitutional duty of the Senate to consent to the President's nomination is a very serious one. In recent years, we have seen judicial opinions that seem more attuned

to the judge's personal preferences than to the law, and it has caused quite a bit of heartburn throughout the country. We have seen judges who have failed to understand that their role, while very important, is a limited one. The judge's role is not policy, politics, ethnicity, feelings, religion, or personal preference because whatever those things are, they are not law, and first and foremost a judge personifies law. That is why lawyers and judges, during court sessions—and I practiced hard in Federal court for all of 15 years, so I have been in court a lot—when they go to court, they do not say even the judge's name and usually don't even say ''judge.'' They refer to the judge as ''the Court.'' They say, ''If the Court please, I would like to show the witness a statement,'' or a judge may write, ''This Court has held,'' and it may be what he has written himself, or she. All of this is to depersonalize, to objectify the process, to clearly establish that the deciding entity has put on a robe—a blindfold, according to our image—and is objective, honest, fair, and will not allow personal feelings or biases to enter into the process.

So the confirmation process rightly should require careful evaluation to ensure that a nominee—even one who has as fine a career of experience as Judge Sotomayor—meets all the qualities required of one who would be situated on the highest Court. As this process unfolds, it is important that the Senate conduct its evaluation in a way that is honest and fair and remember that a nominee often is limited in his or her ability to answer complaints against them.

So the time is rapidly approaching for the hearings—only nine legislative days between now and July 13—and there are still many records, documents, and videos not produced that are important to this process.

My colleagues and friends are asking: What have you found? What evaluations have you formed? What are your preliminary thoughts? And I have been somewhat reluctant to discuss these matters at this point in time, as we continue to review the record. In truth, the confirmation process certainly must be conducted with integrity and care, but it is not a judicial process, it is a political process. The Senate is a political, legislative body, not a judicial body, and it works its will. Its Members must decide issues based on what each Member may conclude is the right standard or the right beliefs.

I have certainly not formed hard opinions on this nominee, but I have developed some observations and have found some relevant facts and have some questions and concerns. It is clear to me that several matters and cases must be carefully examined because they could reveal an approach to judging that is not acceptable for a nominee, in my opinion. I see no need not to raise those concerns now. Discussing them openly can help our Senate colleagues get a better idea of what the issues are, and the public, and the nominee can see what the questions are now, before the hearings start. Unfortunately, the record we have is incomplete in key respects, and it makes it difficult for us to prepare.

As I review the record, I am looking to try to find out whether this nominee understands the proper role of a judge, one who is not looking to impose personal preferences from the bench. Frankly, I have to say—to follow up on Senator MCCONNELL's remarks—I don't think I look for the same qualities in a judge that the person who nominated her does—President Obama. He says he wants someone who will use empathy—empathy to certain groups to decide cases. That may sound nice, but empathy toward one is prejudice toward the other, is it not? There are always litigants on the other side, and they deserve to have their cases decided on the law. And whatever else empathy might be, it is not law. So I think empathy as a standard, preference as a standard is contrary to the judicial oath. This is what a judge declares when they take the office:

> I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me.

So I think that is the impartial ideal. That is the ideal of the lady of justice with the scales and the blindfold, which we have always believed in in this country and which has been the cornerstone of American jurisprudence.

So what I have seen thus far in Judge Sotomayor's record—and presumably some of her views are the reason President Obama selected her—cause me concern that the nominee will look outside the law and the evidence in judging and that her policy preferences could influence her decisionmaking. Her speeches and writings outside the court are certainly of concern, some of which Senator MCCONNELL mentioned.

I wish to discuss some other areas that I think are significant also. She has had extensive work with the Puerto Rican Legal Defense and Education Fund and been a supporter, presumably, of what it stands for. So that is one of the matters I will discuss a bit here. Also, I will discuss her decision to allow felons, even those convicted and in jail, the right to vote, overruling a long-established State law. Some other matters I will discuss include the New Haven firefighters case.

Looking at the long association the nominee has had with the Puerto Rican Legal Defense and Education Fund—an organization that I have to say, I believe, is clearly outside the mainstream of the American approach to matters—this is a group that has taken some very shocking positions with respect to terrorism. When New York Mayor David Dinkins criticized members of the radical Puerto Rican nationalist group and called them ''assassins'' because they had shot at Members of Congress and been involved in, I guess, other violence, the fund, of which judge Sotomayor was a part, criticized the mayor and said they were not assassins and said that the comments were ''insensitive.''

The President of the organization continued, explaining that for many people in Puerto Rico, these men were fighters for freedom and justice.

I wonder if she agreed with that statement and that the statements of the mayor of New York were insensitive. These Puerto Rican nationalists reconstituted into groups such as the FALN, which we have recently had occasion to discuss in depth. The FALN itself was responsible for more than 100 violent attacks resulting in at least 6 deaths. I find it ironic that once again we find ourselves discussing these murderous members of FALN, when not long ago we were considering whether to confirm Attorney General Eric Holder, who was advocating pardoning them and President Clinton did. Now we find ourselves wondering about this nominee to the Court and what her views are on these matters and how her mind works as she thinks about these kinds of issues.

We do not have enough information, unfortunately, to assess these concerns effectively. We requested information relating to Judge Sotomayor's involvement with the fund, a typical question of all nominees but critically important for a Supreme Court nominee. But we have not received information. Indeed, we have received 9 documents totaling fewer than 30 pages relating to her 12 years with the organization. So it is not possible for us to make an informed decision at this point on her relationship with an organization that seems to be outside the mainstream.

What we know, basically, is from publicly available information, and what has been provided this committee, is that this is a group that has, time and again, taken extreme positions on vitally important issues such as abortion. In one brief, which was in support of a rehearing petition in the U.S. Supreme Court, a brief to the Supreme Court, the Fund criticized the Supreme Court's decision in two cases that both the State and Federal Government should restrict the use of public funds for abortion—the question of public funding of abortion.

Incredibly, the Fund joined other groups in comparing these types of funding restrictions to slavery, stating:

> Just as Dred Scott v. Sanford refused citizenship to Black people, these opinions strip the poor of meaningful citizenship under the fundamental law.

In their view, the equal protection clause of the U.S. Constitution prohibited restrictions on either Federal or State Government provision of funding abortions.

I think this is an indefensible position. We do not know how much Judge Sotomayor had to do with developing these positions of the Fund—but certainly she was an officer of it, involved

in the litigation committee during most of this time—because we do not have the information we requested.

We do know the Fund and Judge Sotomayor opposed reinstatement of the death penalty in New York based not on the law but on what they found to be the inhuman psychological burden it places on criminals, based on world opinion, and based on evident racism in our society. What does this mean about how Judge Sotomayor would approach death penalty cases? I think she has affirmed death penalty cases, but on the Supreme Court, there is a different ability to redefine cases. These personal views of hers could very well affect that.

Recently, five Justices of the Supreme Court decided, based in part on their review of rulings of courts of foreign countries, that the Constitution says the United States cannot execute a violent criminal if he is 17 years and 364 days old when he willfully, premeditatedly kills someone. They say the Constitution says the State that has a law to that effect cannot do it.

Looking to ''evolving standards of decency that mark the progress of a maturing society''—this is what the Court said, as they set about their duty to define the U.S. Constitution; this is five Members of the Supreme Court, with four strong dissents: looking to ''evolving standards of decency that mark the progress of a maturing society,'' we conclude the death penalty in this case violated the eighth amendment.

There are at least six or eight references in the Constitution to a death penalty. If States don't believe 18-year-olds should be executed, or 17, they should prohibit it and many States do. But it is not answered by the Constitution. But five judges did not like it. They consulted with world opinion and what they considered to be evolving standards of decency and said the Constitution prohibited the imposition of a death penalty in this case, when it had never been considered to be so since the founding of our Republic. I don't think that is a principled approach to jurisprudence. That is the kind of thing I am worried about if we had another judge who will think like that on the bench.

I will ask about some other cases, too, that give me pause. For centuries States and colonies, even before we became a nation, have concluded that individuals who commit serious crimes, felonies, forfeit their right to vote, particularly while they are in jail. It is a choice that States can make and have made between 1776 and 1821. Eleven State constitutions contemplated preventing felons from voting. New York passed its first felon disenfranchisement law in 1821. When the 14th amendment was adopted in 1868, 29 States had such provisions. By 2002, all States except Maine and Vermont disenfranchised felons. For years, these types of laws have been upheld by the courts against a range of challenges. But in Hayden v. Pataki, in 2006, Justice Sotomayor stated her belief that these types of laws violate the Voting Rights Act of 1965, even though that act makes no reference to these long-standing and common State laws and even though they are specifically referenced in the fourteenth amendment to the Constitution itself.

In her view, with analysis of a few short paragraphs only, the New York law was found—or she found—she concluded that the New York law was ''on account of race,'' and therefore it violated the Voting Rights Act.

It was ''on account of race'' because of its impact and nothing more. Statistically, it seems that in New York, as a percentage of the population, more minorities are in jail than nonminorities. Therefore, it was concluded that this act was unconstitutional. I think this is a bridge too far. It would mean that State laws setting a voting age of 18 would also violate Federal law because, within the society or in most of our country, minorities would have more children under 18 so that would have a disparate impact on them.

I do not think this can be the law, as a majority of the colleagues on that Court explained, and did not accept her logic. Actually, her opinion was not upheld.

I look forward to asking her about that. I am aware that Judge Sotomayor would say she is acting as a strict constructionist by simply applying literally the 40-year-old Voting Rights Act of 1965. I do not think so. I remember when Miguel Estrada, that brilliant Hispanic lawyer whom President Bush nominated to the appellate courts and who was defeated after we had seven attempts to shut off a filibuster on the floor of the Senate but could never do so, said during his hearings that he didn't like the term ''strict construction.'' He preferred the term ''fair construction.''

He was correct. So the question is, Is this a fair construction of the Voting Rights Act, that it would overturn these long-established laws when no such thing was considered in the debate on the legislation? That historic laws, which limit felons voting, are to be wiped out, even allowing felons still in jail to vote? I do not think so and neither did most of the judges who have heard these cases.

With regard to the New Haven firefighters case, I will say we will be looking into that case in some length. Stuart Taylor did a very fine analysis of it when he was writing, I believe, at the National Journal. He recognized that no one ever found that the examination these firefighters took was invalid or unfair. As he has explained, if the ''belated, weak, and speculative criticisms—obviously tailored to impugn the outcome of the tests—are sufficient to disprove an exam's validity or fairness, no test will ever withstand a disparate-impact lawsuit. That may or may not be Judge Sotomayor's objective. But it cannot be the law,'' says Mr. Stuart Taylor in his thoughtful piece. The firefighters, you see, were told there was going to be a test that would determine promotion, that it would determine eligibility for promotion. The tests were given at the time stated and the rules had been set forth. But the rules were changed and promotions did not occur because the Sotomayor court, in a perfunctory decision, concluded that too many minorities did not pass the test, and no finding was made that the test was unfair. We will be looking at that and quite a number of other matters as we go forward.

I will be talking about the question of foreign law and the question of this nominee's commitment to the second amendment, the right to keep and bear arms. The Constitution says the right to keep and bear arms shall not be infringed. We will talk about that and some other matters because, once on the Court, each Justice has one vote. It only takes five votes to declare what the Constitution says. That is an awesome power and the judges must show restraint, they must respect the legislative body, they must understand that world opinion has no role in how to define the U.S. Constitution, for heaven's sake. Neither does foreign law. How can that help us interpret the meaning of words passed by an American legislature?

Oftentimes, world opinion is defined in no objective way, just how the judge might feel world opinion is. I am not sure they conduct a world poll, or what court's law do they examine around the world to help that influence their opinion on an American case?

This is a dangerous philosophy is all I am saying. It is a very serious debate. There are many in law schools who have a different view: there is an intellectual case out there for an activist judiciary or a judiciary that should not be tethered to dictionary definitions of words. Judges should be willing and bold and take steps to advance the law they would set and to protect this or that group that is favored at this or that time.

I think that is dangerous. I think it is contrary to our heritage of law. I am not in favor of that approach to it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Madam President, today on the floor some of my colleagues have begun their attacks on President Obama's historic and incredibly qualified nominee to the Supreme Court, Judge Sonia Sotomayor. They clearly decided, for ideological reasons, that they were going to oppose whoever President Obama appointed before

the hearings even started. We have heard people try to attach a lot of labels to Judge Sotomayor over the past few weeks, but it has become clearer and clearer as we look hard at Judge Sotomayor's record and vast experience that attacking this nominee is like throwing rocks at a library. It is uncalled for and it doesn't accomplish anything. Her opponents are grasping at straws, because it turns out we have before us one of the most qualified, exceptional nominees to come before this Senate in recent history.

Let there be no doubt: Sonia Sotomayor's nomination to be a Justice to the Supreme Court is a proud moment for America. It is proof that the American dream is in reach for everyone willing to work hard, play by the rules, and give back to their communities, regardless of their ethnicity, gender, or socioeconomic background. It is further proof of the deep roots the Hispanic community has in this country.

But let's be clear: We get to be proud of this nominee because she is exceptionally qualified. We get to be proud because of her vast knowledge of the law, her practical experience fighting crime, and her proven record of dedication to equal justice under the law. Those are the reasons we are proud. Those are the reasons she should be confirmed without delay.

We should not be hearing any suggestions that we need infinitely more time to discuss this nomination. It should move as promptly as the nomination of John Roberts, and that is exactly what we are going to do.

A little while ago at a press conference, we heard from prominent legal and law enforcement organizations that explained how the people who have actually seen her work know her best: as an exemplary, fair, and highly qualified judge. They came from across our country, from Florida to Texas, Nebraska, and my home State of New Jersey. They shed light on how important her work has been in the fight against crime, how her work as a prosecutor put the ''Tarzan murderer'' behind bars, how as a judge she upheld the convictions of drug dealers, sexual predators, and other violent criminals. And they made it clear how much they admire her strong respect for the liberties and protections granted by our Constitution, including the first amendment rights of people she strongly disagreed with.

Judge Sotomayor's credentials are undeniable. After graduating at the top of her class at Princeton, she became an editor of the law journal at Yale Law School, which many consider to be the Nation's best. She went to work in the Manhattan district attorney's office, prosecuting crimes from murder to child abuse to fraud, winning convictions all along the way.

A Republican President, George H.W. Bush, appointed her to the U.S. District Court in New York, and a Democrat, Bill Clinton, appointed her to the U.S. Court of Appeals. She was confirmed by a Democratic majority Senate and then a Republican majority Senate. Her record as a judge is as clear and publicly accessible as any recent nominee and clearly shows modesty and restraint on the bench.

She would bring more judicial experience to the Supreme Court than any Justice in 70 years, and more Federal judicial experience than anyone in the past century. Her record and her adherence to precedent leave no doubt whatsoever that she respects the Constitution and the rule of law.

Judge Sotomayor's record has made it clear that she believes what determines a case is not her personal preferences but the law. Her hundreds of decisions prove very conclusively that she looks at what the law says, she looks at what Congress has said, and she looks above all at what precedent says. She is meticulous about looking at the facts and then decides the outcome in accordance with the Constitution.

On top of that, Judge Sotomayor's personal background is rich with the joys and hardships that millions of American families share. Her record is proof that someone can be both an impartial arbiter of the law and still recognize how her decisions will affect people's everyday lives.

I think it says something that the worst her ideological opponents can accuse her of is being able to understand the perspective of a wide range of people whose cases will come before her.

Judge Sotomayor deserves nothing less than a prompt hearing and a prompt confirmation. As the process moves forward, I plan to come back to the floor as often as is necessary to rebut any baseless attacks leveled at this judge.

It fills me with pride to have the opportunity to support President Obama's groundbreaking nominee, someone who is clearly the right person for a seat on the highest Court of the land.

It is an enormous joy to be reminded once again that in the United States of America, if you work hard, play by the rules, and give back to your community, anything is possible.

Madam President, with that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m. recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, what is the status of the Senate at the present time?

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

FOOD SAFETY RAPID RESPONSE ACT OF 2009

Mr. CHAMBLISS. Mr. President, I rise today to talk for a few minutes about the Food Safety Rapid Response Act of 2009. I do this in conjunction with my colleague from the State of Minnesota, Senator KLOBUCHAR. I recognize her first for her strong leadership on this legislation. She and I both are a member of the Senate Committee on Agriculture, Nutrition, and Forestry. On that committee, she has been extremely active, and on this particular issue we have had the opportunity to dialog on any number of occasions. Thanks to her cooperation and her leadership, we have developed and are cosponsoring the Food Safety Rapid Response Act of 2009, which is designed to improve foodborne illness surveillance systems on the Federal, State, and local level, as well as improve communication and coordination among public health and food regulatory agencies.

In the wake of the recent salmonella outbreak at the Peanut Corporation of America in my home State of Georgia, the Senate Agriculture Committee held a hearing to review the response from the Centers for Disease Control and Prevention and the Food and Drug Administration. The mother of a victim of the outbreak testified at the hearing and shared her personal story and frustrations in dealing with numerous Federal bureaucracies over this issue.

This hearing brought to light a clear need to develop a more effective national response to outbreaks of foodborne illness, especially in the area of coordination among public health and food regulatory agencies, to share findings and develop a centralized database. The Food Safety Rapid Response Act of 2009 will expedite much needed improvements to identify and respond to foodborne illnesses throughout the country.

Key components of this legislation include the following: First, directing the CDC to enhance the Nation's foodborne disease surveillance system by improving the collection, analysis, reporting, and usefulness of data among local, State, and Federal agencies, as well as the food industry; second, directing the CDC to provide support and expertise to State health agencies and laboratories for their investigations of foodborne disease. This includes promoting best practices for food safety investigations. And, third, establishing regional food safety centers of excellence at select public health departments and higher education institutions around the country to provide increased resources, training, and coordination among State and local personnel.

Both Senator KLOBUCHAR and I are very proud of the excellent work done at universities in our respective home States in the area of food safety and epidemiology.

The University of Georgia is home to the world-class Center for Food Safety

which has for more than 17 years assisted the CDC with foodborne disease outbreak investigations.

The University of Georgia Center for Food Safety is known for its leadership in developing new methods for detecting, controlling, and eliminating harmful microbes found in foods and is the go-to organization for the CDC, FDA, and the food industry when seeking solutions to difficult food safety issues.

The Center for Food Safety frequently provides FDA, CDC, and State health departments advice and assistance in isolating harmful bacteria, such as salmonella and E. coli O157 from foods.

I am hopeful the Food Safety Response Act of 2009 will be considered as part of comprehensive food safety legislation in the months ahead. Both Senator KLOBUCHAR and myself are cosponsors of the FDA Food Safety Modernization Act, a bipartisan measure to enhance current Food and Drug Administration authority to better protect our Nation's food supply.

Whether produced domestically or imported, Americans must be able to trust that the food sold in their grocery stores and restaurants is safe and secure. It is critical to ensure that the Food and Drug Administration has the tools it needs to properly monitor and inspect the food that is consumed in this country.

The FDA Food Safety Modernization Act affords regulators the authority they need to better identify vulnerabilities in our food supply while maintaining the high level of food safety most Americans enjoy and take for granted.

The legislation calls for an increase in the frequency of FDA inspections at all food facilities, grants the FDA expanded access to records and testing results, and authorizes the FDA to order mandatory recalls should a private entity fail to do so voluntarily upon the FDA's request.

The Food Safety Modernization Act strikes an appropriate balance for the various roles of Federal regulators, food manufacturers, and our Nation's farmers to ensure that Americans continue to enjoy the safest food supply in the world. America's farmers are committed to providing the safest food possible to their customers and have a decades-long history of implementing food safety improvements to prevent both deliberate and unintentional contamination of agricultural products as they make their way from the farm to the retail store or to a restaurant. However, we must also be realistic in our expectations. Food is grown in dirt, and as a result a zero-risk food supply will be impossible to achieve. It is a goal that we must strive for, while at the same time being ever mindful of the realities of food production and the detrimental consequences of applying unreasonable demands on our producers or our farmers.

As the Congress updates our food safety laws, there will be indepth deliberations about specific provisions related to all aspects of food safety, such as product tracing, third-party audits, and facility inspections. As we tackle each of these issues, a few principles must guide our decisions.

First, regulation and inspections must be science and risk based. Relying on science- and risk-based analysis will focus our efforts and resources to vulnerable aspects of our food supply instead of developing a regime that only establishes more redtape, burdensome recordkeeping, or Federal intrusion.

Second, it is important to provide protections against unreasonable demands for records, as well as provide for protections against unauthorized disclosure of proprietary or confidential business information which the agency gains when reviewing the contents of written food safety plans and other records.

Finally, FDA's food safety functions should be funded through Federal appropriations as opposed to registration fees that go into a general fund that may or may not be used to enhance inspections. Costly user fees or flat facility registration fees applicable to all types and sizes of facilities should not be considered. Such fees pose questions of equity, particularly for small businesses that consume a negligible share of FDA resources.

An effective public-private partnership is critical to ensuring a safe food supply. The private sector has the responsibility to follow Federal guidelines and ensure the safety of their products. The Federal and State governments have the responsibility to oversee these efforts and take corrective actions when necessary. We need to have the ability to quickly identify gaps in the system and act swiftly to correct them. Both the Food Safety Rapid Response Act and the FDA Food Safety Modernization Act are important measures to achieve that goal.

Again, Mr. President, I commend the Senator from Minnesota. It has been a privilege to work with her to this point. I look forward to continuing to move this legislation in a positive direction and in a short timeframe so that we can make sure we are giving all of our oversight personnel and our regulators the proper authority and the resources with which to do their job.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

Ms. KLOBUCHAR. Mr. President, I am proud to stand here today with Mr. CHAMBLISS, the Senator from Georgia, in speaking out in favor of our bill to bring food safety to this country. It is interesting that we introduced this bill together because, of course, this latest outbreak that got so much attention nationally with the Peanut Corporation of America started in Georgia. No one knew that at the time as people got sick across the country, and it ended in Minnesota where, after three deaths in my State, it was the Minnesota Department of Health and the University of Minnesota working together that once again solved the problem, figuring out where the salmonella was coming from.

Today a Republican Senator from Georgia and a Democratic Senator from Minnesota have come together to introduce this bill to say we want to do everything we can to prevent this from happening in the first place. That is why we both support the FDA bill. But it is also to say, when it does happen, we want to catch things as soon as possible so we have less people who get sick, less people who die, and a lot of that has to do with best practices. I am proud to stand with the Senator from Georgia today.

This past week, our country saw another food recall due to the outbreak of E. coli caused by refrigerated cookie dough manufactured by Nestle. The outbreak has sickened at least 65 people in 29 States, and it is the latest in a series of foodborne outbreaks in the last 2 years, or at the least, the outbreaks we know of since many cases of foodborne illness are never reported or those that are reported are never linked to an identifiable common source.

In the spring and summer of 2007, as you may recall, hundreds of people across the country were getting sick from salmonella. The source was ultimately traced to jalapeno peppers imported from Mexico.

Last fall, hundreds of people, as we just talked about, across the country again fell ill to salmonella. Again, this was traced back to the peanut butter processing plant in Georgia. In the meantime, nine people died from salmonella poisoning, three of them in my home State of Minnesota.

In both of these outbreaks, more than half of the people who got sick or died did so before there was any consumer advisory or recall. Half of these people got sick or died before there was a consumer advisory or recall. In the case of the jalapeno peppers, people had been getting sick for almost 2 months before the advisory was issued about tomatoes, the original suspect, which turned out to be incorrect, hurting that industry. It was nearly 3 months before the first illness was reported in Minnesota, and then, once again, solved in Minnesota.

In the case of the peanut butter, people were getting sick for 3 months before the first illness was reported in my home State. For 3 months people got sick all across the country, and it was only when they got sick or died in Minnesota that it got solved.

We have to fix this situation. I am proud of my State. I am proud it was able to catch these two major food outbreaks. But we have to be doing it in other places as well.

The breakthrough in identifying the sources of contamination did not come from the Centers for Disease Control, despite their good work. It did not come from the Food and Drug Administration. It did not come from the National Institutes of Health. The breakthrough came from the work of the Minnesota Department of Health and the Minnesota Department of Agriculture, as well as a collaborative effort with the University of Minnesota School of Public Health. This initiative has earned a remarkable national reputation.

With all due respect to their exemplary work, the Nation should not have to wait until someone from Minnesota gets sick or dies from tainted food before there is an effective national response to investigate and identify the causes. The problem is that the responsibility to investigate potential foodborne diseases rests largely with local and State health departments, and that is OK, if it worked everywhere the way it does in Minnesota. There is tremendous variation from State to State in terms of the priority and the resources they dedicate to this responsibility.

In Minnesota, it is a high priority, and we have dedicated professionals who have developed sophisticated procedures for detecting, investigating, and tracking cases of foodborne illnesses.

The peanut butter salmonella outbreak was so extensive and so shocking that it has finally put food safety on the agenda in Washington. It is a crowed agenda, as we all know, but food safety must be there.

In March, I joined with a bipartisan group of Senators to introduce the Food Safety Modernization Act of 2009, which would overhaul the Federal Government's food safety system. Other cosponsors are Senators DICK DURBIN, JUDD GREGG, TED KENNEDY, RICHARD BURR, CHRIS DODD, LAMAR ALEXANDER, and SAXBY CHAMBLISS.

This legislation is a comprehensive approach to strengthening the Food and Drug Administration's authority and resources. But I believe there is still much more that can and should be done. That is why, along with Senator CHAMBLISS, I have introduced the Food Safety Rapid Response Act. This legislation focuses on the Centers for Disease Control, as well as State and local capabilities, for responding to foodborne illness. It has three main provisions.

First, it would direct the Centers for Disease Control to enhance foodborne surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne systems. This includes better sharing of information among Federal, State, and local agencies, as well as with the food industry and the public. It also includes developing improved epidemiology tools and procedures to better detect foodborne disease clusters and improve tracebacks to identify the contaminated food products.

I can tell you, our State is proud to be the home of Hormel, Schwan's, Land O'Lakes, General Mills, and many other food processing companies, and they are eager to help because oftentimes they know the best way to trace back these foodborne illnesses. They want to have safe food and they are interested in helping.

Second, it would direct the Centers for Disease Control to work with State level agencies to improve foodborne illness surveillance. This includes providing support to State laboratories and agencies for outbreak investigations with needed specialty expertise. It also includes—and this is key—developing model practices at the State and local levels for responding to foodborne illnesses and outbreaks.

This is about the Minnesota model, these best practices. What happens in Minnesota, I will tell you—and I will bet it is as expensive in some other States, but what we do is smart. We take a team of graduate students—sort of food detectives—and they work together. Instead of having it go all over the State to a county nurse in one county and someone else in another county, this group of graduate students, working under the supervision of doctors and people who are professionals in this area, literally calls all at once. They work next to each other and they call people who have been sick or who are sick and that way, at one moment in time, they are able to immediately figure out what the people were eating and where the food came from. There are sophisticated laboratory techniques that go on everywhere, but what works here is this teamwork with graduate students.

Finally, this legislation would establish Food Safety Centers of Excellence. The goal is to set up regional food safety centers at select public health departments and higher education institutions. These collaborations would provide increased resources, training, and coordination for State and local officials so that other States can be doing exactly what Minnesota does. In particular, they would seek to distribute food safety best practices such as those that have become routine in my State.

Dr. Osterholm, at the University of Minnesota, is a national food safety and disease expert. Many of you may have seen him featured nationally with the latest H1N1 flu outbreak. He is credited with the creation of the Minnesota program. He has said that the creation of regional programs modeled on Minnesota would go a long way to providing precisely the real-time support for outbreak investigations at the State and local levels that is so sorely needed.

No one believes we are going to be able to do this all out of Washington. That is why we simply have to upgrade the places that our States are using, so when there is an outbreak we don't have to wait for people to get sick or die in Minnesota to solve these problems.

The recent outbreaks have shaken our confidence and trust in the food we eat. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States each year. Yet for every foodborne illness that is reported, it is estimated that as many as 40 more illnesses are not reported or confirmed by a lab.

The annual cost of medical care, lost productivity, and premature deaths due to foodborne illnesses is estimated to be $44 billion. So there is a lot at stake, both in terms of life and money. I believe we can do so much better. I believe it because I have seen it in my State.

Senator CHAMBLISS, from the State of Georgia, where this latest outbreak occurred, believes it because he has seen the devastation to an industry's own State, where when you have one bad actor and then it gets out there and more people get sick and die, it doesn't help anyone in this country. The tragedy of so many families—three in my own State—hurts tremendously. So we know we can do better, and that is why we are introducing this bill on a bipartisan basis.

As a former prosecutor, I have always believed the first responsibility of government is to protect its citizens. When people get sick or die from contaminated food, the government must take aggressive and immediate action. I believe that together the Food Safety Rapid Response Act and the Food Safety Modernization Act will strengthen food safety in America and ultimately save both lives and money.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

TRIBUTE TO COLONEL RAMON M. BARQUIN

Mr. MARTINEZ. Mr. President, it gives me great pleasure to honor an individual who lived in pursuit of a free Cuba and a better America, COL Ramon M. Barquin, who died at the age of 93 on March 3, 2008.

Colonel Barquin was an accomplished military leader, an educator, a diplomat, and an entrepreneur. Although Cuba was his native home, he made our Nation a better place during the years he lived in exile.

Ramon Barquin was born in Cienfuegos, Cuba, on May 12, 1914. At the age of 19, he joined the Cuban army, served his country, and graduated from the Cuban Military Academy in 1941. During his years of military service, Colonel Barquin attended various U.S. Army schools here in the United States. Following a distinguished career in the military, Colonel Barquin found his passion in military education.

In the classroom, he worked to instill a culture of civic awareness within the military's ranks, founded the Cuban National War College, and eventually

was promoted to director of Cuba's military schools. Following his career in Cuban military education, Barquin was appointed as Cuba's military attache to the United States and delegate to the Inter-American Defense Board, where he was elected vice chair and led the team that developed the plan for a joint defense of the Western Hemisphere. For his work, Colonel Barquin was honored in 1955 by our government with the Legion of Merit, Grade of Commander.

While serving as attache, he learned of the shifting political winds in Cuba and conspired to prevent freedom from losing a foothold in his native land. I can remember as a young boy in Cuba living through tumultuous times. But I also remember my father often remarking that in Colonel Barquin, Cuba had its best hope for democracy.

It was the colonel's concerns that led him to participate in a failed military revolt against the Batista dictatorship and later to actively work against Castro's totalitarian regime. When Castro came to power, he asked Barquin to serve as defense minister. Concerned with the regime's repressive nature, Colonel Barquin refused and instead chose to serve in an ambassadorial post in Europe. As a result of that, he was able to flee to the United States and begin a new life, now in exile.

After briefly living in Miami, Barquin rekindled his passion for education by establishing a consortium of educational institutions in Puerto Rico. They included a K–12 school called the American Military Academy, summer camps, a university—Atlantic College—and an institute for civic education known as Instituto de Democratica. He was recognized for his hard work and enterpreneurism by the Puerto Rican government as the 1995 Educator of the Year.

Graduates of the K–12 academy he founded had kind words of appreciation for the colonel's work and character. One student remarked: ''From the Colonel, I learned to love my country and he taught me the values that lead my life today.''

As a Cuban American, a Floridian, and a Senator, it gives me great pleasure to pay tribute to an individual with a legacy as awe inspiring as that of COL Ramon M. Barquin. His unwavering commitment to freedom and democracy, his generosity, and his zeal for serving others is, and will be, sorely missed.

I also know that probably one of his proudest accomplishments was a wonderful family. I am privileged to know his son Ramon, who also carries his name, and also some of his grandchildren. I know that is, without a doubt, what I am sure he feels was his greatest legacy while he lived among us. I know that history would have been very different if he had had an opportunity to follow through on some of his ideas and some of his hopes.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I rise to speak to my colleagues on two issues this afternoon. One is the nomination of Judge Sotomayor to the U.S. Supreme Court and the second is on the public option in health care.

SOTOMAYOR NOMINATION

Mr. SCHUMER. Mr. President, several of my colleagues across the aisle have come to the floor to attack Judge Sotomayor's nomination to the Supreme Court. I must say, I think these attacks are entirely misplaced. I have always had a consistent standard for evaluating judicial nominees. I use it when voting for them. I use it when joining in, in the nomination process. I did under President Bush and continue to under President Obama. Those three standards are excellence, moderation, and diversity.

I am confident Judge Sotomayor meets these criteria. Based on my review thus far of her lengthy and impressive record on both the district court and court of appeals, her impressive career in both public and private sectors, and her stellar academic credentials.

I have also been deeply impressed with her personal story, a true story of an American dream. She pulled herself up from the projects in the Bronx to stand before this body as a nominee to the highest Court in the land. Her history is truly inspirational, a history of which we should all be extremely proud. It is a great American story. It is what the greatness of America is all about, as my friend from New Jersey said earlier.

I think some of the comments I have heard from my Republican colleagues this morning have distorted Judge Sotomayor's distinguished record, so let's take a minute to consider what the real story is and how Judge Sotomayor's record reflects the highest ideals of judging.

Judge Sotomayor's record reveals her to be both modest and moderate, dedicated to the rule of law and not outcome oriented.

For example, Senator SESSIONS spent some of his time this morning criticizing one particular case, Hayden v. Pataki, about felon disenfranchisement—because Judge Sotomayor's dissent would have resulted in an outcome with which he did not agree. He neglected to mention that her opinion was based on the plain text of the statute before the court and he also left out some of the key, revealing comments she made in her dissent:

> No one disputes that States have the rights to disenfranchise felons;

No. 2:

> The duty of a judge is to follow the law, not question its plain terms;

And No. 3:

> I trust that Congress would prefer to make any needed changes itself rather than have the courts do so for it.

These are the kind of statements, in the very case my good friend from Alabama uses to criticize the judge, that we have heard from people on the other side of the aisle over and over as to what a judge should do: Not replace his or her own judgment for that of a legislature or that of the law.

Judge Sotomayor was following text to a result, not the other way around. These quotes tell us a lot more about Judge Sotomayor's judicial philosophy and commitment to rule of law than simply looking at the outcome in any particular case. Even when we look at outcomes, the entirety of her record gives us a more accurate picture of her judicial philosophy than the outcome of any one case. She rejected discrimination claims in 81 percent of the cases she considered, and in those 78 cases rejecting discrimination claims she dissented from the panel she was on only twice.

When my office looked at her record on immigration cases she sided with the immigrant in asylum cases only 17 percent of the time. That is average for the entire Second Circuit. This should put to rest any notion she is swayed by outcomes rather than by law.

Obviously, she sympathizes with the immigrant experience, that has been clear. But she does not let those sympathies stand in the way of her judging what the law says and mandates. So she is clearly not a judicial activist, someone who reaches beyond the proper role of a judge to impose her personal preferences.

I think it is about time to debunk the notion of judicial activism, as some are using. I think that judicial activism is starting to become code for many of my friends on the other side of the aisle for ''decisions with outcomes with which I don't agree.'' When they say judicial activist, they are not looking at how close or far from the law. They are, rather, looking at: Well, I didn't agree with the ultimate decision.

That is why I prefer to use the term ''modest'' in describing my ideal judge. It was a term that was used by Justice Roberts when he was before us.

I will quote from the Federalist Papers as some of my colleagues have done. In Federalist No. 78, the primary source for justification for judicial review in the Constitution, Alexander Hamilton explains the role of a judge very simply: A judge must interpret the Constitution, interpret the laws, and when there is ''irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred.''

An ''irreconcilable variance''—that imposes a high bar on any judge who is tempted to strike down a law or a practice or any decision by a legislature or

executive as unconstitutional. This is, by the way, exactly the standard Judge Sotomayor lived up to in Ricci, when she deferred to the elected local official in New Haven and to Federal title VII law and to firm Second Circuit precedent.

It has always been my view that a commitment to modesty is key in a judge. A judge who is modest understands that any concept of doing justice must have as its touchstone the meaning that the authors of the text intended to give it.

I also believe it is consistent with judicial modesty to acknowledge that our Constitution is written to endure. It does not live and breathe like a flesh-and-blood child does, who evolves through adolescence and adulthood to become unrecognizable.

I don't believe in using those terms. Rather, the Constitution endures. It endures because the people whom it governs, the people who retain all of the many rights that are not listed in the document itself, believe that it continues to apply to them. The only reason it continues to apply to them is through guardianship of judges who are modest in reaching their conclusions. They understand that people have to live by the Court's interpretation and judgment. They understand that people want justice and that justice means predictability, adherence to text, and the willingness to avoid patently absurd results.

I am looking forward to the confirmation hearing of Judge Sotomayor. She is a gifted lawyer, she is a respected and serious jurist, and her life experiences will only serve to enrich the views of the eight other justices, each of whom brings with him or her individual lessons, lessons taught by a hard-working grandfather in Pinpoint, GA; by an independent, studious-minded mother who died the day before her daughter graduated high school; by a hotel owner in Chicago, IL; or by a single Spanish-speaking mother who told her daughter that she could do anything through hard work and a good education.

Let's be reasonable and realistic. These experiences do not turn a good judge into a bad one or who is not an impartial one or whatever my colleagues on the other side of the aisle are suggesting.

To recognize the role of personal experience is simply to acknowledge that in the art and science of interpreting the Constitution and laws of our country we have to ask ourselves the following questions: Do we trust more the decisions of judges who, as I have said before, have ice water in their veins, who view their role as stripping themselves of their pasts and ruling in a vacuum, free of human experience and common sense, or do we trust more the decisions of judges who acknowledge and address their own life experiences even while striving always to be fair and within the law—as Judge Sotomayor herself has said?

These are questions I look forward to discussing at Judge Sotomayor's upcoming hearing.

HEALTH CARE

Mr. SCHUMER. Mr. President, I rise to discuss the necessity of including a public option in the health care legislation Congress is currently drafting. One of our top priorities, as we undertake health care reform, must be increasing competition among health insurance companies in order to get costs under control and give consumers better choices. A recent New York Times/CBS poll clearly shows that a large majority of the American people, 72 percent in fact, want a government-sponsored health care option that would compete with private health insurance companies—72 percent.

What is even more incredible, 50 percent of all Republicans in this country want a public option. There seems to be a disconnect between my colleagues on the other side of the aisle and even their Republican constituents.

Do you know why so many Americans want a public plan? Because, despite what many of my colleagues on the other side of the aisle would have you believe, they do not believe they have affordable choices. Fundamentally, this is what lies at the heart of our public plan proposal. We want to ensure all Americans have a guaranteed affordable choice when it comes to health insurance. Right now, too many of them do not.

In many areas of the country, one or two insurers have a stranglehold on the entire market, which produces costly premiums and health care decisions that often serve the interests of the insurer, not the patient. In fact, according to a study of the American Medical Association, 94 percent of insurance markets are highly concentrated. This is why a public health insurance plan is absolutely critical, to ensure the greatest amount of choice possible for consumers and provide at least one option that is patient—not profit—focused.

When you read what percentage one insurance company or two insurance companies have of a market in each State, you know that robust competition is missing from the health care market. That is why so many people are worried about the future of the plans that they now have.

The public plan is not about government-controlled health care, socialism or any of the buzz words that have been tossed around as part of this debate.

I ask my colleagues, do they consider Medicare socialism? Would they like to abolish Medicare? Probably some of them would. But Medicare—hello, my friends—is a government-run plan. It is very popular with the American people. Very few propose eliminating Medicare. So let's be real here. The public option is about offering Americans a choice in the market that, far too often, offers them none.

I will tell you the choices too many Americans face: whether to pay for health insurance or health care or to pay for other necessities of life, because health care has become so expensive. That is not a choice anyone should have to make, and maybe that explains why the American people do not agree with the critics of the public plan.

Half of all Americans think the government plan will provide better health care coverage than private insurance companies, and a significantly lower percentage disagree with that statement.

Let's be clear: A public plan may not have special built-in advantages. It would be a coverage option that would compete on an equal footing alongside private insurance plans in the market for individual and small business coverage. If a level playing field exists, then private insurers will have to compete based on quality of care and pricing instead of just competing for the healthiest consumers. In this way, a public plan will accomplish many of our most important goals. It will not waste money on costs incidental to providing health care. It will not focus on profits at the expense of the best health outcomes. Instead, it will spend money on improving health delivery and on trying innovative technologies and systems in order to save, save money. It will force many insurers that have been shielded and protected from competition for far too long to compete with a plan that provides comprehensive care at an affordable rate. It will, most importantly, give all Americans a choice. In fact, I think the thing that really scares opponents of the public option is choice, that Americans might actually choose the public plan over the plan of private insurance companies, because then the curtain might be pulled back on their friends at the insurance companies and Americans will finally see the hidden costs that have caused their premiums to skyrocket, the wasteful spending that does not improve health outcomes but fattens bottom lines, and the protection from competition that has been offered to private insurers over the last decade.

To truly reform our health care system, Congress must pass legislation that includes a public option. A figleaf public plan is no plan at all, and I will not settle for such a figleaf.

It is important to remember how we arrived here. For a long time, when thinking hypothetically about health care reform, many in this country suggested that we move to a single-payer option.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) I would note that the Senator has used 10 minutes.

Mr. SCHUMER. I ask unanimous consent that I be given 5 additional minutes.

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

Mr. SCHUMER. The Republicans rejected the single-payer plan. So at the onset of this debate, we met them halfway with a framework that continues

to largely rely on private insurers. So then we said: If we are going to continue to rely mostly on private insurance, can we at least introduce greater competition into the market by having a public plan as one option? The Republicans—most, at least; just about all, I think—rejected that too. We said: Well, what if we ensured that the public plan had to adhere to the same rules as private insurers, thus guaranteeing a level playing field? The Republicans here in the Senate—not in the country but the Republicans here in the Senate—still said no to even a level playing field.

So some Democrats came up with a new idea: What if we relied on a co-op model that has served rural States well? In a good-faith attempt to consider this idea, I proposed some ideas for ensuring that co-ops could do the job of keeping private insurers honest. Yesterday, Senator CONRAD indicated he could go along with many of these proposals. But Senator CONRAD has never been the problem here. He has been well open to negotiating on how to make a co-op plan have the kind of clout to go up against private insurance companies, be available to all Americans, be able to bargain with the providers, and be ready to go on day one to compete with the large nationwide insurance companies. Senator CONRAD has always been willing to entertain all of that. He has been a good-faith negotiator with the best interests at heart. It has been those on the other side of the aisle who have not been willing to negotiate. So I am losing confidence that Senate Republicans will ever agree to the types of changes to a co-op to make it a viable alternative, a viable substitute to a traditional public plan that is nationwide and available to everybody, that can go up against the private insurers and go up against the suppliers in buying power, that is formulated so that it hits the ground running on day one of the insurance exchange.

We can only bend so much to try to win over opponents of health care reform. We cannot bend so far that we break. We cannot say we are putting something else out there and not have it do the job because a public option is what really does the job. We must not let the scaremongering about the possible consequences of a public option deter us from doing what the American people overwhelmingly want and need. It is time to put the health needs of the American people, not the insurance companies, first. It is time to move past the partisan bickering and make sure the health care reform passed by Congress includes a real public option. It is the right thing, it is the smart thing, and it is what the American people want and what they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

Mr. DEMINT. Mr. President, it seems that you are always stuck with listening to me. I apologize for that.

I wish to respond to my colleagues' grand design of our new health care system in just a moment, but I would like to back up a little bit and discuss health care and some other things in context.

There is no question in anyone's mind that these are difficult times for America. Millions are unemployed, and the unemployment rate continues to climb. Our economy has been in decline for a number of months. Our military is strained all around the world at a time when our enemies seem to be gaining strength and increasing in numbers. Back here at home, our spending and borrowing and debt are out of control, and this massive government spending plan we call the stimulus has yet to show any results. We see government intervention in many areas of our economy—in the banks, financial markets, the takeover of Fannie Mae and Freddie Mac, the takeover of large insurance companies, our auto industry. People back home and all around the country are alarmed. As I heard someone say last week as they tried to explain their alarm to me, they threw up their hands and they just said, ''I am outraged out.'' They could not speak anymore.

My question for my colleagues today is, Is this a good time to create another government program? The answer on the other side has obviously been yes. Yesterday, they all voted, I believe, to get the Federal Government in the tourism business, to close off debate and pass a plan that would get the Federal Government to promote tourism in America all over the world. I think it is like $400 million—in today's terms, a small amount of money. But the tourism industry, while hurting because of the economy, is certainly not in collapse, in need of a government bailout. The tourism industry spent billions of dollars on advertising last year.

It is not as if the rest of the world does not know we are here. The problem with tourism in America can be laid at the feet of an inept government. If you ask people abroad why they are not coming here in such numbers as they have in the past, we find the statistics show that we are the most unwelcoming at our Customs office, in the lines to get through to America. If you want to have a business convention or trade show in America, it is very likely you cannot get the visas for your customers to come here, so many of these conventions and trade shows have had to move overseas.

The problem with getting people here is in what the government is not doing well. We don't need to get the government in the tourism business. I have plants back home, such as BMW, that would like to bring people from their headquarters in Germany over here to train the American workforce, but they found it is easier just to send our people over there because it is so hard to get their people to come here. They could come here and stay in our hotels, eat at our restaurants, and improve our economy. But instead an inept government causes us to send Americans to stay in their hotels, eat in their restaurants, and rent their cars.

It is illogical for us to create a Federal tourism agency, a la Fannie Mae, a new government-sponsored entity that is going to help promote tourism, but it is this same kind of logic we are now using for health care. We are saying we have a crisis in health care, so therefore the government needs to get more involved and to take over various aspects of the health care industry, such as was just described by my colleague from New York. But if we look at this situation a little more clearly, we will see that it is the government that is causing most of our problems and not allowing the free market health care system to work.

Let's look at this a little bit closer because there was a whole lot of misinformation that was just shared on the floor here today. Let's look at health care coverage in America. You have about 60 percent now who are in employer-sponsored plans and almost another 10 percent who have purchased their own insurance on the individual market. So we have about 70 percent of people with private insurance. You have about 25 percent Medicare-Medicaid and another 4 percent or so who are in military plans on the government side. So you have between 25 and 30 percent of Americans who are now in a government health plan. And my colleague from New York was just bragging about how well the government health plans work in Medicare. Certainly, if you have Medicare and you can get a doctor to see you, it works just fine. But the problem is, every dollar that has come in from Medicare since its inception has been spent. The 2.5 precent that comes out of every paycheck has not been saved for our senior citizens, to pay for their health care; it has been spent and there is absolutely no money in the system to take care of America's baby boomers. This works like a government plan my colleague was just bragging about. It has trillions of dollars of unfunded debt that will fall on the heads of our children and grandchildren, trillions of dollars that we have no idea how we are going to pay for. And Medicare is hopelessly in debt at the State and the Federal level.

But even worse is this problem. And let's keep looking at government versus the private plans. I think most people in America would believe the best situation now in health care is to have a health insurance policy so you can pick your own doctor and decide with your doctor what kind of health care you are going to get. No plan is perfect. There are always problems in health care. It is very complex. But

you have here about 70 percent of people who are in that situation, but every year their insurance costs more money.

My colleague was saying that is caused by private insurance, but let's find out the truth. Every year, these government plans pay physicians and hospitals less. They pay a physician less than their costs to see a patient. And I have doctors I know back in South Carolina and rural areas. They have to close their practice to new Medicare and Medicaid patients because once over 60 percent of their patients are Medicaid or Medicare, they can no longer make a living. That is happening all over the country. But you know how these costs are picked up. The hospitals and doctors who take Medicare and Medicaid have to charge private insurers more money every year because every year the government pays doctors less. That is why fewer and fewer of our best and brightest students are going to medical school and that is why we are headed for a real physician shortage in this country—not because of private health insurance but because of government plans.

We have about 16 percent who have no coverage in our country today. Those are the ones whom we say we are concerned with right now. The government requires hospitals to provide them service whether they have any insurance or money anyway, and where do these costs go? They are transferred to those who have private insurance. So every year the inept government is transferring huge amounts of costs over to those employers and those individuals who are buying private health insurance.

My colleagues are trying to say that the private market is what is failing us and we need to expand this part of the health care market—the part that is not paying doctors and hospitals to see patients, the part that is trillions of dollars in debt, and the part that is already beginning to ration health care for those who are under those plans.

If you want to know how the public option is going to work, I encourage you to drop by a Social Security office, take a number, and sit down and wait for them to get to you, or maybe go to a veterans hospital or another government service. Do we really want the government involved with health care? Health care is the most personal and private service we have as Americans. Do we want to turn health care over to the most impersonal, the most bureaucratic, the most wasteful and, in many cases, the most corrupt aspect of our society?

What we do need to do is look at how we can get these private plans in the hands of those who have no insurance. That is something we can do and we can do it for a lot less than the current administration is talking about. But before we talk about how we are going to get these people insured, let's look at who they are, because this is being misrepresented to exaggerate the problem, to create a crisis so we can justify another government takeover of another area of our economy.

We say we have about 46 million uninsured in America. Here is how that breaks down. We have about 6.4 million who actually have Medicaid today, but they are undercounted in the census. This has been proven and we know it to be true. We have another 4.3 million who are eligible for Medicaid or SCHIP or another government program, but they haven't signed up for it. We need to make more of an effort to get people to sign up for the programs they are eligible for. We have about 9.3 million who are noncitizens, many of whom are illegal in this country, and the taxpayer should not be paying for their health care. We have about 10 percent who have incomes of 300 percent or more over poverty and they are not buying health care. I have had some of those work for me when I was in business. I would offer to pay for most of their insurance. I would pay $500 a month, they would pay $50. Some people turn it down because they don't want to pay $50. There are some people who don't want to buy insurance. We have some people between 18 and 34 years old without insurance, and we have 10.6 million who are uninsured. If we look at this, at least half of these should not be subsidized by any type of government plan who are not already eligible for a plan or not citizens of our country. We could look at 20 million to 25 million.

I want to make clear that if there is one person in America who doesn't have access to good health care, that is a crisis to them, and we need to do everything we can to make sure we are fair and that affordable health care policies are available to every American. That is my goal. That is the goal of the Republican Party.

This week—this afternoon, as a matter of fact—I am going to introduce a plan that will solve the problem at a fraction of the cost of what the Democrats and President Obama are proposing. In various ways, their plan is to expand the government option, whether it is a government health plan or a government-mandated plan on the private insurance market. One way or another, they want to expand government rather than expand private insurance. I know this for a fact.

This is my fifth year in the Senate. I have introduced a lot of resolutions that would help these people get insurance, and every time my Democratic colleagues have voted it down. We have had proposals for association health plans that would allow small businesses to come together and buy insurance at a lower price to offer their employees. They voted it down. I had a proposal I introduced called Health Care Choice that would do what my colleague from New York was talking about, which is break up that single State monopoly of a few health care plans. My plan would allow Americans to buy health insurance from any State in the country. Wherever a plan is registered, certified by that State, someone in South Carolina could buy it from Arizona or Colorado, and that is how most industries work in America. If I want to go across the line and buy a car in North Carolina, I am not prohibited to do that, but I can't do it if it is a health insurance plan. So we allow these quasi-monopolies to develop in every State. I have introduced a plan that would allow Americans the freedom to buy health insurance from any State in the country, and to a person the Democrats voted it down.

I have introduced a plan that would allow people to use what they have in a health savings account to pay for health insurance premiums. Common sense, right? They voted it down.

The fact is this: The people who want to expand the government option do not want these people to have private insurance, because they believe in government and they do not believe the private market can keep itself accountable. But the problems we have with the private market now can be attributed, to a large degree, to the government not paying its share of the costs, to the government having policies that keep quasi-monopolies in every State.

I have had a proposal that would allow individuals to deduct the cost of their health insurance, just as we allow employers. The Democrats to a person voted it down.

Folks, we don't have to look far to understand what is going on. The people who like taking over General Motors and Fannie Mae and Freddie Mac want these government health plans to be expanded all the way around this circle. This is something we have to stop. We can do it very simply if we use fairness and freedom.

My plea to all Americans, and particularly my colleagues, is before we give up on freedom in the health care area, let's let it work. That is what my proposal is.

This afternoon I am going to introduce a plan that tells every American: If you like the plan you have, whether it be Medicare or Medicaid or an employer plan or a military plan, you keep it; we are not going to mess with it. But if you have no coverage at all, or if you are buying your policy on your own on the open market, we are going to, for the first time, treat you fairly and give you the same tax break we give the people in the employer-sponsored plan.

This plan does this: If you are a family, we are going to give you a certificate for $5,000 to buy health insurance. If you are an individual, we will give you $2,000 a year to buy health insurance. Some will scream and say, Oh, you can't get a good policy for that, and you can, because I have bought it for my adult children who aged out of my plan.

My plan also includes the option for an individual to buy health insurance in any State so we will increase competition and lower the prices. The plan

also allows an employer to put money in a health savings account for you that you can use to pay for your health care or to pay the premium to support you to buy additional coverage with your health insurance. We have a provision that deals with lawsuit abuse, and we have a provision that funds high-risk pools for States so people who have high-risk conditions, uninsurable conditions, preexisting conditions, can buy insurance they can afford at the State level.

The estimates are by the Heritage Foundation that within 5 years, more than 20 million of these uninsured—most of them—will have private insurance plans, because they can't use their health care certificate unless they use it to buy health insurance.

I would ask my colleagues this: If we had the option to get everyone in an individual or employer plan or expand these government plans, which aren't paying their way, which are transferring costs to other people, and which are hopelessly in debt, which way do we go? But we can fund my plan without one additional dollar of taxpayer money. The estimates are over the next 10 years, getting these people insured with private policies, giving them a $5,000 a year health care certificate, will cost about $700 billion. If that number sounds familiar, that is about how much money we have outstanding with the bailout money we call TARP here in this Congress. Instead of them bringing this money back and spending it on something else, my proposal pays for my plan by recapturing this TARP money. So as this bailout money comes back over the next 5 years, it can pay to give every American access to a plan they can afford and own and keep. It is basically no additional cost to the taxpayer at this point over what we are already committed for, for the bailout.

The choice belongs to Americans. Are we going to buy this idea that a government option is going to give us more choice, more quality, more personal attention? Will it attract more physicians into the profession? Any thinking American knows that isn't going to happen. The ideal plans now are those when individuals have a plan they own and can keep, they pick their own doctor, and the doctor and the patient decide what health care they are going to get. This is within our reach. We don't need a massive government takeover of health care in order to make health care accessible to every American. Let's not buy this idea that we are in such a crisis that we have to rush over the next couple of months to create another government program, another government takeover, when we see what happens to government-run health plans right in front of our eyes. It won't work. We can't afford it. They are going to end up rationing care. They are going to take employer plans, irrespective of what they say—if you have a low-cost government option that doesn't pay doctors enough to see you, you are going to see insurers dropping their health plans and you are going to end up in the lap of government whether you like it or not.

Let's not give up on freedom. Let's look at the facts. Have we seen any government program, over your lifetime or mine, that has actually done what it said it was going to do at the cost it said it would be done at? My colleagues know that is not true.

Social Security is so important to seniors, and a promise we must keep. It is hopelessly in debt, because this government has spent every dime Americans have put in it, and there is not a dime in the Social Security account to pay future benefits. The same with Medicare—trillions of dollars. This is a commonsense solution that every American can see, if we don't listen to the misrepresentations we are starting to hear in this body. Every American with a policy they can afford and own and keep is available to us, within our reach, without any government takeover of health care. We just have to believe that what made America great can make health care work, and that is freedom.

Mr. President, I yield the floor and note the absence of a quorum.

Mr. CORNYN. Mr. President, would the Senator withhold the quorum call?

Mr. DEMINT. I withhold.

The PRESIDING OFFICER. The Senator from Texas.

KOH NOMINATION

Mr. CORNYN. Mr. President, I rise to speak on the nomination of Harold Koh whom the President has nominated to be legal advisor to the State Department. This is a relatively obscure but very important position at the State Department. The legal advisor operates frequently behind the scenes but on such important issues as international relations, national security, and in other areas.

One area that is very important is that the legal advisor is often the last word at the State Department on questions regarding treaty interpretation; that is, international agreements between countries. The legal advisor often gives legal advice to the Secretary of State and the President of the United States during important negotiations with other nations. We also know from experience that the legal advisor can be a very important voice in diplomatic circles, especially if he or she views America's obligations to other nations and multilateral organizations in a particular way, particularly if they have strong views.

Professor Koh has an impressive academic resume and professional background. He is an accomplished lawyer and a scholar in the field of international law. Nevertheless, I do not believe that Professor Koh is the right person for this job. I believe that many of his writings, his speeches, and other statements are in tension with some very core democratic values in this country. I believe that his legal advice on transnational law, if taken to heart, could undermine America's sovereignty or security and our national interests.

I urge my colleagues not to take my word for this but look for themselves at Professor Koh's record and consider whether he is the right person to be advising Secretary Clinton and other diplomats at the State Department on legal issues pertaining to our relationship with other nations and such key issues.

I mention this notion of transnational jurisprudence, which is a little arcane, but I will explain what it is all about. Professor Koh has been an advocate for transnational jurisprudence, which is the idea that Federal judges should look at cases and controversies as opportunities to change U.S. law and to make it look more like international or other foreign law.

I am not saying that all foreign law is bad, but our Founders acknowledged that when we take the oath of office here, we pledge to uphold and defend the Constitution of the United States of America, not some unsigned, unratified international treaty or an expansive notion of international common law which Professor Koh embraces and advocates.

We know Americans don't have a monopoly on virtue and wisdom and certainly we can benefit from exchanging ideas with other democratic countries. But Professor Koh's notion that it is appropriate and proper for a Federal judge to look at foreign law in deciding what the Constitution of the United States means, and what the laws of the United States require, to me, is at complete tension with this idea that we will uphold American values and the American Constitution and American laws passed by our elected officials. We do not appropriately ask Federal judges to look at unratified treaties, some notion of international common law and, certainly, the laws of other countries in interpreting our laws in the United States.

Professor Koh seems to have a different view. He said Federal judges should use their power to ''vertically enforce'' or ''domesticate'' American law with international norms and foreign law.

He has argued that Federal judges should help ''build the bridge between the international and domestic law through a number of interpretive techniques.''

Where will these ''interpretive techniques'' lead us? Evan Thomas and Stuart Taylor asked that question in Newsweek magazine earlier this year. They answered based on their investigation:

> Were Koh's writings to become policy, judges might have the power to use debatable interpretations of treaties and ''customary international law'' to override a wide array of federal and state laws affecting matters as disparate as the redistribution of wealth and prostitution.

Transnational jurisprudence is not the only controversial view professor Koh holds.

Again, as a law professor and dean of Yale Law School, I understand law professors advocating cutting edge and, indeed, provocative legal interpretations. But to say this is appropriate not in the classroom as a teaching exercise but, rather, important for Federal judges to do in the exercise of their article III powers is an entirely different notion altogether.

In 2002, Professor Koh gave a lecture titled ''A World Drowning in Guns,'' in which he argued for a ''global gun control regime.''

In 2007, he argued that foreign prisoners of war held by the U.S. Armed Forces anywhere in the world—not just enemy combatants held at Guantanamo Bay—are entitled to the same rights as American citizens under habeas corpus law as applied by our Federal courts.

Perhaps most timely, Professor Koh appears to draw a moral equivalence between the Iran regime's political suppression and human rights abuses, on the one hand, and America's counterterrorism policies on the other hand.

Professor Koh has written:

> [U.S.] criticism of Iranian ''security forces [who] monitor the social activities of citizens, entered homes and offices, monitored telephone conversations, and opened mail without court authorization'' is hard to square with our own National Security Agency's sustained program of secret, unreviewed, warrantless electronic surveillance of American citizens and residents.
>
> Furthermore, the United States cannot stand on strong footing attacking Iran for ''illegal detentions'' when similar charges can be and have been lodged against our own government.

The U.S. policies that Professor Koh is criticizing were authorized by the Congress in a bipartisan fashion, and each of us is accountable to our constituents for the decisions we make.

It is offensive to compare the policies of the U.S. Government with those of a theocratic dictatorship that responds to criticism with brutal violence against its own people.

We have heard enough moral equivalence regarding Iran over the last week and a half. We have heard enough apologies for the actions of the United States—and enough soft-peddling of the brutal suppression by the Iranian regime of their own people. We don't need another voice in the administration whose first instinct is to blame America—and whose long-term objective is to transform this country into something it is not.

For these reasons, I urge my colleagues to vote no on the cloture motion on this nomination.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, before I begin, are we in morning business or on the Koh nomination?

The PRESIDING OFFICER. We are in morning business.

SOTOMAYOR NOMINATION

Mr. LEAHY. Mr. President, I thank Senator MENENDEZ and Senator SCHUMER for their outstanding statements to the Senate today. As I review Judge Sotomayor's record in preparation for her confirmation hearing on July 13, I am struck by her extraordinary career and how she has excelled at everything she has done. I know how proud her mother Celina is of her accomplishments. I was delighted to hear Laura Bush, the former First Lady, say recently that she, too, is ''proud'' that President Obama nominated a woman to serve on our Supreme Court. I recall that Justice Ginsburg said she was ''cheered'' by the announcement and that she is glad that she will no longer be ''the lone woman on the Court.'' I contrast this reaction to President Bush's naming of Justice O'Connor's successor a few years ago when Justice O'Connor conceded her disappointment ''to see the percentage of women on [the Supreme Court] drop by 50 percent.'' Are these women biased, or prejudiced, or being discriminatory? Of course not. I hope that all Americans are encouraged by the nomination of Judge Sotomayor and join together to celebrate what it says about America being a land of opportunity for all.

A member of just the third class at Princeton in which women were included, Judge Sotomayor worked hard and graduated summa cum laude, Phi Beta Kappa, and shared the M. Taylor Senior Pyne Prize for scholastic excellence and service to the university. Think about that. She was a young woman who worked hard, including during the summers, to make up for lessons she had not received growing up in a South Bronx tenement. That is why she read children's books and classics, and arranged for tutoring to improve her writing. She went on to excel at Yale Law School, where she was an active member of the law school community, served as an editor of the prestigious Yale Law Journal, and as the managing editor of the Yale Studies in World Public Order working on two journals during her 3 years of law school. She was also a semifinalist in the Barrister's Union mock trial competition at the law school. Now, some Republican Senators have made fun of her achievements and some seek to belittle them. They question how she could be an editor without providing a major article that she edited. I know from my experience that members of student journals do not all edit major articles. It is an achievement to be affiliated with the Yale Law Journal in any capacity. They act as if she made this up. If this really is a major concern, and they wish to ask her about it at her confirmation hearing, they can. I have never known Sonia Sotomayor to be one who padded her resume. Frankly, she does not need to. Her achievements are extraordinary and impressive.

She is the first nominee to the Supreme Court in 100 years to have been nominated to three Federal judicial positions by three different Presidents. Indeed, it was President George H.W. Bush, a Republican, who nominated and then appointed her with the consent of the Senate to be a Federal district court judge. She has the most Federal court experience after 17 years of any nominee to the Supreme Court in 100 years. She is the first nominee in more than 50 years to have served as a Federal trial judge and a Federal appellate judge at the time of her nomination to the Supreme Court. She will be the only member of the Supreme Court to have served as a trial judge. She will be one of only two members of the Supreme Court to have served as a prosecutor.

I remember well when she was nominated to the United States Court of Appeals for the Second Circuit by President Clinton, and when an anonymous Republican hold stalled her appointment for months. Finally, in June 1998, a column in The Wall Street Journal confirmed that the Republican obstruction was because they feared that President Clinton would nominate her to fill a Supreme Court vacancy, if one were to arise. After that Supreme Court term ended without a vacancy, we were finally able to vote on her nomination and she was confirmed overwhelmingly. Not one word was spoken on the Senate floor and not one word was inserted into the CONGRESSIONAL RECORD by those who had opposed her to explain their opposition or to justify or excuse the shabby treatment her nomination had received.

It is apparent that some Republicans are responding to the demands of conservative pressure groups to oppose her confirmation by doing just that. The truth is that they were prepared to oppose any nomination that President Obama made. Just today, a number of Republican Senators have come to the Senate floor to speak against President Obama's nomination of Judge Sonia Sotomayor to the Supreme Court. The Senate Republican leader, the ranking Republican on the Judiciary Committee, and the head of the National Republican Senatorial Committee have all taken a turn.

My initial reaction to their effort is to note that they have doubly demonstrated why a hearing should not be delayed. In fairness, no one should seek to delay her opportunity to respond to their questions and concerns and to answer their charges. As I said when I set the hearing date after consulting with Senator SESSIONS, I wanted it to be fair and adequate—fair to the nominee and adequate to allow Senators to prepare. To be fair to her, we need to give her the earliest possible opportunity to answer. As for preparedness, those Republican critics were prepared to air their grievances and concerns and to discuss her record and her cases 3 weeks before

the scheduled date of the hearing. What they clearly demonstrated today is that they are prepared to proceed with the July 13 hearing.

I do not agree with their characterization of her distinguished record on the Federal bench, or with their mischaracterization of her manner of judging. Judge Sotomayor's approach to the law should be clear to all after a 17-year record of fairly applying the law on the Federal bench. I remind them that when I asked Judge Sotomayor about her approach to judging she told me that, of course, one's life experience shapes who you are, but she went on to say this: ''Ultimately and completely''—and she used those words—as a judge you follow the law. There is not one law for one race or another. There is not one law for one color or another. There is not one law for rich and a different one for poor. There is only one law. She said ultimately and completely, a judge has to follow the law no matter what his or her upbringing has been. That is the kind of fair and impartial judging that the American people expect. That is respect for the rule of law. That is the kind of judge she has been.

For all the talk we have heard for years about judicial modesty and judicial restraint from nominees at their confirmation hearings, we have seen a Supreme Court these last four years that has been anything but modest and restrained. One need look no further than the Lilly Ledbetter and Diana Levine cases, or the Gross case from last week, to understand how just one vote can determine the Court's decision and impact the lives and freedoms of countless Americans.

The question we should be asking as we consider Judge Sotomayor's nomination is whether she will act in the mold of these conservative activists who have second-guessed Congress and undercut laws meant to protect Americans from discrimination in their jobs and in voting, laws meant to protect the access of Americans to health care and education, and laws meant to protect the privacy of all Americans from an overreaching government. We should be asking whether she will be the kind of Justice who understands the real world impact of her decisions.

I know Judge Sotomayor is a restrained and thoughtful judge. She understands the role of a judge. Her record is one of restraint. In fact, the cases her critics chose to highlight are cases in which she showed restraint and followed the law. I hope that she is also a judge who understands that the courthouse doors must be as open to ordinary Americans as they are to government and big corporations.

I wish Republican Senators would pay less attention to the agitating from the far right, take a less selective view of a handful of Judge Sotomayor's cases to paint her—inaccurately—as an activist and, instead, consider her record fairly. She has been a judge that Kenneth Starr has endorsed. The other judges on the Second Circuit think the world of her, and have great respect for her judgment and judging. She is a nominee in which all Americans can take pride and have confidence. She has been a judge for all Americans and will be a Justice for all Americans.

I am sorry that some critics are seeking to caricature Judge Sotomayor and mischaracterize her involvement with respectable mainstream civil rights organizations. Judge Sotomayor was a member of board of directors of the Puerto Rican Legal Defense and Education Fund, PRLDEF, now known as LatinoJustice PRLDEF, from 1980 until her resignation in 1992. Today, Republican critics chose to malign PRLDEF. This is a respected organization that was founded in the early 1970s with the support of Senator Jacob Javits, former Attorney General Nicholas Katzenbach, former New York Attorney General Robert Abrams, and legendary New York County District Attorney Robert Morgenthau, who was Judge Sotomayor's boss when she worked in his office as a prosecutor after graduating from Yale Law School.

It was modeled on the NAACP Legal Defense and Educational Fund. Its mission is to develop a more equitable society by creating opportunities for Latinos in areas where they are traditionally underrepresented. It seeks to ensure that Latinos have the legal resources necessary to fully engage in civic life. Financial support for PRLDEF comes from widely regarded foundations like Ford and Carnegie, and corporate contributions from businesses like Time Warner. These foundations and corporations are not radical. Neither is PRLDEF.

Other past directors of PRLDEF include the honorable Jose Cabranes of the U.S. Court of Appeals for the Second Circuit, former Congressman Herman Badillo, now a senior fellow at the Manhattan Institute, and former Governor of New York Hugh Carey. Jack John Olivero, a former regional director of the Equal Employment Opportunity Commission and deputy director of its Washington office was PRLDEF's fourth president and general counsel. The list goes on and on of distinguished lawyers who have served in leadership capacities at PRLDEF.

One of PRLDEF's core missions is increasing diversity in the legal profession. To that end, PRLDEF mentors youth from all backgrounds, assisting them in completing their law school applications, mentoring them throughout law school, and supporting them during their years as young lawyers. Thousands of attorneys, including prominent civic, government, and corporate leaders, credit PRLDEF for helping them realize their dreams of becoming lawyers.

We all know about this part of Sonia Sotomayor's life because she disclosed her board membership and status as an officer in response to the Judiciary Committee's questionnaire. We know about it because Judge Sotomayor not only reviewed her own records to provide documents from her time at PRLDEF, but she also went above and beyond what the bipartisan questionnaire called for and asked that PRLDEF conduct its own search of its records. Judge Sotomayor has now provided the committee with additional documents from this search related to her work for PRLDEF. The record before us is public and it is transparent. We already have a more complete picture of Judge Sotomayor's record than we ever had of the records of John Roberts or Samuel Alito.

The committee did not receive 15,000 pages of documents related to key parts of Chief Justice Roberts' career in executive branch until the eve of the hearings, and many of them were heavily redacted. The Bush administration refused to meet or even discuss the Democrats' narrow request for specific memoranda relating to 16 key cases on which John Roberts worked while he was the principal deputy to Solicitor General Kenneth Starr in the administration of President George H.W. Bush. As a result, the committee had little knowledge of highly relevant parts of John Roberts's work as a political appointee in the office of ''the people's lawyer''—the Solicitor General. Because John Roberts had fewer than 3 years on the bench at the time of his nomination, these documents would have provided a crucial window into his qualifications. But we never received them.

During the committee's consideration of the Alito nomination, we requested documents from Samuel Alito's 6 years in the Department of Justice. However, the Bush administration just days before his hearing refused to produce 45 of the 50 opinions Sam Alito had written or supervised while in the Office of Legal Counsel. The administration also refused to provide most of the documents he wrote while in the Solicitor General's Office. Indeed, in refusing our request for these documents, the Department of Justice wrote:

> Judge Alito has sat on the federal appellate bench for more than 15 years, and his decisions in that capacity represent the best evidence of his judicial philosophy and of the manner in which he approaches judicial decision-making.

I do not recall a single Republican saying that we did not have a complete record to consider those nominations of President Bush to the Supreme Court even though there were significant gaps in the records. We should not apply a double standard to the nomination of Sonia Sotomayor.

We have Judge Sotomayor's record from the Federal bench. That is a public record that we had even before she was designated by the President. Judge Sotomayor's mainstream record of judicial restraint and modesty is the best indication of her judicial philosophy. We do not have to imagine what kind of a judge she will be because we see what kind of a judge she has been.

I thank Judge Sotomayor for her quick and complete answers to the committee's questionnaire, and for going above and beyond what is required. My review of Judge Sotomayor's record has only bolstered the strong impression she has made over the past several years. She is extraordinarily qualified to serve on the Nation's highest court. She will bring to the Supreme Court more than just her first-rate legal mind and impeccable credentials. Hers is a distinctly American story. Whether you are from the South Bronx, the south side of Chicago or South Burlington, the American Dream inspires all of us, and her life story is the American dream.

I am confident that when elevated to the highest court in the land Judge Sotomayor will continue to live up to Justice Marshall's description of the work of the judge. Justice Marshall said:

> We whose profession it is to ensure that the game is played according to the rules, have an overriding professional responsibility of ensuring that the game itself is fair for all. Our citizenry expect a system of justice that not only lives up to the letter of the Constitution, but one that also abides by its spirit. They deserve the best efforts of all of us towards meeting that end. In our day-to-day work we must continue to realize that we are dealing with individuals not statistics.

It is a pretty awesome responsibility when a Justice of the Supreme Court is nominated. Most Justices will serve long after the President who nominated them is gone, long after most of the Senators who vote on that nominee are gone. We have 300 million Americans. There are only 101 Americans who get a direct say in who is going to be on the Supreme Court. First and foremost, the President of the United States, when he makes the nomination to the Supreme Court, and then the 100 Senators who either vote yes or vote no. So let's stop delegating our work to special interest groups. Let's delegate our work to ourselves. Let's do what we are paid to do. Let's do what we have been elected to do.

This is a historic nomination. It should unite the American people and unite the 100 of us in the Senate who will act on their behalf. It is a nomination that keeps faith with the words engraved in Vermont marble over the entrance of the Supreme Court: ''Equal Justice Under Law.''

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

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. SANDERS. Mr. President, I think most Americans understand that our current health care system is disintegrating. Today, 46 million Americans have absolutely no health insurance, and even more are underinsured, with high deductibles and high copayments. At a time when 60 million people, including many with insurance, do not have access to a medical home—do not have access to a doctor of their own—close to 20,000 Americans die every single year from preventable illnesses because they do not get to a doctor when they should. This is six times the number of people who died during the tragedy of 9/11, but these deaths occur every single year.

I can vividly recall talking to physicians from Vermont—and I am sure the same is the case in Delaware and every other State in this country—who told me that patients walked into their office very sick, and they would say: Why didn't you come in here before? You are very ill. And they said: Well, I didn't have any insurance. I didn't want charity. I thought I would get better.

By the time people ended up walking in the door, their situation was so bad that the doctors lost those patients—people who should not have died. This is happening close to 20,000 times every single year in this country.

Recently, the Boston Globe had a big story—and this is in the State of Massachusetts, which supposedly has universal health care—which reported that patients with chronic illnesses, such as diabetes and heart disease, were not taking their medicines or not getting the treatments they needed because they couldn't afford the 25-percent copay. Yet Massachusetts has almost everybody covered.

So when we talk about the health care crisis, it is not just the number of people who have no health insurance, it is people who are underinsured. When you add that together, we have huge numbers of people who are not getting the medical care they need when they need it. The result is not only personal suffering, the result is that they end up going to the emergency room, costing the system far more than it should or they end up in the hospital at a highly inflated medical cost. This makes zero sense and is a manifestation of a dysfunctional health care system.

In the midst of all of this, somebody may say: Well, you have 46 million uninsured, you have more underinsured, people are dying needlessly, but at least you are not spending a lot of money. If you bought an old broken down car and you started complaining that it doesn't work well, I would say to you: Hey, what do you expect? You didn't spend a whole lot on your car.

The reality is—and this is an important point to make, because people say that Canada has problems. Canada does have problems. They say the United Kingdom has problems. Sure, they have problems. France has problems. Every country has problems. But the reality is that we are spending almost twice as much per capita on health care as any other nation. We should be doing far better in terms of health care outcomes than every other country on Earth, and that is certainly not the case. The reality is we are spending close to $2.7 trillion on health care, which is 18 percent of our GDP, and the skyrocketing cost of health care in America is unsustainable both from a personal point of view and a macroeconomic point of view.

At the individual level, the average American today is spending about $7,900 per year on health care. Do you believe that? How many people do you know in Delaware who are making $25,000, $30,000 a year who are spending $8,000 a person on health care? That is beyond comprehension.

Here is an important point to make. Despite this huge outlay, a recent study found that medical problems contributed to 62 percent of all bankruptcies in the year 2007. That means that this year there will be approximately 1 million Americans who are going bankrupt because of medically related problems. Stop and think: a million Americans going bankrupt because they can't pay their medical bills.

On a personal level, what does it mean? Imagine dealing with cancer, dealing with diabetes, dealing with heart disease, and at the same time having to stress out and worry about how you are going to pay the bill. I am not a doctor, but I can't help believing that it doesn't make one's recovery process any better when you are sitting around wondering whether you are going to go bankrupt. We are the only country in the entire world—the entire industrialized world—where people are worrying about having to go bankrupt because they committed the crime of getting sick. This is unacceptable, and we as a nation can and must do much better than that.

That is from the personal point of view. What about the macroeconomic point of view, the business perspective? Well, we know that large corporations, such as General Motors, for example, having so many economic problems, spends more on health care per automobile than they do on steel. That is a big corporation. We also have small businesses in the State of Vermont and around the country that are forced to divert hard-earned profits into health coverage for their employees rather than into new business investments. That is what they are faced with: Do they spend the money growing their business or do they provide health insurance to their workers?

Because of rising costs, it is no secret that many employers, many businesses, are cutting back on the level of their coverage, and passing more of the cost on to their workers. In more and more instances, you know what employers are saying? Sorry, can't do it anymore; we are not going to provide any health care coverage to the workers.

What we are looking at is a situation which is disastrous for millions of

Americans on a personal level, and disastrous for our economy, making us uncompetitive with countries all over the world that have a national health care program.

There is one other point that should be made and that we don't talk about very often. Nobody knows what the exact figure is, but there are some estimates that as many as 25 percent of American workers are staying at their jobs today. You know why they are staying at the job they are at today? It is not because they want to stay at their job. They are staying in their job because they have a good health insurance policy which covers themselves and their families.

Stop and think from an economic point of view, from a personal point of view: Does it make sense that millions of people are tied to their jobs simply because they have decent health insurance policies? What sense does that make?

It is important—and I am sorry to say we don't do this enough—to ask a very simple question: How could it be that, according to the OECD in 2006—the best statistics that we have—the United States spent $6,700 per capita on health care—we are now spending more—Canada spent $3,600, and France spent $3,400? France spends about one-half of what we spend per capita, and most international observers say that the French system works better than our system. So as we plunge into health care reform, it would seem to me the very first question we should ask ourselves is: How do the French, among others, spend one-half of what we are spending and get better outcomes than we do?

In terms of how people feel about their own systems, according to a five-nation study in 2004 by the well-respected Commonwealth Fund, despite paying far more for our health care, it turns out that, based on that study, Americans were far more dissatisfied than the residents of Australia, Canada, New Zealand, and the UK about the quality of care they received. In that poll, one-third of Americans told pollsters that the U.S. health care system should be completely rebuilt—far more than the residents of other countries. Does that mean to say they do not have problems in Canada or the United Kingdom? Of course they do. Their leaders are arguing about their systems every single day. But according to these polls, more people in our own country were dissatisfied about what we are getting, despite the fact that we spend, in many cases, twice as much as what other countries are spending.

It seems to me, as the health care debate heats up—and we hope more and more Americans are involved in this debate—that we as a nation have to ask two fundamental questions. In one sense, this whole issue is enormously complicated. There are a thousand different parts to it. On the other hand, it really is not so complicated. The two basic questions are, No. 1, should all Americans be entitled to health care as a right and not a privilege—which is the way, in fact, every other major country treats health care. Should all Americans be entitled to health care as a right, universal health care for all of our people?

That, by the way, of course, is the way we have responded for years to police protection, education and fire protection. We take it for granted that when you call 911 for police protection, the dispatcher does not say to you: What is your income? Do you have police insurance? We can't really come because you do not have the right type of insurance to call for a police car or to call for a fire truck. When your kid goes to school, we take it for granted that no one at the front desk of a public school says: Sorry, you can't come in, your family is not wealthy enough. What we have said for 100 years is that every kid in this country is entitled to primary and secondary school because they are Americans and we as a nation want them to get the education they deserve. Every other major country on Earth has said that about health care as well. Yet we have not.

I think right now and I think what the last Presidential election was all about is most Americans do believe all of us are in this together and all of us are entitled to health care as a right of being Americans.

The second question we have to ask is, if we accept that, if we assume all Americans are entitled to health care, how do you provide that health care in a cost-effective way? There are a lot of ways you can provide health care to all people. You can continue to throw money at it.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. SANDERS. I ask unanimous consent for 5 more minutes.

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

Mr. SANDERS. You can continue to throw billions and billions of dollars into a dysfunctional system. That is one way you can do it. I don't think that makes a lot of sense.

I think the evidence suggests that if we are serious about providing quality health care to every man, woman, and child in a cost-effective way, then our country must move to a publicly funded, single-payer, Medicare-for-all approach. Our current private health insurance system is the most costly, wasteful, complicated, and bureaucratic in the world. The function of a private health insurance company is not—underline ''not''—to provide health care to people, it is to make as much money as possible. In fact, every dollar of health care that is denied a patient, an American, is another dollar the company makes.

With 1,300 private insurance companies and thousands of different health benefit programs designed to maximize profits, private health insurance companies spend an incredible 30 percent of each health care dollar on administration and billing, exorbitant CEO compensation packages, advertising, lobbying, and campaign contributions. Aren't we all delighted to know our health care dollars are now circulating all over the Halls of Congress, paying outrageous sums of money to lobbyists, making sure we do not do the right thing for the American people? Public programs such as Medicare and Medicaid and the Veterans' Administration are administered for far, far less than private health insurance.

Let me conclude by saying that I understand that the power of the insurance companies and the drug companies, the medical company suppliers—the medical equipment suppliers—is so significant, so powerful that we are not going to pass a single-payer, Medicare-for-all program. But at the very least, what polls overwhelmingly show is that the American people want a strong, Medicare-like public option in order to compete with the private insurance companies. That is the very least we can and must do for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for such time as I may consume.

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

KOH NOMINATION

Mr. INHOFE. I do have a couple of comments to make concerning the remarks by my good friend from Vermont. I will do that at the conclusion of another subject I feel some passion about, and that has to do with the nomination of Harold Koh by President Obama. He is nominee for the position of Legal Adviser to the State Department.

I understand cloture has been filed on Harold Koh. I wanted to come to register my strong opposition and assure the American people that their representatives in Congress are not going to let this nominee sail through unopposed and to let them know there are some of us here in the Senate who will require full and extensive debate before this nominee receives a vote. I think in doing so you almost have to ask the question as to what ever happened to the understanding we have always had in this country as to what sovereignty really means.

As Legal Adviser to the State Department, Koh would be advising the Secretary of State on the legality of U.S. action in the international forum and interpreting and advocating for international law and treaties. The significance of this position and its effect on our sovereignty and security should not be understated. Koh is a self-proclaimed transnationalist. Adherents to this school of thought believe international law is equal to or should take

precedence over domestic law and international court rulings have equal authority to the decisions of a representative government. That is very significant. I know he actually believes this and he adheres to this school of thought, that international law is equal to or should take precedence over domestic law. Koh's transnational principles could have serious implications on U.S. sovereignty, especially regarding the authorization of the use of force in the prosecution of the war on terror, gun rights, abortion, and many other issues.

Koh believes a nation that goes to war should have—must have United Nations Security Council authority, going as far as writing that the United States was part of an ''axis of disobedience'' by invading Iraq—or should we say by liberating Iraq.

In October of 2002, Koh wrote:

> I believe . . . that it would be a mistake for our country to attack Iraq without explicit U.N. authorization, because such an attack would violate international law.

Additionally, he supports ratification of the International Criminal Court, which could subject our troops to prosecution in a foreign court.

Implementation of this interpretation of international law raises a number of alarming questions. If the United States is required to gain U.N. authority for military action, what punitive actions might the United States be subjected to if it unilaterally uses preemptive force? Would our Navy SEALs have had to wait for authorization from the international body before rescuing the American being held hostage off the Horn of Africa? I think 99 percent of American people said they should have that authority and we should not have to go to any kind of an international court.

I don't know where this obsession has come from that nothing is good unless it is international anymore.

In 1992, George Will said:

> There may come a time when the United States will be held hostage to . . . the idea that the legitimacy of U.S. force is directly proportioned to the number of nations condoning it.

That was back in 1992, and this is what is happening today. I hope that day never comes. The decisions made to protect our great Nation should not be made by members of an international body but by men and women who are elected by the people of these United States.

Equally concerning is Koh's treatment toward Department of Defense recruiting efforts. In October of 2003—some of us remember this—Koh led a team of Yale law faculty in filing an amicus brief in support of a lawsuit against the U.S. Department of Defense, claiming the Solomon amendment was unconstitutional. The Supreme Court rejected Koh's arguments unanimously. That was at a time when there were very few things that were unanimous in the Supreme Court. He was rejected unanimously.

Writing for the Court, Justice Roberts stated:

> Nothing about recruiting suggests that law schools agree with any speech by recruiters, and nothing in the Solomon amendment restricts what the law schools may say about the military's policies.

Further, Koh supports accession to the International Criminal Court, the United Nations Convention on the Law of the Sea Treaty, the United Nations Convention on the Rights of the Child, and the Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms. What is this CIFTA that has been promoted by President Obama? That is that we yield to an international group in terms of how we manufacture and distribute weapons in this country.

All of these treaties would greatly impact the lives of everyday Americans and would require the United States to alter its domestic law to meet their respective parameters.

In 2002, Koh spoke at Fordham University Law School about a ''World Drowning in Guns.'' That gives an indication where he is coming from. His speech was published in the Fordham Law Review. Koh's topic was the international arms trade, but, as usual, his analysis had serious domestic implications. Koh wrote that American legal scholars should pursue ''the analysis and development of legal and policy arguments regarding international gun controls'' through constitutional research on the second amendment. In other words, Koh believes the best way to regulate guns in America is through international law, through a global gun control regime.

As Legal Adviser, Koh would be in a position to pass judgment on whether a proposed treaty would raise legal issues for the United States, including issues related to the second amendment. He would, therefore, be able to endorse treaties that could be used by the courts to restrict the individual right to keep and bear arms—an idea he is clearly and openly in favor of. It is simply not true to say that his beliefs about gun control—this is what some people say—the second amendment right, doesn't really matter because he will be in the State Department advising on international law. On the contrary, he wants to use international law to restrict constitutional freedoms in this country.

In his position, he will have the power to advise the administration and to testify before the Senate about what reservations might be needed when ratifying a treaty to protect constitutional freedoms. However, he has a history of advocating for treaties without conditions. He cannot be trusted to express reservations with treaties that I believe will negatively impact everyday Americans.

The fact that he is in the State Department doesn't make him safe, it makes him more dangerous. This is exactly where, with the possible exception of the Supreme Court, he wants to be. This is not an accident. It is his strategy. He realizes he cannot achieve his goals through legislation, so he has turned to international law. If he can establish that international law is binding on the United States, regardless of whether the Senate has ratified the treaty in question, activists can avoid Congress and work the issue through the courts.

If you believe the second amendment confers an individual right to bear arms on the American people, then I urge you to reaffirm that principle by voting against Harold Koh. If you believe our Nation should not be subjected, by a variety of treaties, to threats to our national sovereignty and American way of life, I urge you to reaffirm those values by voting against the nominee.

I mentioned several international treaties he has promoted. It is not just confined to our second amendment rights, it is everything else. The basis of his influence in these areas is that somehow international law should have precedence over our laws. This is something we have been in trouble with for a long period of time. Every time we yield to the United Nations, we end up with a very serious problem. I have talked to a number of our troops overseas who are very much concerned about being subjected to the international court.

Let me make one comment before I yield back any remaining time, and that is on the subject that was discussed by the Senator from Vermont.

HEALTH CARE

Mr. INHOFE. It is easy to say, and people will applaud when they say: You are going to end up getting something for nothing. You are going to get an education for nothing. You are going to get a college education. You are going to get health care for nothing. That sounds real good. Someone has to pay for all this stuff.

I suggest that if you go up to the Mayo Clinic in the Northern tier of the United States, you will look and you will see a very large population of patients from Canada who are there; patients who have been told: Well, yes, you have breast cancer. But because you are at a certain age, we are not able to operate on you. If we do, it is going to be a waiting period of some 18 months. At the end of that time, of course, the patient is going anyway.

We are talking about, in this country, we need to do something about it, about the way we have been running our health care system. I think improvements can be made. I remember one time the first lithotripter was used, I believe, in a hospital in my State of Oklahoma, in Tulsa, OK, at St. Johns Hospital.

That was a technique where you could submerge a patient and dissolve different things that were within them, kidney stones and that type of thing. However, they could not use it. So they

had to surgically and very invasively operate on people and cut them open to remove these things that could otherwise have been dissolved.

But the problem was, we have, in our Medicare system, a lot of people who are making medical decisions who are not qualified. So we have a lot of improvements that need to be made. But by adopting a system that has been a failure everyplace it has been tried, whether it is Sweden or Great Britain or Canada, is not something we are prepared to do in this country. I know the effort is out there, and they are going to make every effort to see that that happens. We are going to make sure that does not happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I know that most of my colleagues seem to enjoy the government health care plan of which they are a member. I am always surprised when I hear my colleagues, first of all, almost all of whom are on the government health insurance plan, talking about the government not providing a decent health care plan.

I particularly am intrigued when I hear my colleagues say it is a dismal failure anywhere else in the world. I am not proud of this, as I stand on the floor of the Senate, but I know we spend twice what almost any other country does in the world on health care.

I also know that in the rankings, based on the rankings of various kinds of health care indexes, maternal mortality, infant mortality, life expectancy, immunization rates, the United States ranks near the last among the rich industrialized countries.

But in one category, the United States of America rates almost first among the rich industrialized countries; that is, life expectancy at 65. If an American gets to the age of 65, yes, we do have some of the best health care in the world because everybody has the opportunity to join Medicare. And 99 percent of our society's elderly, 99 percent-plus, belong to Medicare.

When I hear my colleagues, most of whom are on the government health insurance plan paid for by taxpayers, saying that government cannot do health insurance in pointing to other countries saying it is a failure everywhere else, I look at them a little quizzically, because when I hear—when I talk to a Canadian, they have to wait too long, they underfund their system. But I do not see Canadians repealing their health care law because they are unhappy with it. I do not see the Brits doing it, I do not see the French or the Germans or the Japanese or the Italians. They spend less than we do, and they have higher life expectancies, they have a lower maternal mortality rate, lower infant mortality rates.

So maybe we can learn something. That being said, health care reform—I am right now working across the street with Chairman DODD and Senator COBURN and others in both parties writing health care legislation.

Health care reform, first and foremost, is about protecting what is working in our system—there is much that works well in our health care system—and fixing what is broken in our system. That is, in a nutshell, what we are doing. We are working to protect what works in our health care system. We need to fix what is broken. It is about giving Americans the choices in the health care they want.

It is about providing economic stability for millions of middle-class families in Ohio and around the Nation, in Delaware and other States, the Presiding Officer's State.

I know an awful lot of people, a huge number of people in our country, say: You know, I am pleased with the health insurance I have. It works pretty well. The copays may be a little too high, the deductibles may be too high, I argue with insurance companies more than I would like to. So they are generally happy. We want to protect what is working.

But an awful lot of families know they are a pink slip and an illness away from bankruptcy. A whole lot of families know they are watching their health care disintegrate or at least decline. They are seeing copays go up. They are seeing drug coverage scaled back. They are seeing their dental care and their vision care eliminated because their employers cannot afford it. So, again, we have to protect what works, we need to fix what is broken.

A part of economic stability for health care is the public health insurance option. It is an option. A public health insurance option would expand health insurance choices available to Americans. It would increase competition in the health insurance market.

There is hardly an American alive who has private health insurance that does not think they have been mistreated from time to time by their insurance company.

Bringing more competition to the insurance market with a public health insurance option—whether you take it, whether you stay in your private health insurance, your choice or you go unto the public health option, again your choice, some Medicare lookalike, you can make that choice.

But the existence of both of them will make them both better. It will make the public health insurance Medicare lookalike option better, it will make private insurance better, because, what? Presto. It is American competition. It is what works.

But every time meaningful health care reform has been debated over the last six decades, we have heard misleading shouts from conservatives, from insurance companies, from the American Medical Association.

They say government takeover. They say bureaucratic redtape. They say socialized medicine. We heard it in 1949, after President Harry Truman was first elected. He had been President for almost 4 years after succeeding President Roosevelt.

President Truman called for health insurance reform. They said it was socialized medicine. We heard it even back in the early 1930s, when Franklin Roosevelt was creating Social Security, thought about creating ''health security'' at the same time, a Medicare-like program. He backed off because of the opposition of the American Medical Association because he knew they would say ''socialized medicine.''

Then they said it a decade and a half later when Harry Truman was President. Then another decade and a half later, as you know, they, again, the doctors and the insurance companies and the conservatives and many in the Republican Party and both Houses, again, said ''socialized medicine,'' when we were passing Medicare.

We know Medicare is not socialized medicine. You have your choice of doctor, your choice of hospital, your choice of providers. Medicare is the payer, the government serves as the insurance company. That is not socialism. That is just a program the American people love.

We hear these same kinds of things now. We hear about a public health insurance option. We hear it is socialism, a government takeover, it is bureaucratic redtape. Yet at the kitchen tables of middle-class homes in Toledo and Dayton and Akron and Gallipolis and Zanesville and Mansfield and Lima in my State, hard-working families are talking about using mortgage payments to pay for a sick child's health care treatment.

Small business owners are talking about cutting jobs because health care insurance costs simply are too high. Around the Nation, middle-class Americans are talking about how public health insurance options are needed to help provide economic stability for their families.

As we debate reform, we cannot forget that millions of Americans are depending upon us, us in this Chamber, and our colleagues on the other end of the building, depending upon us to do the right thing.

We should listen to people such as Darlene, a school nurse from Cleveland. Darlene treats students who come from economically distressed neighborhoods, who lack access to healthy food, who lack access to safe recreation. Her students struggle in school because they are worried about a sick parent or grandparent who cannot afford health care.

Darlene wrote to me describing that one student has asthma and has a heart condition. This is a grade school student. But she does not have an inhaler because her parents are unemployed and they lack health insurance. She has asthma attacks, but she does not have an inhaler because her parents simply cannot afford it.

We are not going to pass a public health insurance option?

At a time when too many Americans are struggling to pay health care costs, the public health care option will make health insurance more affordable. Our Nation spends more than $2 trillion—$2 trillion—that is 2,000 billion dollars. Mr. President, if you had $1 billion, if you spent $1 dollar every second of every minute of every hour of every day, it would take you 31 years to spend that $1 billion.

We spend on health insurance 2,000 billion dollars, 1 trillion. Think how much that is. Yet too many of our citizens are only a hospital visit away from a financial disaster. We cannot afford to squander this opportunity for reform. We cannot settle for marginal improvement. Instead, we must fight for substantial reforms that will significantly improve our health care system.

Remember, it is about protecting what works and fixing what is broken. That is why we must make sure a public health insurance option is available for Americans, not controlled by the health insurance industry. We must preserve access to employer-sponsored coverage for those who want to keep their current plan. But that is not enough. Give Americans the choice to go with a private or public health insurance plan and let them compete with each other. It is good policy. It is common sense. A public insurance option will make health care affordable for small business owners such as Chris from Summit County.

Chris writes that his small business is struggling to keep up with rising health insurance costs for his employees. He is getting priced out of the market. Chris explains how a public health insurance option would help reduce the cost to his small business and provide the employees the health care they need that he so much wants to provide to his employees whom he cares about, whom he knows are productive, who help him pay the bills.

Chris wants me and other Members of the Senate to push for real change for the health care system that helps small business owners and workers alike.

A public health insurance option would also make insurance affordable for Americans struggling when life throws them a curve, such as Karen from Toledo. She wrote to me explaining how she now takes care of her adult son who is suffering from advanced MS. Over the course of the last 5 years, her son lost his small business, lost his insurance, then was diagnosed with progressive MS. They spent years meeting with specialists, dealing with insurers, fighting for care.

All the while, Karen dropped out of her Ph.D. program because her savings were depleted and she needed to take care of her son and she had no one else to turn to.

And we are not going to pass a public health insurance option?

The public health insurance option would offer American workers and families such as Karen and her son affordable, transitional insurance if you lose your job and lose your insurance. We cannot let the health insurance industry dictate how the health care system works or limit the coverage option Americans deserve.

Anyone who has had to shop for individual health coverage knows how expensive it can be, even if you are eligible, such as Peter from Cincinnati. Peter retired after a successful career as an architect, where he enjoyed very good health care coverage. After he retired, he thought he would have no problem affording private health insurance coverage. But despite never filing a claim, his premiums and his deductibles kept rising, forcing him to buy a second policy. And merely 2 weeks after total knee replacement surgery, his secondary insurer dropped him and left him with a bill of $27,000. Peter asked that we fix what is broken.

And we are not going to pass a public health insurance option?

That is what we are here to do. Millions of Americans are demanding a public health insurance option that increases choice for all Americans and provides economic stability for our Nation's middle-class families. The stories of Darlene, Chris, Karen, and Peter must guide this administration and must direct this Congress to protect and provide health care for all Americans.

Health care reform is about protecting what works and fixing what is broken.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

KOH NOMINATION

Mr. DEMINT. Mr. President, I rise today, regretfully, to oppose the nomination of Harold Koh to be the State Department legal adviser. It is hard to do because in meeting Mr. Koh, I certainly enjoyed him. I have friends back in South Carolina who know him. He is certainly a very likable person. But his nomination to this important position requires some scrutiny about what his philosophy is when it comes to the United States and our international agreements and the sovereignty of our country.

I oppose Mr. Koh's nomination for many reasons, and most important of these is my belief that if confirmed, he will work to greatly undermine the principles of sovereignty that I believe all Americans expect of our Federal Government.

Let me talk a little bit about his role and what that would be if he is confirmed as the legal adviser to the State Department.

According to the State Department's Web site, the legal adviser would furnish ''advice on all legal issues, domestic and international, arising in the course of the department's work and negotiate, draft, and interpret international agreements involving peace initiatives, arms control discussions, and private law conventions on subjects such as judicial cooperation in recognition of foreign judgments.''

On a daily basis, Mr. Koh will also advise our government on a variety of Federal legal issues that he believes affect international law and our foreign relations. He will determine positions the United States should take when dealing with international bodies and in international conferences, and counsel administration officials on international negotiations, treaty interpretations, and treaty implementations.

As we move forward in the future as a country, one of the biggest debates we are going to have is what role does American sovereignty play in the world and how important is it, and there is a difference of philosophy here in Washington today.

So as we review this nomination, it is very important to us, particularly Republicans, that we start from the foundation in our State Department that we will act in the best interest of our country and the American people, and that our interests as a country are paramount in how we deal with the rest of the world. Of course, that does not mean that we don't try to support other countries as best we can, but the fact is, the role of the Federal Government is to protect and defend our people and our interests. So we need to make sure this key adviser to our State Department and our international relations believes those principles.

Many of Mr. Koh's supporters claim that the allegations that have been voiced against him, such as undermining the Constitution, are unjustified. However, Mr. Koh's own writings suggest otherwise. For example, in a 2004 law review article titled ''International Law As Part Of Our Law,'' Mr. Koh states:

> U.S. domestic courts must play a key role in coordinating U.S. domestic constitutional rules with rules of foreign and international law, not simply to promote American aims but to advance the broader development of a well-functioning international judicial system. In Justice Blackmun's words, U.S. courts must look beyond narrow U.S. interests to the ''mutual interests of all nations in a smoothly functioning international legal regime'' and, whenever possible, should ''consider if there is a course of action that furthers, rather than impedes, the development of an ordered international system.''

Certainly we want good relations with countries all over the world, and we are looking at making treaties of various kinds, but an idea of a smoothly functioning international legal regime, when it subordinates the interests of the American legal regime, should cause all of us to stop and think. Our protection, our prosperity,

our defense—everything we are as a country—depends first on our sovereignty, as does our support of other nations depend on our sovereignty. This idea of a global world order of some kind is frightening to many people, including myself.

It appears Mr. Koh is reinterpreting our own Constitution to comply with rules of foreign and international law instead of first protecting and defending our Constitution and seeing how we can interface with other governments. Frankly, this statement should frighten American citizens who believe in upholding our Constitution, and I hope it will get the attention of my colleagues. Certainly the President has the right to nominate anyone he wants, but it is our role as the Senate to provide advice, and in this case I think disclosure to the American people, of this nominee and how he might direct our State Department activities.

In 2002, in a hearing before the Senate Committee on Foreign Relations, Mr. Koh testified in support of ratification of the United Nations Treaty on the Convention of the Elimination of All Forms of Discrimination Against Women. Not only did Mr. Koh testify in support of ratifying this treaty, he opposed any conditions to ratification of the treaty, even those proposed by the Clinton administration. This included the very important condition stating that the treaty is not self-executing; that it has no domestic legal effect absent an act of Congress.

Our rules here are that the President can sign a treaty, but it has to be ratified here in the Senate before it is executed. To insist that once this is agreed to by the administration it becomes self-acting violates those principles.

Mr. Koh also claims that allegations by those who opposed the treaty due to its promotion of abortion, the legalization of prostitution, and the abolishment of Mother's Day are untrue. However, one only needs to look at the policies issued by the committee—the United Nations body charged with monitoring countries' compliance with their legal obligations under the treaty—to know that Mr. Koh's claims are untrue.

For example, on May 14, 1998, the committee interpreted the treaty to require that ''all states of Mexico should review their legislation so that, where necessary, women are granted access to rapid and easy abortion.''

In February 1999, the same committee criticized China's law criminalizing prostitution and recommended that China take steps to legalize it.

This does not represent American values.

Also, in February 2000, the committee made the following outrageous statement regarding Belarus's celebration of Mother's Day:

> The Committee is concerned by the continuing prevalence of sex-role stereotypes and by the reintroduction of such symbols as a Mothers' Day and a Mothers' Award, which it sees as encouraging women's traditional roles.

As these former Soviet republics, countries all over the world, are looking to America for guidance as they develop their democracies and institutions of freedom, these kinds of statements coming out of the United Nations are concerning, and I certainly don't want this same philosophy coming out of our own State Department.

How can anyone argue that ratification of a radical treaty such as we have discussed will not undermine sovereignty? It is pretty obvious it would.

In a speech entitled ''A World Drowning in Guns,'' published in the Fordham Law Review in 2003, Mr. Koh states:

> If we really do care about human rights, we have to do something about the guns.

That ''something'' is a ''global system of effective controls on small arms.''

In that same speech, Mr. Koh also expressed his disappointment that the 2001 United Nations gun control conference had not led to a legally binding document. He urged that the next steps be the creation of international arms registries, giving nongovernmental organizations, such as the International Action Network on Small Arms, power to monitor government compliance with international gun control and stronger domestic regulation.

In a May 4 column in Human Events, Brian Darling of the Heritage Foundation writes:

> Koh advocated an international ''marking and tracing regime.'' He complained that the ''United States is now the major supplier of small arms in the word, yet the United States and its allies do not trace their newly manufactured weapons in any consistent way.'' Koh advocated a United Nations governed regime to force the U.S. ''to submit information about their small arms production.''
>
> Dean Koh supports the idea that the United Nations should be granted the power to ''standardize national laws and procedures with member states of regional organizations.'' Dean Koh feels that the U.S. should ''establish a national firearms control system and a register of manufacturers, traders, importers, and exporters'' of guns to comply with international obligations. This regulatory regime would allow the United Nations members such as Cuba and Venezuela and North Korea and Iran to have a say in what type of gun regulations are imposed on American citizens.

This is not constitutional government in America.

> Taken to their logical conclusion, Dean Koh's ideas could lead to a national database of all firearm owners, as well as the use of international law to force the U.S. to pass laws to find out who owns guns. All who care about freedom, should read his speech. Senators need to think long and hard about whether Koh's extreme views on international gun control are appropriate for America.

Let me cover a couple of other things. This one is about the Iraq war. Mr. Koh published a commentary in the Hartford Courant on October 20, 2002, entitled ''A Better Way to Deal With Iraq.'' Here is an excerpt from that article.

> I believe that terrorism poses a grave threat to international peace and security. I lost friends on September 11 and have shared in the grief of their families. I believe that Saddam Hussein is an evil and dangerous man who daily abuses his own people and who wishes no good for our country or the world. I fear his weapons of mass destruction and believe they should be eliminated. Yet I believe just as strongly that it would be a mistake for our country to attack Iraq without explicit United Nations authorization. I believe such an attack would violate international law.

We need to think for a minute and digest what this means. Even though Mr. Koh believed that attacking Iraq would be in the best interest of America and the world, he believed we should wait on explicit directions from the United Nations before we acted. Both this commentary and his testimony before the Senate Committee on Foreign Relations demonstrate that Mr. Koh believes that if our President and Congress, empowered by our Constitution, decide military action is needed to defend our Nation from harm, we must get United Nations approval or our actions are illegal. This is an incredible position for the chief legal adviser to the State Department to adhere to.

Some may argue that Mr. Koh's position on the Iraq war is merely a principled liberal position. However, his belief that countries——

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. DEMINT. Mr. President, I ask unanimous consent for 1 more minute to conclude.

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

Mr. DEMINT. Mr. President, I encourage my colleagues to look at the record. Mr. Koh has a very winsome personality, which I appreciate, but the record gives us many reasons for concern that the State Department may not be acting in the best interests of our country under his legal counsel.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 84, H.R. 2918, which is the legislative branch appropriations bill; that once the bill is reported, the committee substitute amendment which is at the desk and is the text of S. 1294, as reported by the Senate Appropriations Committee, be considered and agreed to; that the bill, as thus amended, be considered original text for the purpose of further amendment, provided that points of order under rule XVI be preserved; provided further that points of order under the Budget Act and budget resolutions be preserved to apply as provided in those measures.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, Mr. President, I have no problem going to this bill, but we have been working with Members on our side on a finite list of amendments that we wish to be considered on this bill. I am happy to work with the distinguished leader to obtain an agreement, and if he wishes me to cover some of those amendments today, I will. But at this point I will object to the motion to proceed and hope that we can work out an agreement.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I say to my colleague, you can offer any amendments you want. We don't care. We just want to get on the bill. And if we can do it, we will be happy to work with the Senator from South Carolina at that time to come up with a list of amendments. The amendments are all governed under rule XVI.

Mr. President, I have a letter here. I have all day held off reading it. It is a letter signed by every Republican Senator, including the Senator from South Carolina. Let me read this letter written to me, dated March 24.

Dear Majority Leader Reid, As you develop the legislative calendar for the rest of this fiscal year we believe it is critical to allocate an appropriate amount of time for the Senate to consider, vote and initiate the conference process on each of the 12 appropriations bills independently through a deliberative and transparent process on the Senate floor.

For a variety of reasons, over the past several years, the Senate has failed to debate, amend and pass each of the bills separately prior to the end of the fiscal year. Far too often this has resulted in the creation of omnibus appropriations bills that have been brought to the floor so late in the fiscal year that Senators have been forced to either pass a continuing resolution, shut down government or consider an omnibus bill. These omnibus bills have not allowed for adequate public review and have clouded what should otherwise be a transparent process. As our President said on March 11, 2009, he expects future spending bills to be '' . . . debated and voted on in an orderly way sent to [his] desk without delay or obstruction so that we don't face another massive, last minute omnibus bill like this one.''

The Senate should begin floor consideration of the appropriations bills during the early summer months to ensure that an appropriate amount of time is available to examine, debate and vote on amendments to the bills. We believe the Senate should pass at least eight of the appropriations bills by the August recess. In order to press for a more transparent process, we will consider using all available procedural tools to guarantee regular order for appropriations bills.

Noting our intentions, we hope you will plan accordingly as you work with the leadership of the House to develop the legislative calendar for the rest of this fiscal year. Thank you for your time and consideration.

It is signed by every one of the Republicans, including my friend from South Carolina.

I have here the manager of this bill, the wild-eyed liberal from Nebraska, BEN NELSON. If this is not a place to start—there is no one who has a more measured voice than the Senator from Nebraska. He is an experienced legislator. He has been Governor of his State. He understands problems, and he is a fine person. Why can't we move to this bill?

I say to my friend from South Carolina, we are happy to work on a finite list of amendments, but all we want to do is legislate. We want to get on this bill. The manager of the bill is here. This man has been here for days—well, that is not true, since yesterday—to go to this piece of legislation.

I hope my friend will allow us to go to this bill. We will work with him. Senator NELSON is one of the most reasonable people I have ever worked with. I do not see what fear my friend from South Carolina should have going to the bill. We have no games we are playing. We are not going to try to cut anybody off offering amendments. There will come a time, perhaps, when I talk to the Republican leader and say: Have we had enough of this?

Mr. DEMINT. I say to the Senator, I am prepared to grant a unanimous consent to move ahead right now if I can be guaranteed seven amendments: three by myself, two by Senator COBURN, and two by Senator VITTER. I will be glad to describe what those are if you like?

Mr. REID. I say to my friend, as I told the Senator in my opening statement, the appropriations bills have a little different rules than just a regular bill. But we are happy to work with him. I am curious to find out what amendments he is interested in.

Would you run over them with me?

Mr. DEMINT. Yes, I will be glad to. Again, this is a trust but verify.

Mr. REID. Just give me the general subject.

Mr. DEMINT. We had a few problems getting amendments on some other bills, so I just want to make sure we are in agreement and there are no surprises. I have three amendments we would like. One is related to the Capitol Visitor Center. The other is related to rescinding unspent stimulus money. And the other is asking for a GAO audit of the Federal Reserve.

Senator VITTER has an amendment related to, I believe, our pay raises, as well as a motion to recommit the—I guess he is going to have to explain that one to me.

Mr. REID. I understand that one.

Mr. DEMINT. Senator COBURN has a transparency of Senate expenses amendment as well as something about enumerated powers.

Mr. REID. I am sorry, minority powers?

Mr. DEMINT. Enumerated powers. The minority has no powers. But this is enumerated powers of the Constitution.

These are our amendments. If we can just get agreement now that these can be included, we will be glad to proceed.

Mr. REID. I say to my friend, I served as chairman of the subcommittee for quite a number of years and enjoyed it very much. It appears the GAO one, from the knowledge I have, will be within the confines of this bill very clearly.

Let's see, what else? The CVC, Capitol Visitor Center, I think that would be—I am looking to Senator NELSON. I think the Capitol Visitor Center would be in keeping with what we have in this bill.

The point is, without going into every detail at this time, anything that is not something that is subject to a rule XVI or some other problem because it is an appropriations bill, we are happy to work with the Senator. We have no problem. But as far as guaranteeing votes, I cannot do that because somebody may want to offer a second-degree.

Mr. DEMINT. I understand the leader's position. I will object and agree to work with you in the next few hours or tomorrow if we can get general agreement and perhaps some compromise if that is possible. We certainly don't want to hold this up, but we would like to participate in the debate with a few amendments.

Mr. REID. Mr. President, I understand the Senator is going to object. I do say you cannot have—we want to go to the bill. We want to play by the rules. As it says here:

In order to press for a more transparent process, we will use all available procedural tools to guarantee regular order for appropriations bills.

I want regular order on appropriations bills.

I think the Senator could check with his own floor staff; I can't guarantee votes. I can't guarantee these matters are germane because we have different rules on appropriations bills.

I think it is another indication of where we are just wasting time, the people's time. I made my case. I will come here tomorrow and try again. We are happy to work with the Senator from South Carolina.

I say to my friend from South Carolina, I understand he is well meaning. I understand that. The Senator is not a sinister person or trying to do something that is evil or bad. But I just think sometimes we would be better off, as indicated in the letter I received from you, just going to the bill and following the regular order. That is what I want to do.

Mr. DEMINT. If the Senator will yield for clarification, regular order would be motion to proceed, debate, cloture. What we are trying to do is shortcut the regular order with unanimous consent, which I am very willing to grant, with some assurances that we will have some amendments.

I think, just for clarification, if we went through the regular order—I think the request is to bypass regular order. I am more than willing to agree to that if we can get some assurances we will have amendments.

Mr. REID. The Senator has every assurance you will have amendments. I repeat, there are certain things I cannot agree to and some may want to file a second-degree amendment to an

amendment that you offer. But I will be happy to have my staff work with you through the evening and see what we can come up with.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I thank the leader for reading the letter I sent to him some time ago. I thank him for actually trying to bring forth an appropriations bill. I hope we can figure out some resolve. I think it is very important to our country that we actually go through an appropriations process that is thoughtful. I thank you for doing that today.

Mr. REID. Will my friend yield for just a brief comment? I want to go to the bill. I want to follow regular order. That is what I was asked to do. I am happy to have my staff work through the night to see if we can agree on a finite list of amendments. I hope we can do that.

Senator NELSON is the man to do that. He is a wonderful person, as I have already said. I am just disappointed it is such a struggle to get things done.

Mr. CORKER. Mr. President, if I could talk back to the respected leader, I thank him for bringing it forward. I do think it is important we work through eight bills before the recess begins, and I hope over the next couple of hours he and the distinguished Senator from South Carolina can reach some resolve that is an accommodation and we can move through this.

I thank the Senator very much for his patience.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BEGICH.) Without objection, it is so ordered.

KOH NOMINATION

Mr. SPECTER. Mr. President, I have sought recognition to speak on behalf of Dean Harold Koh, dean of the Yale Law School, for confirmation to the position of Legal Adviser to the Department of State. I know Dean Koh personally. I have known him for more than a decade while he has taught at Yale and been the dean of the Yale Law School. He spoke at a class reunion. I was in the Yale Law School class of 1956 and hosted a reunion here in the Capitol on June 6, 2008. He was greeted by a number of prominent Members of the Senate at that time. I make these comments about my personal association with him in the interest of full disclosure, but the thrust of my recommendation is based upon his extraordinary record.

Harold Koh graduated from Harvard College, also Harvard Law School. He graduated Harvard College summa cum laude in 1975. He was Marshall Scholar at Oxford University, where he got a master's degree in 1977. He graduated cum laude from the Harvard Law School in 1980, where he was developments editor of the Harvard Law Review. He then clerked for Judge Richard Wilkey in the Court of Appeals for the District of Columbia, then for Supreme Court Justice Harry Blackmun. He then worked as a lawyer with the distinguished Washington firm Covington & Burling and then as Attorney-Adviser in the Department of Justice's Office of Legal Counsel. He then served in the Clinton administration as Assistant Secretary of State, was unanimously confirmed by the Senate, and served there from 1998 to 2001 when he returned to the Yale Law School, becoming its dean some 5 years ago.

He comes from a very distinguished family. His father was the first Korean lawyer to study in the United States. He attended Harvard Law in 1949. He was then counsel for—the father, that is—for the first Korean democratic government. When a military coup occurred, he left that position. He was the first Korean to teach at the Yale Law School in 1969.

Dean Koh has an extraordinary record. His curriculum vitae fills 8 pages of very small print. He has a long list of honorary degrees. He received a number of medals. His list of honors and awards goes on virtually indefinitely; his publications, books, and monographs occupy six and a half pages; his selected legal activities, another half a page; lectures that he performed, many; teaching activities, voluminous; boards of editors, professional affiliations, presentations, workshops, boards, bars, member of the bars with which he is associated.

I ask unanimous consent to have this full text printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SPECTER. It is going to be extensive, but it is worth it. I have been a Member of this body for some time. I have never seen anyone with this kind of a resume. And I am going to ask Senator BYRD the next time I see him if he knows of anybody who has a resume which is this extensive and this impressive.

When you characterize the best and the brightest, Harold Koh would be at the top of the list. It would be hard to find anybody with a better record than Dean Harold Koh. His experience in international law is extensive, as in human rights. He would be an ideal Legal Adviser to the Department of State with his background and his experience. He has judgment, and he has balance. From my personal knowledge, I have total confidence that he will apply his legal knowledge and his background in a wise and sagacious way. He testified before the Judiciary Committee when I chaired the committee and in every way is exemplary.

It is a little surprising to me that it is necessary to have a cloture vote, to have 60 votes to take up the nomination of Dean Koh. But considering the politics of Washington and considering the politics of the Senate, perhaps we should not be surprised at anything. But having a very high surprise threshold, I say that I am surprised Dean Koh would require 60 votes to reach a confirmation vote. I urge anybody who has any doubts about the caliber of this man to get out their glasses, or you may need a magnifying glass to read all of his accomplishments. But certainly it would be a travesty if a man such as this was not confirmed.

In an era where we are trying so hard to bring quality people into government and so many people shun government because of the hoops and hurdles someone has to go through—Dean Koh would be exhibit A of the hoops and hurdles—it would be very discouraging for anybody else applying for a position which requires Senate confirmation. As strongly as I can, I urge his confirmation.

EXHIBIT 1

YALE LAW SCHOOL

EMPLOYMENT

2004: Dean of Yale Law School

1993: Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School (Procedure, International Human Rights, International Business Transactions, Constitution and Foreign Affairs, International Trade, International Organizations, International Law and Political Science)

1998–2001: Assistant Secretary of State for Democracy, Human Rights and Labor United States Department of State; Commissioner, Commission for Security and Cooperation in Europe; U.S. Delegate or Head of Delegation to United Nations General Assembly (Third Committee), the United Nations Human Rights Commission, the Organization of American States, the Council of Europe, the Organization for Security and Cooperation in Europe, the U.N. Committee Against Torture, Inaugural Community of Democracies Meeting (Warsaw 2000); U.N. Conference on New and Restored Democracies (Cotonou, Benin 2000)

1993–1998: Director, Orville H. Schell Jr., Center for International Human Rights, Yale Law School

1996–97: Visiting Fellow, All Souls College, Oxford University and Waynflete Lecturer, Magdalen College, Oxford University

1993: Visiting Professor, Hague Academy of International Law

1990–93: Professor, Yale Law School

1990, 2002: Visiting Professor of International Law, Faculty of Law, University of Toronto (intensive courses in international business and human rights law)

1985–90: Associate Professor, Yale Law School

1983–85: Attorney-Adviser, Office of Legal Counsel, United States Department of Justice

1982–85: Adjunct Assistant Professorial Lecturer in Law, George Washington University National Law Center

1982–83: Associate, Covington & Burling, Washington, DC

1981–82: Law Clerk to Hon. Harry A. Blackmun, Associate Justice, United States Supreme Court

1980–81: Law Clerk to Hon. Malcolm Richard Wilkey, Circuit Judge, United States Court of Appeals, D.C. Circuit

1978–79: Teaching Fellow, First-Year Legal Methods Program, Harvard Law School (Contracts and Civil Procedure)

DEGREES

1980: Harvard Law School, J.D. cum laude

Developments Editor, Harvard Law Review; Tutor, Mather House, Harvard College

1977: Magdalen College, Oxford University, Honours B.A. in Philosophy, Politics & Economics with First-Class Honours; (M.A. 1996); Marshall Scholar; Magdalen College Underhill Exhibitioner; President, Magdalen College Middle Common Room

1975: Harvard College, Harvard University A.B. in Government, Summa Cum Laude; Phi Beta Kappa; Harvard National Scholar; Charles Bonaparte Scholar (Outstanding Junior Government Major); Harvard Club of Southern Connecticut Distinguished Senior; National Merit Scholar; State of Connecticut Scholar

HONORARY DEGREES

2009: New School for Social Research

2008: Iona College

2008: Jewish Theological Seminary

2005: University of Hartford

2005: Widener School of Law

2002: Doctor of Laws, Skidmore College

2001: Doctor of Laws, Connecticut College

2000: Doctor of Laws, University of Connecticut; Doctor of Humane Letters, Dickinson College

1999: Doctor of Laws, Suffolk Law School; Doctor of Humane Letters, Albertus Magnus College

1998: Doctor of Laws, CUNY-Queens Law School

1990: M.A., Yale University

MEDALS

2008: Western New England School of Law

2004: Presidential Medal, Central Connecticut State College

2000: Villanova Medal, Villanova Law School

2000: Arthur J. Goldberg Award, Jacob Fuchsberg Law Center, Touro Law School

OTHER HONORS AND AWARDS

2008: Judith Lee Stronach Human Rights Award, given for outstanding contribution to global justice by the Center for Justice and Accountability, San Francisco 7th Annual Sengbe Pieh Award, First and Summerfield United Methodist Church

IRIS Human Rights Award

2007: Green Bag Award for ''exemplary writing in a long article'' Green Bag Almanac and Reader (2007)

2007, 8, 9 Lawdragon 500 Leading Lawyers in America

2007–08: Connecticut Bar Association Young Lawyers Section Diversity Award

2007: Pacific Islander, Asian, and Native American (PANA) Distinguished Service Award

2006: Philip Burton Award for Advocacy, Immigrant Legal Resource Center

2006: Boston College 75th Anniversary Celebration Law School's Distinguished Service Award

Asian American Bar Association of New York Award

The Asian American Law Students Association (Pace Law School) Award of Distinction

2006: Named one of the Top Connecticut Super Lawyers by Connecticut Magazine (International Law)

2005: Louis B. Sohn Award, given by the International Law Section of the American Society of International Law for Lifetime Achievement in International Law

2005: Equal Access to Justice Award, New Haven Legal Assistance

2005: Allies for Justice Award

ABA National Lesbian and Gay Law Association

100 Most Influential Asian Americans of the 1990s, A Magazine

2002: Wolfgang Friedmann Award, given by Columbia Journal of Transnational Law ''to an individual who has made outstanding contributions to the field of international law''

2002: Connecticut Bar Association Distinguished Public Service Award

2002: John Quincy Adams Freedom Award, Amistad America

2001: Korean American Coalition Public Service Award

2000: Institute for Corean-American Studies Liberty Award

1999; 1994: FACE (Facts About Cuban Exiles) Excellence Award

1997: Public Sector 45'' (45 leading American Public Sector Lawyers Under the Age of 45), American Lawyer Magazine

1997: Named one of nation's leading Asian-American Educators, Avenue Asia Magazine

Asian-American Lawyer of the Year, Asian-American Bar Association of New York

1995: Trial Lawyer of the Year Award, Trial Lawyers for Public Justice (co-recipient)

1994: Cuban-American Bar Association

1994: Political Asylum Immigration Representation Project

1994: Asian-American Lawyers of Massachusetts

1994: Haiti 2004

1994: Korean-American Alliance

1993: Asian Law Caucus

1993: Asian-American Legal Defense & Education Fund, Justice in Action Award

1992: Co-recipient, American Immigration Lawyers' Association Human Rights Award

1991: Richard E. Neustadt Award, Presidency Research Section, American Political Science Association

FELLOWSHIPS

Fellow, American Philosophical Society (2007–); Honorary Fellow, Magdalen College (2002–); Fellow, American Academy of Arts and Sciences (2000–); Guggenheim Fellow (1996–97); Twentieth Century Fund Fellow (1996–), Visiting Fellow, All Souls College, Oxford (1996–97); James Cooper Lifetime Fellow, Connecticut Bar Association (2006–)

PUBLICATIONS

BOOKS AND MONOGRAPHS

Transnational Litigation in United States Courts (2008) (Foundation Press)

Transnational Business Problems (4th ed. 2008) (Foundation Press), with Detlev F. Vagts & William S. Dodge

Foundations of International Law and Politics (with Oona A. Hathaway)

The International Human Rights of Persons with Intellectual Disabilities: Different but Equal (Oxford University Press 2002) (with Stanley Herr and Lawrence Gostin, eds)

Deliberative Democracy and Human Rights (with Ronald C. Slye) (Yale University Press 1999) (translated into Spanish)

International Business Transactions in United States Courts, Recueil des Cours (Martinus Nijhoff 1998) (Monograph of Lectures in Private International Law at The Hague Academy of International Law)

Transnational Legal Problems (with Henry Steiner & Detlev Vagts) (Foundation Press 4th ed. 1994) and Documentary Supplement (1994)

The National Security Constitution: Sharing Power After the Iran-Contra Affair (Yale University Press 1990) (Winner, Richard E. Neustadt Award, awarded by the Presidency Research Section, American Political Science Association, to the best book published in 1990 that contributed most to research and scholarship on the American Presidency)

Justice Harry A. Blackmun Supreme Court Oral History Project, Federal Judicial Center/Supreme Court Historical Society (Editor 1996) (public release 2004)

ARTICLES AND BOOK CHAPTERS

Commentary in Michael W. Doyle, Striking First: Preemption and Prevention in International Conflict 99 (2008)

Human Rights and National Security: Chapter in Mark Green, et al., eds, Change for America: Progressive Blueprint for the Next Administration (2008)

Keynote Address: A Community of Reason and Rights, 77 Fordham L. Rev. 583 (2008)

A Day in Court Denied The Washington Post, Monday, March 31, 2008 Page A19

No Torture. No Exceptions. The Washington Monthly, January/February/March 2008

Tom Eagleton: True Senator, 52 St. Louis U. L Journal 25 (2008)

Mirjan Damaska: A Bridge Between Two Cultures, in Maximo Langer, et al., Festschrift for Mirjan Damaska (2008)

Sale v. Haitian Centers Council: Guantanamo and Refoulement (with Michael J. Wishnie), in Ford, Hurwitz & Satterthwaite, Human Rights Advocacy Stories (2000)

Repairing America's Human Rights Reputation, 40 Cornell Int'l L.J. 635 (2007)

Is there a ''New'' New Haven School of International Law? 32 Yale Law Journal 559 (2007)

''Repair America's Human Rights Reputation''—op-ed appeared in the Summer 2007 issue of the Yale Law Report as part of a collection of op-eds written by Yale Law School faculty members

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SELECTED CONGRESSIONAL TESTIMONY

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Testimony before the House Foreign Relations Committee regarding ''The 2006 Country Reports on Human Rights Practices and the Promotion of Human Rights in U.S. Foreign Policy'' (March 29, 2007)

Testimony before the Senate Committee on the Judiciary regarding ''Hamdan v. Rumsfeld: Establishing a Constitutional Process'' (July 11, 2006)

Testimony before the Senate Committee on the Judiciary regarding ''Wartime Executive Power and the National Security Agency's Surveillance Authority'' (February 28, 2006)

Testimony before the Senate Judiciary Committee regarding ''The Nomination of the Honorable Alberto R. Gonzales as Attorney General of the United States'' (January 7, 2005)

Testimony before the House Committee on International Relations regarding ''A survey and analysis of supporting human rights and democracy: The U.S. record 2002—2003'' (July 9, 2003)

''United States Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women,'' Hearing Before the U.S. Senate Foreign Relations Committee (June 13, 2002)

''Human Rights in Turkey,'' Hearing before the Commission on Security and Cooperation in Europe, Washington, DC (March 9, 2000).

''Country Reports on Human Rights Conditions,'' Testimony before the Subcommittee on International Operations and Human Rights, U.S. House of Representatives Washington, DC, (March 8, 2000).

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''Human Rights at the End of the 20th Century,'' Hearing before the Commission on Security and Cooperation in Europe; Washington, DC, (March 17, 1999).

''Country Reports on Human Rights Conditions,'' Testimony

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''Human Rights in China,'' Testimony International Operations and Human Rights, U.S. House of Representatives, Washington DC (January 20, 1999)

''U.S. Policy Toward Haiti'': Hearing Before the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Senate Committee on Foreign Relations, 103d Cong. 2d Sess. (Mar. 8, 1994)

''The Nonrefoulement Reaffirmation Act of 1992,'' House Foreign Affairs Committee (June 11, 1992)

''U.S. Human Rights Policy Toward Haiti,'' Hearing before Legislation and National Security Subocmmittee; House Government Operations Committee, 102nd Cong., 2nd Sess. 97 (April 9, 1992)

''The Constitutional Roles of Congress and the President in Waging and Delcaring War,'' Senate Judiciary Committee (January 8, 1991)

''Executive-Congressional Relations in a Multipolar World,'' Hearings Before the Senate Foreign Relations Committee, 101st Cong., 2d Sess. 92 (Nov. 26, 1990)

Testimony on H.R. 3665, the Official Accountability Act, before the House Judiciary Committee, Subcommittee on Criminal Justice, (June 15, 1988)

AWARDS AND HONORS

100 Most Influential Asian Americans of the 1990s, A Magazine; Named to the APublic Sector 45'' (45 leading American Public Sector Lawyers Under the Age of 45), American Lawyer Magazine (1997); Connecticut Bar Association Distinguished Public Service

Award (2002); John Quincy Adams Freedom Award, Amistad America (2002); Korean American Coalition Public Service Award (2001); Honorary Citizenship, Pukcheju, Republic of Korea (1999); Institute for Corean-American Studies Liberty Award (2000); FACE (Facts About Cuban Exiles) Excellence Award (1999, 1994); Named one of nation's leading Asian-American Educators, Avenue Asia Magazine (1997); Asian-American Lawyer of the Year, Asian-American Bar Association of New York; 1995 Trial Lawyer of the Year Award, Trial Lawyers for Public Justice (co-recipient); Cuban-American Bar Association (1994); Political Asylum Immigration Representation Project (1994); Asian-American Lawyers of Massachusetts (1994); Haiti 2004 (1994); Korean-American Alliance (1994); Asian Law Caucus (1993); Asian-American Legal Defense & Education Fund, Justice in Action Award (1993); Co-recipient, American Immigration Lawyers' Association 1992 Human Rights Award; Richard E. Neustadt Award, Presidency Research Section, American Political Science Association (1991)

SELECTED LEGAL ACTIVITIES

Secretary of State's Advisory Committee on Public International Law (1994–98)

Editor, Justice Harry A. Blackmun Supreme Court Oral History Project, Federal Judicial Center/Supreme Court Historical Society (1994–96)

Co-author, Law Professors= Letter to Senate Judiciary Committee Regarding Military Commission, December 5, 2001, available at http://www.yale.edu/lawweb/liman/letterleahy.pdf

Counsel for U.S. Diplomats Morton Abramowitz, et al, Amicus Curiae in McCarver v. North Carolina, No. 00–8727 (U.S. cert. Dismissed Sept. 25, 2001) and Atkins v. Virginia (No. 00–8452) (U.S. argued Feb. 20, 2002) (arguing that execution of those with mental retardation violates Eighth Amendment's cruel and unusual punishments clause)

Consultant, United Nations High Commissioner on Refugees Global Consultations on reformation of the UN Refugee Convention, Cambridge University (Summer 2001)

Arbitrator, Binational Dispute Settlement Panel Convened Under Chapter 19 of the U.S.-Canada Free Trade Agreement, No. U.S.A.–93–1904–05, In re Certain Flat-Rolled Carbon Steel Products from Canada (Nov. 4, 1994)

Co-founder (with Michael Ratner), Allard K. Lowenstein International Human Rights Clinic at Yale Law School (1991-)

Counsel for respondents, Royal Dutch Petroleum Co. v. Ken Wiwa, et al., (U.S. S.Ct., No. 00–1168, cert. denied March 26, 2001)

Of counsel and oralist for plaintiffs, Cuban-American Bar Ass'n v. Christopher, 43 F.3d 1413 (11th Cir. 1995) (For work done on this case, received 1994 Human Rights Award from Cuban-American Bar Ass'n)

Lead counsel for plaintiffs, Sale v. Haitian Centers Council, Inc., 113 S.Ct. 2549 (1993), 823 F.Supp. 1028 (E.D.N.Y. 1993), and 969 F.2d 1326 (2nd Cir. 1992) (For work done on this case, recognized by Haiti 2004, Korean-American Alliance, Political Asylum Immigration Representation Project and as co-recipient, 1993 Justice in Action Award, Asian-American Legal Defense and Education Fund; Co-recipient, 1992 Human Rights Award, American Immigration Lawyers' Association; Asian Law Caucus)

Co-counsel for petitioners, In re civilian population of Chiapas, Mexico and certain Members of the Ejercito Zapatista de Liberacion Nacional (Inter-American Commission on Human Rights) (filed January 27, 1994); In re Haitian population of Bahamas

Co-counsel for plaintiffs, Doe v. Karadzic, 70 F. 3d 232 (1995); 176 F.R.D. 458 (S.D.N.Y. 1997) (represented from filing of complaint until 1998, when withdrew from representation to join U.S. government; after a two-week jury trial in September 2000, a jury awarded plaintiffs approximately $ 4.5 billion in compensatory and punitive damages); Greenpeace, Inc. (U.S.A.) v. France, 946 F. Supp. 773 (C.D. Cal. 1996); Paul v. Avril, 812 F. Supp. 207 (S.D. Fla. 1993) ($41 million judgment awarded); Todd v. Panjaitan, No 92–12255WD (D. Mass. decided October 25, 1994) ($14 million judgment awarded); Xuncax v. Gramajo, No. 91–11564WD (D.Mass., filed June 6, 1991); Ortiz v. Gramajo (D.Mass. 1992)($47.5 million judgment awarded); Doe v. Karadzic, 866 F. Supp. 734 (1994); No. 94–9035 (2d Cir. 1995); Belance v. FRAPH, No. 94–2619 (E.D.N.Y.) (Nickerson, J.) (For work done on Avril and Gramajo cases, named as co-recipient, 1995 Trial Lawyer of the Year Award, by the Trial Lawyers for Public Justice)

Amicus Curiae, U.S. Supreme Court, Argentine Republic v. Amerada Hess (1990); United States v. Alvarez-Machain, (1992); Nelson v. Saudi Arabia, No. 91–522 (1993); Jaffe v. Snow, No. 93–241 (1993); Trajano v. Marcos, 978 F.2d 493, 499–500 (9th Cir. 1992), cert. denied, 113 S. Ct. 2960 (1993); No. 93–9133 Negewo v. Abebe-Jira, 11th Cir. 1995; Abebe-Jiri v. Negewo, No. 90–2010, Slip Op. at 7 (N.D. Ga. Aug. 20, 1993)

Co-author (with ten other constitutional law scholars) of Memorandum Amicus Curiae of Law Professors in Ronald v. Dellums v. George Bush (D.D.C. 1990), reprinted in 27 Stanford Journal International Law 257 (1991); (with nine other constitutional law scholars) of Correspondence With Assistant Attorney General Walter Dellinger re Legality of United States Military Action in Haiti, reprinted in 89 American Journal International Law 127 (1995)

Co-author (with David Cole and Jules Lobel), ''Interpreting the Alien Tort Statute: Amicus Curiae Memorandum of International Law Scholars and Practitioners in Trajano v. Marcos,'' 12 Hastings Int'l & Comp. L. Rev. 1 (1988) (published Amicus Curiae Brief on behalf of nineteen international law scholars and practitioners in international human rights case)

Co-author, Brief Amicus Curiae Urging Denial of Certiorari, Tel-Oren v. Libyan Arab Republic, reprinted in 24 I.L.M. 427 (1985) (as Justice Department Attorney)

Litigation before Iran-U.S. Claims Tribunal, Case No. 55, Amoco Iran v. Islamic Republic of Iran (as Private Practitioner)

Co-counsel for Iranian Hostages in Persinger v. Iran (D.C. Cir. 1982) and Cooke v. United States (Cl. Ct. 1982) (as Private Practitioner)

Litigation before International Court of Justice in Nicaragua v. United States, 1986 I.C.J. 14 (as Justice Department Attorney)

NAMED LECTURES

Cecil Wright Lecture, University of Toronto School of Law (2002); Korematsu Lecture, New York University School of Law (2002); George Wythe Lecture, William and Mary College of Law (2002); Robert Levine Lecture, Fordham Law School (2002); Frank Strong Lecture, Ohio State University School of Law (2002); Barbara Harrell-Bond Lecture, Oxford University (2001); Edward Barrett Lecture, University of California at Davis School of Law (2001); Bruce Klatsky Lecture, Case Western Reserve University School of Law (2001); Richard Childress Lecture, St. Louis University School of Law (2001); Frankel Lecture, University of Houston Law Center (1998); Harris Lecture, University of Indiana Law School (1998); Scuola Santa Anna (Pisa, Italy) (1997); Bartlett Lecture, Yale Divinity School (1997); Waynflete Lectures, Magdalen College, Oxford University (1996); Enrichment Lecturer, George Washington University National Law Center (1995); Scholar-in-Residence, Hofstra University (1995); Ralph Kharas Lecture, Syracuse University (1995); Mason Ladd Lecture, Florida State University (1995); 1995 Martin Luther King Lecture, Smithsonian Institution (1995); Roscoe Pound Lecture, University of Nebraska College of Law (1994); Emmanuel Emroch Lecture, University of Richmond Law School (1994); George Allen Distinguished Visiting Professor, University of Richmond Law School (1994); Roy R. Ray Lecture, Southern Methodist University School of Law (1994); William H. Leary Lecture, University of Utah Law School (1993); Convocation Lecturer, Duke Law School (1993); McGill Law School (1993); Gerber Lecture, University of Maryland (Baltimore) (1993). Commencement Addresses at Yale Law School (1987, 1989, 2000), Skidmore College (2002); University of Connecticut School of Law (2000); Dickinson College (2000); Villanova Law School (2000); Touro College of Law (2000); Albertus Magnus College (1999); NYU Law School (1999); University of Maryland (Baltimore) School of Law (1995)

TEACHING ACTIVITIES

Faculty Member, Oxford/George Washington University Joint Programme in International Human Rights Law, New College Oxford, 1996, 1998, 2002; American University Human Rights Academy 2001; Aspen Institute, Law and Society Program (Moderator 2001; Harry Blackmun Fellow, 1992); Aspen Institute, Seminar for Judges on International Human Rights: Its Application in National Jurisprudence, Wye Plantation (1994, 95, 98); Federal Judicial Center, ''The Role of International Law in the U.S. Courts (March 1994); Faculty Member, American Law and Legal Institutions, Salzburg Seminar, Salzburg, Austria (1991); Center for National Security Studies National Security Law Institute for Professors (1991, 1992); Distinguished Visitor, The Policy Study Group, Tokyo, Japan (1990)

BOARDS OF EDITORS

Editorial Board, University Casebook Series, Foundation Press (1993–98, 2001–); American Journal of International Law (1992–); Editorial Review Board, Human Rights Quarterly (1994–96); Advisory Committee, Journal of Legal Education (1991–94); Editorial Advisory Board, Human Rights Watch World Report (Yale University Press)

PROFESSIONAL AFFILIATIONS

Executive Council, American Society of International Law (1998–present); Chair, Nominating Committee, American Society of International Law (1998); National Council, Lawyers Committee for Human Rights (1997–98); Legal Advisory Committee, Connecticut Civil Liberties Union (1997–98); The Benchers (1994–); Coordinating Committee for Immigration, American Bar Association (1993–5); Oversight Committee, University of California at Berkeley School of Law (1991); American Society of International Law Board of Review and Development (1989–91); Advisory Board, Center for National Security Studies, American Civil Liberties Union (1991–93); Member, Executive Committee of International Law Section of American Association of Law Schools (1988–90); Member, Executive Committee of Civil Procedure Section of American Association of Law Schools (1991–93); Vice-Chair, International Legal Education Committee, American Bar Association Section of International Law and Practice (1991–93); Liaison Between ABA International Law Section and AALS (1990–91); Advisory Committee, Yale Center for International and Area Studies, Center for Western European Studies, International Security Program, International Relations Program, and Allard K. Lowenstein International Human Rights Project; Fellow, Timothy Dwight College

PRESENTATIONS AND WORKSHOPS

Faculty Workshops at more than twenty schools; scores of lectures and presentations on International Human Rights Law, U.S. Trade Policy and International Economic Law; International Litigation and Procedure; International and Foreign Affairs Law; European Community Law; Law Teaching; Immigration and Refugee Law; Asian-American Issues; and invited presentations at numerous judicial conferences and bar associations

BOARDS

Brookings Institution Board of Directors (2004–); Connecticut Bar Foundation Board of Directors (2004–05); Harvard University Overseer (2001–); Visiting Committee, Harvard Law School (1996–2002); Visiting Committee, Harvard Kennedy School of Government (2007–); Visiting Committee, University of Toronto Faculty of Law (2004); Board of Directors, American Arbitration Association (2007–); Board of Directors, Human Rights in China (2002–5); Member of Council, American Law Institute (2006–); Counselor, American Society of International Law, Washington, DC (honorary post; 2008–); Thomas J. Dodd Research Center National Advisory Board (2001–); Board, National Democratic Institute (2001–); Board of Human Rights First (formerly Lawyers Committee for Human Rights) (2001–); Board of Human Rights in China (2001–); Board of International Campaign for Tibet (2001–); Human Rights Watch (1994–98); Hopkins School (1997–); Interights (1996–98); St. Thomas's Day School (1993–96); Connecticut Civil Liberties Union (1993–7); Initiative for Public Interest Law at Yale (Chair, 1988–90); East Rock Institute (Secretary); YLS Early Learning Center (Treasurer 1987–88)

BARS

New York (1981); District of Columbia (1981); Connecticut (1985); U.S. Supreme Court (1985); U.S. Ct. App., Eleventh Circuit (1995); D.C. Circuit (1981); U.S. Dist. Ct., D.C. (1981); D. Conn. (1985); U.S. Claims Ct. (1983)

REFERENCES:

Hon. Malcolm R. Wilkey (ret.), Santiago, Chile, U.S. Ct. App. DC Cir. (Ret.)

Sen. Russell Feingold Washington, D.C.

Sen. Daniel Patrick Moynihan (ret.) Washington, D.C.

Judge Guido Calabresi U.S. Ct. App., 2d Cir.

Prof. Arthur R. Miller Harvard Law School

Larry L. Simms, Esq. Gibson, Dunn; Crutcher, D.C.

Peter D. Trooboff, Esq. Covington; Burling, D.C.

Mr. SPECTER. I yield the floor, and I suggest the asbence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. BEGICH. Without objection, it is so ordered.

ENUMERATED POWERS ACT

Mr. COBURN. Mr. President, I wish to spend a few minutes this evening to outline where we are and one possible solution to help us as a nation. We are on a course to double the debt in 4½ years. We are on a course to triple the debt over the next 10 years. Think of what that means for our children and our grandchildren. That is not President Obama's fault. I am probably one of the few Republicans who will say that. It is Congress's fault, because Presidents don't get to spend money we don't let them spend. We are the ones who offer the spending bills.

How did we get here? How did we get to the point where we are borrowing money that we don't have against our children's future to spend on things we don't need? It is simple. We have forgotten what the Constitution says. We have ignored the Constitution at almost every turn.

Today, myself and 17 other Senators introduced a bill which is called the Enumerated Powers Act. It goes back to article I, section 8 of the Constitution. Here is what it says. It very plainly lists the responsibilities of the Federal Government. When you think we are going to have a $3.6 trillion budget and a $2 trillion deficit this year—and that is real accounting; that is not Washington gimmick accounting—how did we get to where we could do that? How did we get to where we can put our children and grandchildren in such dire straits in their future? We got to it by ignoring the enumerated powers of the Constitution.

If you go to the textbooks and read the history, you will see that Madison wrote that section. If you read what he had to say about what he meant in article I, section 8 of the Constitution, he said, People are going to try to get around this. People are going to try to say it doesn't mean what it means. But, in fact, here is exactly what we mean. Anything that we don't want the Federal Government doing, we are going to specifically reserve for the States. That is where the 10th amendment came from in the Bill of Rights. Because you can't limit what the Federal Government does without saying, Here are the things that should be done, but they should be done under the authority of the people and the States.

When Ben Franklin left the Constitutional Convention in 1787, he was asked by somebody in the crowd: What did the convention produce? He said: It produced a republic. Then he said: If we can keep it.

Well, I can tell my colleagues that ''if'' is a great big word. We have a Medicare Program that over the next 30 years has a $39 trillion unfunded liability. So the factors I have mentioned already don't have anything to do with that. That is $39 trillion on top of $11.5 trillion today and $2 trillion more we are going to add to the debt this year. Then we have Social Security, which is unfunded. We have Medicare Part D that has an $11 trillion unfunded liability. Then we have Medicaid, which is about $17 trillion. So what we have basically done is abandoned what our Founders thought was prudent so we could enhance politicians. We put that big ''if'' up there for our kids and our grandkids.

The task of keeping a republic now falls to this Congress. It doesn't look bright. We passed a stimulus bill, $787 billion. By the time you count the interest rate over the next 10 years, it is $1 trillion. We passed an omnibus bill that increased spending by each branch of the government over 9 percent. We passed an emergency supplemental that had $24 billion in it that we didn't need, but we spent it, which will raise the baseline in future years, which will raise spending even further. The first appropriations bills coming out are a 7-percent or 8 percent increase when inflation has been a minus four-tenths of 1-percent increase.

The whole purpose behind this bill is to say when you write a bill in this Congress and any Congress that follows it, you have to know in that bill where you get the authority in the Constitution to spend this money or to authorize this program. You can still introduce a bill without it, but it creates a point of order that says a Senator can challenge that bill on the basis of what the Constitution says because you have not clearly stated in this new piece of legislation where you get the authority as a Member of the Senate to author it when, in fact, it is outside the authority given to us under the Constitution. The bill then sets up a debate on which the Senate will have to vote. I am not so naive as to believe I will win a whole lot of those, but I know I will win something, because the American people want to hear that debate, and that debate is something they are not hearing today.

They are not hearing our justifications why we can take freedom away and we can make a bigger, more powerful Federal Government that is going to borrow more money from their children to spend on things we don't need, money we don't have. The American people are entitled to hear the reasoning behind why we know so much better than they do, and to hear the reasoning why we can ignore the wisdom of our Founders in terms of our ability to grow the Federal Government.

The Federal Government is far too big and far too removed from people's lives today. That is why we are feeling this rumble out in the country. That is why people are worried about the deficits. That is why people are worried about their children's future, because the debt is going to triple over the next 10 years. We can't even come close. Interest payments next year are going to be close to $500 billion. Think about that. Just the interest on the debt is starting to approach a half a trillion dollars a year—a half a trillion dollars a year. Had we been prudent and not borrowed money, that would be a half a trillion dollars we could either give back to the American people or create tremendous abilities and opportunities in terms of solving some of the problems in front of us today. Health care, for example. The reason why we can't get a health care bill out of the HELP Committee is because nobody is satisfied with the tremendous costs that

CBO has estimated because we are spending tons of money. We don't have the money, so we are now handicapped.

This bill, S. 1319, requires that each act of Congress shall contain a concise explanation of the authority, the specific constitutional authority under which this bill would be enacted. What it does is makes Congress go to the Constitution, and particularly article I, section 8, and say, here is where I get the authority. We won't win many of those arguments, even though many of the bills will be outside of the authority granted us under the Constitution.

Thomas Jefferson thought such an exercise was vitally important—we have ignored his advice—he thought it was important for Congress to undertake in order to study what those who ratified the Constitution had in mind. In a letter in 1823, he said this:

> On every question of construction, let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.

There is no question what the context and the meaning was of our Founders when they wrote out the enumerated powers section. We have prostituted it to our own demise. The words of Benjamin Franklin ring true today: Can we keep it. If we can keep it.

S. 1319 is a little exercise in self-discipline for the Senate that maybe we ought to be explaining to the American people where we think we get the authority to trample on the 10th amendment, to tell them what to do, how to do it, and by the way, we need some money to tell you how to do that. The whole goal of the Enumerated Powers Act is to make us accountable. My whole goal in the Senate has been transparency. We ought to be transparent about how we get or where we get or from where we get the authority to grow the size of this government even further and to make it less effective.

Finally, in a recent speech, retiring Justice David Souter recently commented that the American Republic ''can be lost, it is being lost, it is lost, if it is not understood.'' He went on to cite surveys that show Americans cannot even name the three branches of government. That is why he and retired Justice Sandra Day O'Connor have both undertaken, in their retirement, efforts to restore America's civic education.

I am convinced that if Americans know what is in the Constitution, they will start holding us accountable. Part of our job ought to be to explain how we can be accountable. We have 17 Senators who think this is a good idea. That is a lot for a bill in the Senate. I encourage my colleagues to look at this bill, to become accountable and transparent with our constituencies.

I will end on one final note. When the Presiding Officer was sworn in this year, he took an oath. That oath said he would uphold the Constitution. Not once in his oath did it mention the State of Alaska from where he and the people he represents in the Senate hail, but his oath was sworn to the betterment of this country, not to the betterment of Alaska, as mine is to the betterment of the country, not to the betterment of Oklahoma. For Alaska and Oklahoma can't fare well if the country doesn't fare well. So our Founders knew that when we took this oath to uphold the Constitution, they knew our direction would be national interests and long term. We have fallen away from that. We have become parochial and we have become short term.

This bill says you can still cheat on the Constitution, but now you have to explain to the American people why you are cheating, and there will be a point of order against any bill that doesn't provide an explanation to the people.

That is one of the ways we get our country back because the American people become informed. I guarantee you many will become outraged when they hear some of the statements on why the Senate thinks we have the authority to do some of the things we do.

With that, I yield the floor.

CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 303 of S. Con. Res. 13, the 2010 Budget Resolution, permits the Chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, the aggregates, and other appropriate levels and limits in the resolution for legislation that makes higher education more accessible and affordable, including expanding and strengthening student aid, such as Pell grants. These adjustments to S. Con. Res. 13 are contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

I find that the amendment in the nature of a substitute to H.R. 1777, a bill to make technical corrections to the Higher Education Act of 1965, and for other purposes, fulfills the conditions of the deficit-neutral reserve fund for higher education. Therefore, pursuant to section 303, I am adjusting the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Health, Education, Labor, and Pensions Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 303 DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,653.728
FY 2011	1,929.681
FY 2012	2,129.668
FY 2013	2,291.197
FY 2014	2,495.875
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	−12.258
FY 2011	−158.950
FY 2012	−230.725
FY 2013	−224.140
FY 2014	−137.783
(2) New Budget Authority:	
FY 2009	3,675.736
FY 2010	2,892.510
FY 2011	2,844.937
FY 2012	2,848.106
FY 2013	3,012.328
FY 2014	3,188.867
(3) Budget Outlays:	
FY 2009	3,358.952
FY 2010	3,004.544
FY 2011	2,970.592
FY 2012	2,883.053
FY 2013	3,019.952
FY 2014	3,175.217

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 303 DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION

[In millions of dollars]

Current Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	−22,425
FY 2009 Outlays	−19,056
FY 2010 Budget Authority	4,497
FY 2010 Outlays	1,539
FY 2010–2014 Budget Authority	50,374
FY 2010–2014 Outlays	44,507
Adjustments:	
FY 2009 Budget Authority	−187
FY 2009 Outlays	−202
FY 2010 Budget Authority	32
FY 2010 Outlays	36
FY 2010–2014 Budget Authority	188
FY 2010–2014 Outlays	199
Revised Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	−22,612
FY 2009 Outlays	−19,258
FY 2010 Budget Authority	4,529
FY 2010 Outlays	1,575
FY 2010–2014 Budget Authority	50,562
FY 2010–2014 Outlays	44,706

FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010

budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is $90.745 billion, and for 2010, it is $130 billion.

On June 18, 2009, the Senate Appropriations Committee reported S. 1298, the Department of Homeland Security Appropriations Bill, 2010. The reported bill contains $242 million in funding that has been designated for overseas deployments and other activities pursuant to section 401(c)(4). The Congressional Budget Office estimates that the $242 million in designated funding will result in $194 million in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays by those amounts in 2010.

In addition, I am also revising part of the adjustment I made last week to the budgetary aggregates pursuant to section 401(c)(4) of S. Con. Res. 13 for the conference report to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009. Specifically, I am reducing the amount of the adjustment in budget authority and outlays by $11 million each in 2010.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,653.728
FY 2011	1,929.681
FY 2012	2,129.668
FY 2013	2,291.197
FY 2014	2,495.875
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	−12.258
FY 2011	−158.950
FY 2012	−230.725
FY 2013	−224.140
FY 2014	−137.783
(2) New Budget Authority:	
FY 2009	3,675.736
FY 2010	2,892.499
FY 2011	2,844.937
FY 2012	2,848.106
FY 2013	3,012.328
FY 2014	3,188.867
(3) Budget Outlays:	
FY 2009	3,358.952
FY 2010	3,004.533
FY 2011	2,970.592
FY 2012	2,883.053
FY 2013	3,019.952
FY 2014	3,175.217

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Initial Allocation/Limit	Adjustment	Revised Allocation/Limit
FY 2009 Discretionary Budget Authority	1,482,201	0	1,482,201
FY 2009 Discretionary Outlays	1,247,872	0	1,247,872
FY 2010 Discretionary Budget Authority	1,086,027	242	1,086,269
FY 2010 Discretionary Outlays	1,306,065	194	1,306,259

VOTE EXPLANATION

Mr. UDALL of Colorado. Mr. President, due to unexpected travel delays, I missed a recorded vote on the Senate floor on Monday, June 22, 2009. Had I been present, I would have voted yea on rollcall vote No. 211.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

PRISON RAPE ELIMINATION REPORT

● Mr. KENNEDY. Mr. President, I commend the members of the National Prison Rape Elimination Commission for its excellent report and recommendations. Sadly, rape and sexual abuse have often been regarded as inevitable facts of life in prisons across the country. Until now, the Federal Government had never conducted a reliable study of the issue—even though more than 2 million men and women are now behind bars nationwide. The shocking reality is that 1 in 10 of those 2 million will be victims of rape.

At greatest risk are the 100,000 juvenile inmates, the 200,000 men and women held in immigration detention centers, and the many inmates suffering from mental illness. Juvenile facilities in particular are regularly the site of shocking physical and mental abuse, and juveniles incarcerated in adult facilities are five times more likely to report being victims of sexual assault than those in juvenile facilities.

The recommendations contained in this new report identify the steps and standards needed to achieve safer conditions in our prison system. The members of the Commission deserve our gratitude for their skill and dedication in examining all aspects of this complex and serious problem, and so do all those who contributed their knowledge and expertise to the Commission's work. Their leadership is a major step toward resolving this festering crisis.

I look forward to the important work ahead by the Congress, the Attorney General, and the many dedicated professionals, advocates, and experts to implement the Commission's recommendations.●

COMMENDING SARAH ANDERSON

Mr. THUNE. Mr. President, today I rise to recognize Sarah Anderson, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Sarah is a graduate of Roosevelt High School in Sioux Falls, SD. Currently she is attending the Dakota State University, where she is majoring in elementary and K–12 education. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Sarah for all of the fine work she has done and wish her continued success in the years to come.

COMMENDING BRADY BEHRENS

Mr. THUNE. Mr. President, today I rise to recognize Brady Behrens, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Brady is a graduate of Roosevelt High School in Sioux Falls, SD. Currently he is attending the University of Nevada, Las Vegas, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Brady for all of the fine work he has done and wish him continued success in the years to come.

COMMENDING KATHERINE DOUGLAS

Mr. THUNE. Mr. President, today I rise to recognize Katherine Douglas, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Katherine is a graduate of T.F. Riggs High School in Pierre, SD. Currently she is attending the University of South Dakota, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katherine

for all of the fine work she has done and wish her continued success in the years to come.

COMMENDING HALEY VELLINGA

Mr. THUNE. Mr. President, today I rise to recognize Haley Vellinga, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Haley is a graduate of Washington High School in Sioux Falls, SD. Currently she is attending the Biola University, where she is majoring in communication. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Haley for all of the fine work she has done and wish her continued success in the years to come.

ADDITIONAL STATEMENTS

THE NINE LOTHSPEICH BROTHERS

• Mr. DORGAN. Mr. President, there is no State in the Union that is prouder of its military heritage than North Dakota. When I began the North Dakota Veterans History Project a few years ago to record the stories of our veterans for future generations, the outpouring of interest around the State resulted in more than 1,500 interviews.

In the past, I have spoken in this Chamber about the nine North Dakota soldiers who earned Medals of Honor during a single campaign in the 1899 Philippine Insurrection, about the famed 164th Infantry Regiment of the North Dakota National Guard, about the ''Happy Hooligans'' of the North Dakota Air National Guard's 119th Fighter Wing, and about Woody Keeble who won the Medal of Honor for his heroism in Korea.

Today, I would like to tell you about some more North Dakota military heroes. On July 4 of this year, the city of Park River, ND, is going to devote part of its 125th anniversary celebration to recognizing the military service of a truly remarkable North Dakota ''band of brothers.''

In 1920, Edward Lothspeich of Langdon, ND, married Rose Dirkes of Sauk Centre, MN. They settled in Wales, ND, where Ed managed a lumber yard. In time, Ed and Rose Lothspeich became the proud parents of nine sons and one daughter.

The nine Lothspeich brothers hold a unique record in the history of the State of North Dakota. Each one of them served in U.S. Armed Forces. That is most from any single family in our State.

Let me tell you a bit about each of them.

Eugene Lothspeich, the eldest son, served in the Army from 1942 to 1945. He was a machine gunner with the 337th Infantry Regiment through three campaigns in Italy. He received the Purple Heart for wounds received in the Apennines.

Harold served in the Army from 1943 to 1946. He served in the Pacific theater and saw combat on the islands of Leyte and Luzon.

Edward served in the Navy from 1943 to 1946. He was a machinist's mate and repaired damaged ships while stationed in Hawaii and San Diego, CA.

Donald was inducted in the Army in 1950 and served for 2 years in Germany.

Gerald was drafted into the Army in 1950 and was stationed at Fort Lewis, WA, for 2 years, except for a short period when he was sent to Nevada to support nuclear weapons testing.

Lyle was inducted in the Army in 1951. He served in Hawaii, Iceland, and the U.S. Military Academy at West Point, where he was a rifle instructor.

Marlin served in the Air Force from 1951 to 1955. He served in Japan in the Air Force Medical Service Corps.

Franklin entered the Army in 1955. He served in Germany as a tank gunner.

Leon, the youngest of the nine Lothspeich brothers, served in the Army from 1954 to 1957. He was stationed in Germany where he worked with guided missiles.

From World War II, through the Korean conflict and into the early years of the Cold War, Leon, Eugene, Harold, Edward, Donald, Gerald, Lyle, Marlin, and Franklin Lothspeich served with honor and bravery. These nine men, a ''band of brothers,'' made many sacrifices for the safety and freedom of our country and the world.

Today I want to particularly honor three of the brothers who are still with us: Lyle, Marlin, and Franklin.

Our Nation is what it is today because of the soldiers, sailors, and airmen like the Lothspeich brothers who were willing to leave their homes so many years ago and travel around the world to protect our freedom. They did it without complaint and without question. They loved their country.

There is a verse that goes, ''When the night is full of knives, and the lightning is seen, and the drums are heard, the patriots are always there, ready to fight and ready to die, if necessary, for freedom.'' These brothers I have just described are true patriots.

The story of the nine Lothspeich bothers is a remarkable one. It illustrates the strength of character and hardy determination that has served America so well for so many years. The Lothspeich brothers loved their country and answered the call of duty. They stood up for America, and I am honored to salute their service today in the Senate.•

125TH ANNIVERSARY OF BERESFORD, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Beresford, SD. Founded in 1884, the town of Beresford will celebrate its 125th anniversary this year.

Located in Lincoln and Union County, Beresford possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Named after Lord Charles Beresford, an admiral in the British Navy and railroad enthusiast, Beresford has continued to be a strong reflection of South Dakota's greatest values and traditions throughout its rich history. The city of Beresford has much to be proud of and I am confident that Beresford's success will continue well into the future.

The town of Beresford will commemorate the 125th anniversary of its founding with celebrations held on July 2 through July 5. I would like to offer my congratulations to the citizens of Beresford on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF BLUNT, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Blunt, SD. Founded in 1884, the town of Blunt will celebrate its 125th anniversary this year.

Located in the plains region of Hughes County, Blunt possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Named after railroad engineer John E. Blunt, the town began as a railroad town, benefiting from the rapidly westward-expanding Chicago Northwestern Railroad. A shipping and transportation hotspot, Blunt became the home of numerous pioneers and homesteaders in the late 1800s who relocated to the Dakota Territory. Throughout its rich history, Blunt has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Blunt has much to be proud of and I am confident that Blunt's success will continue well into the future.

The town of Blunt will commemorate the 125th anniversary of its founding with celebrations held on June 27 through June 28. I would like to offer my congratulations to the citizens of Blunt on this milestone anniversary and wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF BRITTON, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Britton, SD. Founded in 1884, the town of Britton will celebrate its 125th anniversary this year.

Serving as the county seat of Marshall County, Britton possesses the strong sense of community that makes South Dakota an outstanding place to live and work. As the ''Gateway to the Glacial Lakes,'' Britton has grown from a small railroad town where the first claims were laid in 1884 into a town where businesses and families thrive. Throughout its rich history, Britton has continued to be a strong reflection of South Dakota's greatest

values and traditions. The city of Britton has much to be proud of and I am confident that Britton's success will continue well into the future.

The town of Britton will commemorate the 125th anniversary of its founding with celebrations held on July 3 through July 5. I would like to offer my congratulations to the citizens of Britton on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF EMERY, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Emery, SD. Founded in 1884, the town of Emery will celebrate its 125th anniversary this year.

Located in Hanson County, Emery possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Throughout its rich history, Emery has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Emery has much to be proud of and I am confident that Emery's success will continue well into the future.

The town of Emery will commemorate the 125th anniversary of its founding with celebrations held on July 3 through July 5. I would like to offer my congratulations to the citizens of Emery on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF LEOLA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Leola, SD. Founded in 1884, the town of Leola will celebrate its 125th anniversary this year.

Serving as the county seat of McPherson County, Leola possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Named after the daughter of founder CPT E.D. Haynes, Leola began as a town for homesteaders looking for a new future in the West. Throughout, its rich history, Leola has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Leola has much to be proud of and I am confident that Leola's success will continue well into the future.

The town of Leola will commemorate the 125th anniversary of its founding with celebrations held on July 3 through July 5. I would like to offer my congratulations to the citizens of Leola on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF SENECA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Seneca, SD. Founded in 1884, the town of Seneca will celebrate its 125th anniversary this year.

Located in Faulk County, Seneca possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Seneca began 125 years ago as a very prosperous railroad town; and throughout its rich history, Seneca has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Seneca has much to be proud of and I am confident that Seneca's success will continue well into the future.

The town of Seneca will commemorate the 125th anniversary of its founding with celebrations held on June 26 through June 28. I would like to offer my congratulations to the citizens of Seneca on this milestone anniversary and wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF TORONTO, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Toronto, SD. Founded in 1884, the town of Toronto will celebrate its 125th anniversary this year.

Located in Deuel County, Toronto possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Throughout its rich history, Toronto has continued to be a strong reflection of South Dakota's greatest values and traditions. The city of Toronto has much to be proud of and I am confident that Toronto's success will continue well into the future.

The town of Toronto will commemorate the 125th anniversary of its founding with celebrations held on July 2 through July 5. I would like to offer my congratulations to the citizens of Toronto on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2069. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Thomas F. Metz, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2070. A communication from the General Counsel, Selective Service System, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Director, Selective Service System; to the Committee on Armed Services.

EC–2071. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report entitled ''2009 Report to Congress on Sustainable Ranges''; to the Committee on Armed Services.

EC–2072. A communication from Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to United States Policy in Iraq Act, section 1227 of the National Defense Authorization Act for Fiscal Year 2006, a report relative to the current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Armed Services.

EC–2073. A communication from the Assistant Secretary, Global Strategic Affairs, Department of Defense, transmitting, pursuant to law, a report entitled ''Cooperative Threat Reduction Annual Report to Congress Fiscal Year 2010''; to the Committee on Armed Services.

EC–2074. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled ''95th Annual Report of the Board of Governors of the Federal Reserve System''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2075. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled ''Report to the Congress on Profitability of Credit Card Operations of Depository Institutions''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2076. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Scallop Access Area to General Category Scallop Vessels'' (RIN0648-XP43) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2077. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category'' (RIN0648–XP65) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2078. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Catcher Processor Rockfish Cooperatives in the Gulf of Alaska'' (RIN0648–XP57) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2079. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XP60) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2080. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Improving Public Safety Communications in the 800 MHz Band, Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels'' ((WT Docket No. 02-55)(FCC09–49)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2081. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Jurisdictional Separations and Referral to the Federal-State Joint Board'' ((CC Docket No. 50–286)(FCC09–44)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2082. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability'' ((WC Docket No. 07–244)(FCC09–41)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2083. A communication from the Chief of the Endangered Species Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Quino Checkerspot Butterfly (Euphydryas editha quino)'' (RIN1018–AV23) received in the Office of the President of the Senate on June 17, 2009; to the Committee on Environment and Public Works.

EC–2084. A communication from the Director of Congressional Affairs, Federal & State Materials & Environmental Management, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks; Standardized NUHOMS System Revision 10'' (RIN3150–AI62) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2085. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report entitled ''A National Assessment of Demand Response Potential''; to the Committee on Energy and Natural Resources.

EC–2086. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Home Affordable Modification Program'' (Rev. Rul. 2009–19) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Finance.

EC–2087. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled ''Twenty-Fourth Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2007''; to the Committee on Health, Education, Labor, and Pensions.

EC–2088. A communication from the Inspector General, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the 6-month period ending March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2089. A communication from the Administrator of Policy Development and Research, Employment Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Temporary Employment of H-2A Aliens in the United States'' (RIN1205–AB55) received in the Office of the President of the Senate on June 18, 2009; to the Committee on the Judiciary.

EC–2090. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Suspension of the Primary Season for Pacific Whiting Fishery for the Shore Based Sector South of 42 Degree N. Lat.'' ((RIN0648–XP43)(Docket No. 090428799-9802-01)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2010'' (Rept. No. 111–32).

By Mr. KERRY, from the Committee on Foreign Relations, with amendments:

S. 962. A bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes (Rept. No. 111–33).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL of Colorado (for himself and Mrs. GILLIBRAND):

S. 1321. A bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. AKAKA):

S. 1322. A bill to provide for the Captain James A. Lovell Federal Health Care Center in Lake County, Illinois, and for other purposes; to the Committee on Armed Services.

By Mr. VITTER (for himself, Mr. INHOFE, Mr. BUNNING, Mr. BROWNBACK, and Mr. ENSIGN):

S. 1323. A bill to rescind ARRA funds rejected by State Governors and local governments and return them to the Treasury to reduce the national debt to be inherited by future generations; to the Committee on Appropriations.

By Mr. DEMINT:

S. 1324. A bill to ensure that every American has a health insurance plan that they can afford, own, and keep; to the Committee on Finance.

By Mr. SPECTER:

S. 1325. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. SHELBY, Ms. LANDRIEU, Mr. VITTER, Mr. DURBIN, Mr. BOND, Mr. HARKIN, Mr. JOHANNS, Mr. WICKER, Mr. LUGAR, Mr. COCHRAN, and Mr. NELSON of Nebraska):

S. 1326. A bill to amend the American Recovery and Reinvestment Tax Act of 2009 to clarify the low-income housing credits that are eligible for the low-income housing grant election, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. MENENDEZ):

S. 1327. A bill to reauthorize the public and Indian housing drug elimination program of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1328. A bill to provide for the exchange of administrative jurisdiction over certain Federal land between the Forest Service and the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself, Mr. CARDIN, Mr. DURBIN, and Mr. KENNEDY):

S. 1329. A bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1330. A bill to amend the Food, Conservation, and Energy Act of 2008 to increase the payment rate for certain payments under the milk income loss contract program as an emergency measure; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 1331. A bill to amend the Food, Conservation, and Energy Act of 2008 to index for inflation the payment rate for payments under the milk income loss contract program; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of Colorado (for himself and Mr. ISAKSON):

S. Res. 200. A resolution designating September 12, 2009, as ''National Childhood Cancer Awareness Day''; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. KENNEDY):

S. Res. 201. A resolution recognizing and honoring the tenth anniversary of the United States Supreme Court decision in Olmstead v. L.C., 527 U.S. 581 (1999); considered and agreed to.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, and Mrs. MURRAY):

S. Con. Res. 30. A concurrent resolution commending the Bureau of Labor Statistics on the occasion of its 125th anniversary; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones

from listed property under section 280F.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 369

At the request of Mr. KOHL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 461

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 571

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 597

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 597, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Nevada (Mr. ENSIGN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 628

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Illinois (Mr. BURRIS), the Senator from Alaska (Mr. BEGICH) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 685

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 685, a bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

S. 690

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 690, a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

S. 705

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 705, a bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes.

S. 772

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 772, a bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes.

S. 795

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 848

At the request of Mrs. MCCASKILL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 848, a bill to recognize and clarify the authority of the States to regulate intrastate helicopter medical services, and for other purposes.

S. 879

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 879, a bill to amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response.

S. 883

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Delaware (Mr. KAUFMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1177

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1177, a bill to improve consumer protections for purchasers of long-term care insurance, and for other purposes.

S. 1181

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1181, a bill to provide for a demonstration project to examine whether community-level public health interventions can result in lower rates of chronic disease for individuals entering the Medicare program.

S. 1214

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1214, a bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 1233

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1261

At the request of Mr. AKAKA, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1261, a bill to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver's licenses and identification documents, and for other purposes.

S. 1265

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1267

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1267, a bill to amend title V of the Social Security Act to provide grants to establish or expand quality programs providing home visitation for low-income pregnant women and low-income families with young children, and for other purposes.

S. 1278

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1278, a bill to establish the Consumers Choice Health Plan, a public health insurance plan that provides an affordable and accountable health insurance option for consumers.

S. 1279

At the request of Mr. NELSON of Nebraska, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1279, a bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mr. MCCONNELL, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S.J. Res. 17, supra.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Ohio (Mr. BROWN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. CON. RES. 28

At the request of Mr. NELSON of Nebraska, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution supporting the goals of Smart Irrigation Month, which recognizes the advances in irrigation technology and practices that help raise healthy plants and increase crop yields while using water resources more efficiently and encourages the adoption of smart irrigation practices throughout the United States to further improve water-use efficiency in agricultural, residential, and commercial activities.

S. RES. 161

At the request of Mr. JOHNSON, the names of the Senator from Utah (Mr.

BENNETT), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 161, a resolution recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiecstasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

S. RES. 199

At the request of Mr. KOHL, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 199, a resolution recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself and Mrs. GILLIBRAND):

S. 1321. A bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, there is an old saying that ''you don't know what you've got until it's gone.'' It is true, especially when you are talking about water. We have a tendency to take water for granted when we turn on our faucets or showers and when we want to water our yards. We tend to use it inefficiently. We let the faucet run when we are brushing our teeth, or we water our lawns in the middle of the day when evaporation rates are at their highest.

When you grow up in the desert, as I did, you learn to treasure water. Everything in the West is shaped by it, and you know that it might not always be there when you need it. This will become—particularly in my part of the country, but also in the Presiding Officer's State as well—more apparent as we see lower snowpack and decreasing precipitation in the Southwest. Because of climate change dynamics and drought cycles, we are already experiencing those situations.

Water is the lifeblood of the West. Recent droughts in the Southeast of our country remind us that no one is immune from water shortages. It is with an eye to those experiences that I rise today to introduce legislation that would take a measured and practical step toward conserving it.

The Water Accountability Tax Efficiency Reinvestment Act of 2009—that is a mouthful, but if you boil it down to its acronym, it is the WATER Act—creates a tax incentive for individuals and businesses to purchase products and services that use water at least 20 percent more efficiently than comparable technology.

It is very similar to the existing tax credit we receive now for purchasing energy-efficient Energy Star products. Certainly, you see Energy Star products all over homes, and increasingly customers are purchasing them.

I thank my friend and colleague in the House of Representatives, Congressman MIKE COFFMAN, for introducing this measure in the House. I am pleased to work with him in a bipartisan way, as he is a Republican, and in a bicameral way.

I urge my colleagues to join us in supporting this bill. Why? The more we can conserve today, the more we can decrease the demands on existing water resources. Better yet, we can save our constituents and ourselves literally hundreds of dollars in the process.

What would the WATER Act do? It would create a 30-percent tax credit on the purchase of products that have earned the EPA's WaterSense label, with a maximum lifetime cap of $1,500. That is a handsome incentive for us as consumers.

Like the Energy Star label awarded by the EPA and Department of Energy, the WaterSense label would be reserved for those products that consume at least 20 percent less water than comparable items. These products are becoming much more common. They include many brands of faucets, toilets, shower heads, even irrigation services.

The predictions are that soon entire homes would become WaterSense certified.

Not only is it a bonus for the environment when we conserve water, but it is helpful to our wallets. The cheapest gallon of water, frankly, like the cheapest barrel of oil, is the one we don't use.

It is estimated by the EPA that with some simple adjustments in the way we use water, the average household can save close to $200 a year on their water and sewer bills.

There is an interesting nexus as well between energy and water use. If we conserve energy water, we use less energy. Less water means less energy to heat the water in our showers, our sinks, our dishwashers, and the energy that is used to supply and treat public water. EPA estimates if 1 percent of American households used WaterSense-certified toilets, each year we could save enough electricity to power 43,000 homes for a month, lower water bills, and reduce demands on the environment. That is something we ought to be striving to accomplish.

Numerous groups already support this legislation as it is written. I focus in particular on my home State of Colorado where industry groups, water authorities, and local leaders in Colorado have signed on to this concept.

I wanted to also say that moving forward on this legislation gained added importance for me last month when I attended a briefing that the University Corporation for Atmospheric Research held. This particular briefing was focused on the ways we will have to adapt our management of water resources in response to the effects of climate change. I know the Presiding Officer and I share a real concern about climate change.

I used to think any discussion of adapting to climate change was misguided because we were giving in to the problem. We were saying we are going to let climate change occur. I have come to believe adapting to climate change is a recognition of reality. It is having impacts all across our country. If we do not act now, we will not be meeting our responsibilities to not only our constituents today but our children and their children in the future.

In my State, all you have to do is look, for example, at the Colorado River. Colorado, Wyoming, Utah, Arizona, New Mexico, California, Nevada, and the country of Mexico have an agreement that was reached about 80 years ago on how to divide up the Colorado River. When that agreement was reached, I believe, in 1922, we thought there were 16.5 million acre feet of water we could divide among all those States and communities. We now believe that time period, when we took those numbers interest account, was a particularly wet period in the history of the Colorado River Basin. Our best guess now is there is only about 14.5 million acre feet available, and 16.5 million versus 14.5 million—there is a 2-million-acre-foot deficit there, and it is causing increasing concern.

So these water shortages that are possible because of climate change, combined with drought cycles that are normal, have the potential to cause great political tension and controversy. The river levels in the Colorado basin most likely are going to get lower, and that means serious impacts for businesses, homes, and farmers in seven States and two counties. The longer we wait to take practical steps to adjust the steps of climate change, the harder it will become to deal with them.

The good news is we have options that will do more than help address global climate change. These are policies we ought to be adopting anyway. They simply have added significance now, and they make perfect common sense.

To return to the Water Act, which I came to the Senate floor to discuss, this is a prime example of how we can adapt and take some steps today that benefit all of us. If consumers in the Colorado River Basin install WaterSense products, they will decrease the demand on the overallocated Colorado River Basin, reduce their water and energy bills, and help head off an impending problem as a result of climate change. This is a win-win-win across the board.

Again, I come to the Senate floor to ask my colleagues to join me in supporting what is a commonsense, bipartisan, bicameral effort to save taxpayers money and take a big practical step toward greater water conservation.

As I close, I also add once again that we would be leading the world as it develops and the demand for water around the world increases. These products would be available in the marketplaces in China, India, Brazil, and the developing world, which would help our economy and help create jobs as well, which we are focused on singularly as Senators. I know that is important in the Presiding Officer's home State as well.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1321

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Water Accountability Tax Efficiency Reinvestment Act of 2009'' or as the ''WATER Act of 2009''.

SEC. 2. CREDIT FOR WATERSENSE LABELED PROPERTY.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 30E. WATERSENSE LABELED PROPERTY.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the amounts paid or incurred by the taxpayer during such taxable year for certified WaterSense labeled property.

''(b) LIFETIME LIMITATION.—The aggregate amount of the credits allowed under this section with respect to any taxpayer for any taxable year shall not exceed the excess (if any) of $1,500 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years.

''(c) CERTIFIED WATERSENSE LABELED PROPERTY.—For purposes of this section, the term 'certified WaterSense labeled property' means any property—

''(1) which is certified by a licensed independent third party as meeting specifications of the Environmental Protection Agency WaterSense program, and

''(2) the original use of which commences with the taxpayer.

''(d) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, 30, and 30D) and section 27 for the taxable year.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (m) or (o) of section 414, shall be treated as a one person.

''(2) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (d)).

''(3) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter with respect to any property for which credit is allowable under subsection (a) shall be reduced by the amount of credit allowed under subsection (a) with respect to such property (determined without regard to subsection (d)).

''(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

''(f) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(B) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''30E,'' after ''30D,''.

(C) Section 25B(g)(2) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(D) Section 26(a)(1) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(E) Section 904(i) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(F) Section 1400C(d)(2) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(2) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30E(e)(2).''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 30E. WaterSense labeled property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. DURBIN (for himself and Mr. AKAKA):

S. 1322. A bill to provide for the Captain James A. Lovell Federal Health Care Center in Lake County, Illinois, and for other purposes; to the Committee on Armed Services.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1322

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Captain James A. Lovell Federal Health Care Center Act of 2009''.

SEC. 2. EXECUTIVE AGREEMENT.

(a) EXECUTIVE AGREEMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall execute a signed executive agreement for the joint use by the Department of Defense and the Department of Veterans Affairs of the following:

(1) A new Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting structures and facilities in North Chicago, Illinois, and Great Lakes, Illinois.

(2) Medical personal property and equipment relating to the center, structures, and facilities described in paragraph (1).

(b) SCOPE.—The agreement required by subsection (a) shall—

(1) be a binding operational agreement on matters under the areas specified in section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500); and

(2) contain additional terms and conditions as required by the provisions of this Act.

SEC. 3. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—The Secretary of Defense, acting through the Administrator of General Services, may transfer, without reimbursement, to the Secretary of Veterans Affairs jurisdiction over the center, structures, facilities, and property and equipment covered by the executive agreement under section 2.

(2) DATE OF TRANSFER.—The transfer authorized by paragraph (1) may not occur before the earlier of—

(A) the date that is five years after the date of the execution under section 2 of the executive agreement required by that section; or

(B) the date of the completion of such specific benchmarks relating to the joint use by the Department of Defense and the Department of Veterans Affairs of the Navy ambulatory care center described in section 2(a)(1) as the Secretary of Defense (in consultation with the Secretary of the Navy) and Secretary of the Department of Veterans Affairs shall jointly establish for purposes of this section not later than 180 days after the date of the enactment of this Act.

(3) DELAY OF TRANSFER FOR COMPLETION OF CONSTRUCTION.—If construction on the center, structures, and facilities described in paragraph (1) is not complete as of the date specified in subparagraph (A) or (B) of that paragraph, as applicable, the transfer of the center, structures, and facilities under that paragraph may occur thereafter upon completion of the construction.

(4) DISCHARGE OF TRANSFER.—The Administrator of General Services shall effectualize and memorialize the transfer as authorized by this subsection not later than 30 days after receipt of the request for the transfer.

(5) DESIGNATION OF FACILITY.—The center, structures, facilities transferred under this subsection shall be designated and known after transfer under this subsection as the ''Captain James A. Lovell Federal Health Care Center''.

(b) REVERSION.—

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than those specified in the executive agreement required by section 2, or is otherwise jointly determined by the Secretary of Defense and the Secretary of Veterans Affairs to be excess to the needs of the Captain James A. Lovell Federal Health Care Center, the Secretary of Veterans Affairs shall offer to transfer jurisdiction over such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be carried out by the Administrator of General Services not later than one year after the acceptance of the offer of such transfer, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the five-year period beginning on the date of the transfer of real and related personal property pursuant to subsection (a), if the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Navy jointly determine that the integration of the facilities transferred pursuant to that subsection should not continue, jurisdiction over such real and related personal property shall be transferred, without reimbursement, to the Secretary of Defense. The transfer under this subparagraph shall be carried out by the Administrator of General Services not later than 180 days after the date of the determination by the Secretaries, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(B) AFTER INITIAL PERIOD.—After the end of the five-year period described in subparagraph (A), if the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities transferred pursuant to subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense jurisdiction over the real and related personal property described in subparagraph (A). Any transfer under this subparagraph shall be carried out by the Administrator of General Services not later than one year after the date of the determination by the applicable Secretary, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(C) REVERSION PROCEDURES.—The executive agreement required by section 2 shall provide the following:

(i) Specific procedures for the reversion of real and related personal property, as appropriate, transferred pursuant to subsection (a) to ensure the continuing accomplishment by the Department of Defense and the Department of Veterans Affairs of their missions in the event that the integration of facilities described transferred pursuant to that subsection (a) is not completed or a reversion of property occurs under subparagraph (A) or (B).

(ii) In the event of a reversion under this paragraph, the transfer from the Department of Veterans Affairs to the Department of Defense of associated functions including appropriate resources, civilian positions, and personnel, in a manner that will not result in adverse impact to the missions of Department of Defense or the Department of Veterans Affairs.

SEC. 4. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense and the Secretary of the Navy may transfer to the Secretary of Veterans Affairs functions necessary for the effective operation of the Captain James A. Lovell Federal Health Care Center. The Secretary of Veterans Affairs may accept any functions so transferred.

(b) TERMS.—

(1) EXECUTIVE AGREEMENT.—Any transfer of functions under subsection (a) shall be carried out as provided in the executive agreement required by section 2. The functions to be so transferred shall be identified utilizing the provisions of section 3503 of title 5, United States Code.

(2) ELEMENTS.—In providing for the transfer of functions under subsection (a), the executive agreement required by section 2 shall provide for the following:

(A) The transfer of civilian employee positions of the Department of Defense identified in the executive agreement to the Department of Veterans Affairs, and of the incumbent civilian employees in such positions, and the transition of the employees so transferred to the pay, benefits, and personnel systems that apply to employees of the Department of Veterans Affairs (to the extent that different systems apply).

(B) The transition of employees so transferred to the pay systems of the Department of Veterans Affairs in a manner which will not result in any reduction in an employee's regular rate of compensation (including basic pay, locality pay, any physician comparability allowance, and any other fixed and recurring pay supplement) at the time of transition.

(C) The continuation after transfer of the same employment status for employees so transferred who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code, notwithstanding the provisions of section 7403(b)(1) of title 38, United States Code.

(D) The extension of collective bargaining rights under title 5, United States Code, to employees so transferred in positions listed in subsection 7421(b) of title 38, United States Code, notwithstanding the provisions of section 7422 of title 38, United States Code, for a two-year period beginning on the effective date of the executive agreement.

(E) At the end of the two-year period beginning on the effective date of the executive agreement, for the following actions by the Secretary of Veterans Affairs with respect to the extension of collective bargaining rights under subparagraph (D):

(i) Consideration of the impact of the extension of such rights.

(ii) Consultation with exclusive employee representatives of the transferred employees about such impact.

(iii) Determination, after consultation with the Secretary of Defense and the Secretary of the Navy, whether the extension of such rights should be terminated, modified, or kept in effect.

(iv) Submittal to Congress of a notice regarding the determination made under clause (iii).

(F) The recognition after transfer of each transferred physician's and dentist's total number of years of service as a physician or dentist in the Department of Defense for purposes of calculating such employee's rate of base pay, notwithstanding the provisions of section 7431(b)(3) of title 38, United States Code.

(G) The preservation of the seniority of the employees so transferred for all pay purposes.

(c) RETENTION OF DEPARTMENT OF DEFENSE EMPLOYMENT AUTHORITY.—Notwithstanding subsections (a) and (b), the Department of Defense may employ civilian personnel at the Captain James Lovell Federal Health Care Center if the Secretary of the Navy, or a designee of the Secretary, determines it is necessary and appropriate to meet mission requirements of the Department of the Navy.

SEC. 5. JOINT FUNDING AUTHORITY FOR THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—The Department of Veterans Affairs/Department of Defense Health-Care Resources Sharing Committee under section 8111(b) of title 38, United States Code, may provide for the joint funding of the Captain James A. Lovell Federal Health Care Center in accordance with the provisions of this section.

(b) HEALTH CARE CENTER FUND.—

(1) ESTABLISHMENT.—There is established on the books of the Treasury under the Department of Veterans Affairs a fund to be known as the ''Captain James A. Lovell Federal Health Care Center Fund'' (in this section referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of the following:

(A) Amounts transferred to the Fund by the Secretary of Defense, in consultation with the Secretary of the Navy, from amounts authorized to be appropriated for the Department of Defense.

(B) Amounts transferred to the Fund by the Secretary of Veterans Affairs from amounts authorized to be appropriated for the Department of Veterans Affairs.

(C) Amounts transferred to the Fund from medical care collections under paragraph (4).

(3) DETERMINATION OF AMOUNTS TRANSFERRED GENERALLY.—The amount transferred to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs under subparagraphs (A) and (B), as applicable, of paragraph (2) each fiscal year shall be such amount, as determined by a methodology jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection, that reflects the mission-specific activities, workload, and costs of provision of health care at the Captain James A. Lovell Federal Health Care Center of the Department of Defense and the Department of Veterans Affairs, respectively.

(4) TRANSFERS FROM MEDICAL CARE COLLECTIONS.—

(A) IN GENERAL.—Amounts collected under the authorities specified in subparagraph (B) for health care provided at the Captain James A. Lovell Federal Health Care Center may be transferred to the Fund under paragraph (2)(C).

(B) AUTHORITIES.—The authorities specified in this subparagraph are the following:

(i) Section 1095 of title 10, United States Code.

(ii) Section 1729 of title 38, United States Code.

(iii) Public Law 87–693, popularly known as the ''Federal Medical Care Recovery Act'' (42 U.S.C. 2651 et seq.).

(5) ADMINISTRATION.—The Fund shall be administered in accordance with such provisions of the executive agreement required by section 2 as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly include in the executive agreement. Such provisions shall provide for an independent review of the methodology established under paragraph (3).

(c) AVAILABILITY.—

(1) IN GENERAL.—Funds transferred to the Fund under subsection (b) shall be available to fund the operations of the Captain James A. Lovell Federal Health Care Center, including capital equipment, real property maintenance, and minor construction projects that are not required to be specifically authorized by law under section 2805 of title 10, United States Code, or section 8104 of title 38, United States Code.

(2) LIMITATION.—The availability of funds transferred to the Fund under subsection

(b)(2)(C) shall be subject to the provisions of section 1729A of title 38, United States Code.

(3) PERIOD OF AVAILABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds transferred to the Fund under subsection (b) shall be available under paragraph (1) for one fiscal year after transfer.

(B) EXCEPTION.—Of an amount transferred to the Fund under subsection (b), an amount not to exceed two percent of such amount shall be available under paragraph (1) for two fiscal years after transfer.

(d) FINANCIAL RECONCILIATION.—The executive agreement required by section 2 shall provide for the development and implementation of an integrated financial reconciliation process that meets the fiscal reconciliation requirements of the Department of Defense, the Department of the Navy, and the Department of Veterans Affairs. The process shall permit each of the Department of Defense, the Department of Navy, and the Department of Veterans Affairs to identify their fiscal contributions to the Fund, taking into consideration accounting, workload, and financial management differences.

(e) ANNUAL REPORT.—The Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall jointly provide for an annual independent review of the Fund for at least three years after the date of the enactment of this Act. Such review shall include detailed statements of the uses of amounts of the Fund and an evaluation of the adequacy of the proportional share contributed to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs.

(f) TERMINATION.—The authorities in this section shall terminate on September 30, 2015.

SEC. 6. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR CARE AND SERVICES AT THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the Captain James A. Lovell Federal Health Care Center may be treated as a facility of the uniformed services to the extent provided under subsection (b) in the executive agreement required by section 2.

(b) ADDITIONAL ELEMENTS.—The executive agreement required by section 2 may include provisions as follows:

(1) To establish an integrated priority list for access to health care at the Captain James A. Lovell Federal Health Care Center, which list shall—

(A) integrate the respective health care priority lists of the Secretary of Defense and the Secretary of Veterans Affairs; and

(B) take into account categories of beneficiaries, enrollment program status, and such other matters as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(2) To incorporate any resource-related limitations for access to health care at the Captain James A. Lovell Federal Health Care Center that the Secretary of Defense may establish for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(3) To allocate financial responsibility for care provided at the Captain James A. Lovell Federal Health Care Center for individuals who are eligible for care under both chapter 55 of title 10, United States Code, and title 38, United States Code.

(4) To waive the applicability to the Captain James A. Lovell Federal Health Care Center of any provision of section 8111(e) of title 38, United States Code, that the Secretary of Defense and the Secretary of Veterans Affairs shall jointly specify.

SEC. 7. EXTENSION OF DOD–VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2015''.

By Mr. SPECTER:

S. 1325. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to make permanent a tax credit for the production of Steel Industry Fuel, SIF. SIF is used by the domestic steel industry as a feedstock for the manufacture of coke, which is coal that has been carbonized and is used as a fuel in steel making.

Last fall, Congress enacted a new tax credit under the refined coal provision of section 45 of the Internal Revenue Code for the production of this fuel product made from coal waste sludge and coal. This tax credit supports SIF projects that may not otherwise be viable due to materials, process, technology and other transaction costs. As originally enacted, the SIF credit provides for a one-year credit period.

There are numerous reasons that favor extending the tax incentives for SIF: it has significant energy, environmental, and economic benefits. First, SIF recaptures the BTU content of coal waste sludge; second, its production is the preferred method of coal waste sludge disposal and is done so in a manner approved by the Environmental Protection Agency, EPA; and third, it provides the economic and financial benefits of making our domestic steel industry more competitive by lowering production and operational costs.

The production of SIF is the most favorable method of disposing of coal waste sludge from an energy resource and environmental perspective. The disposal of coal waste sludge would otherwise be treated as a hazardous waste under applicable Federal environmental rules. The alternative methods of disposal are to transport the coal waste sludge off-site for incineration or to foreign countries for landfilling. Both options require the physical conveyance of a waste product, which is a dangerous, cumbersome, and expensive undertaking. The more obvious drawback is the failure to recapture the energy content of the coal waste sludge.

An extension of the SIF tax incentive is of critical importance in the current economic downturn, and its sunset would have a negative impact on the industry. Steel companies and coke plant operators are incurring losses as the demand for their product has dried up. There have been significant layoffs at the major domestic integrated steel producers, impacting thousands of workers in Pennsylvania, Illinois, Indiana, Michigan, Ohio, West Virginia, Kentucky, and elsewhere. Domestic steel manufacturers have been forced to operate at low capacity utilization rates and coke batteries have been placed on ''hot idle,'' a holding pattern to prevent the bricks that comprise the coke battery from cooling and damaging the battery. An extension of the SIF credit will enable these manufacturers to mitigate their losses while the economy recovers.

The current 1-year period for the SIF credit has been a significant hindrance in attracting the outside investment needed to finance SIF projects, especially in light of the prevailing economic conditions since the enactment of the credit. Steel industry fuel projects often involve lengthy negotiations to implement the transaction structure necessary to claim the SIF credit, which has effectively reduced the 1-year credit period to a lesser period for many projects. For this reason, the subsidy intended to be provided by the credit for the development of SIF projects requires a longer credit period.

Included in this legislation is an important clarification on an issue that has slowed negotiations with respect to SIF projects. It is expected that, for the convenience of the parties and for environmental safety, facilities producing SIF will typically be located on land leased from a steel company or other owner of a coking operation. Such a lessor will not be treated as having an ownership interest in the SIF facility because it leases land and related facilities, sells coal waste sludge or coal feedstock, and/or buys SIF so long as such person's entitlement to rent and/or other net payments is measured by a fixed dollar amount or a fixed dollar amount per ton, or otherwise determined without reference to the profit or loss of the facility. Similarly, a licensor of technology will not be treated as having an ownership interest in the SIF facility because it is entitled to a royalty and/or other payment that is a fixed amount per ton or otherwise determined without regard to the profit or loss of the facility. Such arrangements may also cause facilities that produce SIF to operate at a loss before the credit is taken into account; however, it is intended that the occurrence of such a ''pre-tax loss'' will not affect entitlement to this credit, regardless of whether such ''pre-tax loss'' is caused by the terms of the lease, license, supply or sales contracts between the parties. To that end, the bill provides necessary flexibility for varying circumstances of ownership interests and clarifies that the existence of such arrangements will not prevent the equity owner of a facility from receiving tax credits for its sales of SIF. This provision provides greater tax certainty to potential investors in SIF projects.

SIF is typically produced at facilities that are located on the premises of coke plants that are owned by integrated steel companies that are unrelated to the producer of such SIF. The

SIF production facility is situated on or near conveyor belts that may be leased from the integrated steel company and production of SIF may occur while coal, and coal blended with petroleum coke, as described below, is transported on the conveyor belts. For commercial, liability, safety, environmental and other business reasons germane to the integrated steel companies that consume the SIF, SIF producers may purchase coal from the integrated steel producer, taking title and having risk of loss while such coal is transported on the conveyor belt, rather than directly purchasing the coal from the mine. The bill provides a safe harbor that establishes that the SIF producer shall be treated as the producer and seller of SIF that it manufactures from coal to which it has taken title. The bill further clarifies that the sale of SIF shall not fail to qualify as a sale to an unrelated party for purposes of the SIF credit solely because the sale is to a party that is also a ground lessor, supplier, and/or customer.

The bill also establishes that SIF may also be made using coal or coal that is mixed with some petroleum coke. Such ''pet coke'' has traditionally been used by steel companies/coke operators in a blend with coal as a feedstock for coke. The bill provides that its presence in SIF does not invalidate or otherwise reduce the credit.

SIF projects will expand our domestic energy resources by using what would otherwise be a hazardous waste of the coking process in a fuel product. The availability of the tax credit will attract outside investment to the steel and coke production industries and promote job growth in the domestic steel production industry and in related industries that service the steel and coke production industries. I urge my colleagues to support this legislation.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1328. A bill to provide for the exchange of administrative jurisdiction over certain Federal land between the Forest Service and the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senator BOXER to introduce legislation to improve the administration of Chappie-Shasta Off-Highway Vehicle area by reducing unnecessary bureaucracy and aiding in proper enjoyment of these Federal lands.

This bill is simple. It interchanges the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management in Shasta-Trinity National Forest in California.

This legislation consolidates BLM's jurisdiction and management of the Off-Highway-Vehicle area while, in exchange, the Forest Service benefits by receiving small tracts of wilderness areas that are currently managed by the BLM but are contiguous to Forest Service land.

This exchange only affects land already controlled by the Federal government and will not change the designation of these lands. Furthermore, it will be beneficial to the local community which has supported this jurisdictional change.

These Federal lands, near Redding, California, have long been used by off-highway-vehicle enthusiasts. However, overlapped management of these areas by both the Forest Service and the Bureau of Land Management has caused unnecessary burden to these recreational opportunities.

It means users need two permits, often at substantial and unnecessary cost. Likewise, the overlapping management has resulted in different opening dates for the same area of land, frustrating the local off-highway-vehicle community and the thousands of tourists who travel there every year.

This jurisdictional exchange will reduce bureaucracy to ease recreational access as well as provide for better Federal management of these areas.

The bill was developed in a collaborative manner, with input and agreement at the local level by the Forest Service and BLM, in conjunction with the local off-highway-vehicle community. The bill is also supported by the local community and the County Board of Supervisors.

This effort represents a sensible, common sense approach to problem solving and better government.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1328

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Shasta-Trinity National Forest Administrative Jurisdiction Transfer Act''.

SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE BUREAU OF LAND MANAGEMENT.

(a) IN GENERAL.—Administrative jurisdiction over the Federal land described in subsection (b) is transferred from the Chief of the Forest Service (referred to in this Act as the ''Chief'') to the Director of the Bureau of Land Management (referred to in this Act as the ''Director''), to be administered by the Director, subject to the laws (including regulations) applicable to land administered by the Director.

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The Federal land referred to in subsection (a) is the land within the Shasta-Trinity National Forest in California, Mount Diablo Meridian, as depicted on the map entitled ''H.R. 689, Transfer from Forest Service to BLM, Map 1'' and dated April 21, 2009.

(2) EXCLUSION.—The land within the Shasta Dam Reclamation Zone shall—

(A) be excluded from the transfer of administrative jurisdiction under subsection (a); and

(B) continue to be administered by the Secretary of the Interior (acting through the Commissioner of Reclamation).

SEC. 3. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE FOREST SERVICE.

(a) IN GENERAL.—Administrative jurisdiction over the Federal land described in subsection (b) is transferred from the Director to the Chief, to be administered by the Chief, subject to the laws (including regulations) applicable to National Forest System land.

(b) DESCRIPTION OF LAND.—The Federal land referred to in subsection (a) is the land administered by the Director in the Mount Diablo Meridian, California, as depicted on the map entitled ''H.R. 689, Transfer from BLM to Forest Service, Map 2'' and dated April 21, 2009.

(c) WITHDRAWAL.—The Federal land described in subsection (b) is—

(1) withdrawn from the public domain; and

(2) reserved for administration as part of the Shasta-Trinity National Forest.

(d) WILDERNESS ADMINISTRATION.—The transfer of administrative jurisdiction from the Director to the Chief of certain land previously designated as part of the Trinity Alps Wilderness shall not affect the wilderness status of the wilderness land.

(e) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Shasta-Trinity National Forest, as adjusted under this section, shall be considered to be the boundaries of the Shasta-Trinity National Forest as of January 1, 1965.

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) CORRECTIONS.—

(1) MINOR ADJUSTMENTS.—The Director and the Chief, may, by mutual agreement, make minor corrections and adjustments to the transfers under this Act to facilitate land management, including corrections and adjustments to any applicable surveys.

(2) PUBLICATIONS.—Any corrections or adjustments made under subsection (a) shall be effective on the date of publication of a notice of the corrections or adjustments in the Federal Register.

(b) HAZARDOUS SUBSTANCES.—

(1) NOTICE.—The Chief and Director shall, with respect to the land described in sections 2(b) and 3(b), respectively—

(A) identify any known sites containing hazardous substances; and

(B) provide to the head of the Federal agency to which the land is being transferred notice of any sites identified under subparagraph (A).

(2) CLEANUP OBLIGATIONS.—The cleanup of hazardous substances on land to which administrative jurisdiction is transferred by this Act shall be the responsibility of the head of the agency with jurisdiction over the affected land on the day before the date of enactment of this Act.

(c) EFFECT ON EXISTING RIGHTS AND AUTHORIZATIONS.—Nothing in this Act affects—

(1) any valid existing rights; or

(2) the validity or term and conditions of any existing withdrawal, right-of-way, easement, lease, license, or permit on the land to which administrative jurisdiction is transferred under this Act, except that beginning on the date of enactment of this Act, the head of the agency to which administrative jurisdiction over the land is transferred shall be responsible for administering the interests or authorizations (including reissuing the interests or authorizations in accordance with applicable law).

By Mr. KOHL (for himself, Mr. CARDIN, Mr. DURBIN, and Mr. KENNEDY):

S. 1329. A bill to authorize the Attorney General to award grants to State

courts to develop and implement state courts interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today, with Senator KENNEDY, Senator DURBIN, and Senator CARDIN to introduce the state Court Interpreter Grant Program Act of 2009. This legislation would create a modest grant program to provide much needed financial assistance to States for developing and implementing effective state court interpreter programs. This would help to ensure fair trials for individuals with limited English proficiency.

States are already legally required, under Title VI of the Civil Rights Act of 1964, to take reasonable steps to provide meaningful access to court proceedings for individuals with limited English proficiency. Unfortunately, however, court interpreting services vary greatly by State. Some States have highly developed programs. Others are trying to get programs up and running, but lack adequate funds. Still others have no interpreter certification program at all. It is critical that we protect the constitutional right to a fair trial by adequately funding state court interpreter programs.

Our States are finding themselves in an impossible position. Qualified interpreters are in short supply because it is difficult to find individuals who are both bilingual and well-versed in legal terminology. The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language, and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

Making the problem worse, States continue to fall further behind as the number of Americans with limited English proficiency—and therefore the demand for court interpreter services—continues to grow. According to the most recent Census data, 20 percent of the population over age five speaks a language other than English at home. In 2000, the number of people in this country who spoke English less than ''very well'' was more than 21 million, approaching twice what the number was 10 years earlier. Illinois had more than 1 million. Texas had nearly 2.7 million. California had more than 6.2 million.

The shortage of qualified interpreters has become a national problem, and it has serious consequences. In Pennsylvania, a committee established by the state Supreme Court called the State's interpreter program ''backward,'' and said that the lack of qualified interpreters ''undermines the ability of the . . . court system to determine facts accurately and to dispense justice fairly.'' When interpreters are unqualified, or untrained, mistakes are made. The result is that the fundamental right to due process is too often lost in translation, and because the lawyers and judges are not interpreters, these mistakes often go unnoticed.

Some of the stories associated with this problem are simply unbelievable. In Pennsylvania, for instance, a husband accused of abusing his wife was asked to translate as his wife testified in court. In Ohio, a woman was wrongly placed on suicide watch after an unqualified interpreter mistranslated her words. In February 2007 testimony before the Judiciary Committee, Justice Kennedy described a particularly alarming situation where bilingual jurors can understand what the witness is saying and then interrupt the proceeding when an interpreter has not accurately represented the witness' testimony. Justice Kennedy agreed that the lack of qualified court interpreters poses a significant threat to our judicial system, and emphasized the importance of addressing the issue.

This legislation does just that by authorizing $15 million per year, over 5 years, for a state Court Interpreter Grant Program. The bill does not merely send Federal dollars to States to pay for court interpreters. It will provide much needed ''seed money'' for States to start or bolster their court interpreter programs to recruit, train, test, and certify court interpreters. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for States that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis, determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

Some will undoubtedly question whether this modest amount can make a difference. It can, and my home State of Wisconsin is a perfect example of that. When Wisconsin's court interpreter program got off the ground in 2004, using State money and a $250,000 Federal grant, certified interpreters were scarce. Now, 5 years later, it has certified 48 interpreters. Most of those are certified in Spanish, where the greatest need exists. However, the State also has interpreters certified in sign language and German. The list of provisional interpreters—those who have received training and passed written tests—is much longer and includes individuals trained in Russian, Hmong, Korean, and other languages. All of this progress in only 5 years, and with only $250,000 of Federal assistance.

This legislation has the strong support of state court administrators and state supreme court justices around the country. Our States are facing this difficult challenge, and Federal law requires them to meet it. Despite their noble efforts, many of them have been unable to keep up with the demand. It is time we lend them a helping hand. This is an access issue, and no one should be denied justice or access to our courts merely because of a language barrier. I strongly urge my colleagues to support this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There geing no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1329

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Court Interpreter Grant Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 40 States have developed, or are developing, qualified court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the ''Administrator'') shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs

to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this Act.

(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) a demonstration of need for the development, implementation, or expansion of a State court interpreter program;

(B) an identification of each State court in that State which would receive funds from the grant;

(C) the amount of funds each State court identified under subparagraph (B) would receive from the grant; and

(D) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (B).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $5,000,000 to be distributed among the highest State courts of States which have an application approved under subsection (c), and that have extraordinary needs that are required to be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

(4) TREATMENT OF DISTRICT OF COLUMBIA.—For purposes of this section—

(A) the District of Columbia shall be treated as a State; and

(B) the District of Columbia Court of Appeals shall act as the highest State court for the District of Columbia.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2010 through 2014 to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 200—DESIGNATING SEPTEMBER 12, 2009, AS ''NATIONAL CHILDHOOD CANCER AWARENESS DAY''

Mr. UDALL of Colorado (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 200

Whereas childhood cancer is the leading cause of death by disease for children in the United States;

Whereas an estimated 12,500 children in this Nation are diagnosed with cancer each year;

Whereas an estimated 2,300 children in this Nation lose their lives to cancer each year;

Whereas the results of peer-reviewed clinical trials have raised the standard of care and improved the 5-year cancer survival rate in children to greater than 80 percent overall;

Whereas more than 40,000 children and adolescents in the United States currently are being treated for childhood cancers;

Whereas up to 2/3 of childhood cancer survivors are likely to experience at least one life-altering or life-threatening late effect from treatment; and

Whereas childhood cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2009, as ''National Childhood Cancer Awareness Day'';

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer;

(3) recognizes the profound toll a diagnosis of cancer has on children, families, and communities and pledges to make its prevention and cure a public health priority; and

(4) urges public and private sector efforts to promote awareness, invest in research, and improve treatments for childhood cancer.

SENATE RESOLUTION 201—RECOGNIZING AND HONORING THE TENTH ANNIVERSARY OF THE UNITED STATES SUPREME COURT DECISION IN OLMSTEAD V. L.C., 527 U.S. 581 (1999)

Mr. HARKIN (for himself and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 201

Whereas in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (referred to in this preamble as the ''ADA''), Congress found that the isolation and segregation of individuals with disabilities is a serious and pervasive form of discrimination;

Whereas the ADA provides the guarantees of equality of opportunity, economic self-sufficiency, full participation, and independent living for individuals with disabilities;

Whereas on June 22, 1999, the United States Supreme Court in Olmstead v. L.C., 527 U.S. 581 (1999), held that under the ADA, States must offer qualified individuals with disabilities the choice to receive their long-term services and support in a community-based setting;

Whereas the Supreme Court further recognized in Olmstead v. L.C. that ''institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life'' and that ''confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.'';

Whereas June 22, 2009, marks the tenth anniversary of the Olmstead v. L.C. decision;

Whereas, as a result of the Supreme Court decision in Olmstead v. L.C., many individuals with disabilities have been able to live in home and community-based settings, rather than institutional settings, and to become productive members of the community;

Whereas despite this success, community-based services and supports remain unavailable for many individuals with significant disabilities;

Whereas eligible families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should be able to make a choice between entering an institution or receiving long-term services and supports in the most integrated setting appropriate to the individual's needs; and

Whereas families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should retain the greatest possible control over the services received and, therefore, their own lives and futures, including quality services that maximize independence in the home and community: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the tenth anniversary of the Supreme Court decision in Olmstead v. L.C.;

(2) salutes all people whose efforts have contributed to the expansion of home and community-based long-term services and supports for individuals with disabilities; and

(3) encourages all people of the United States to recognize the importance of ensuring that home and community-based services are equally available to all qualified individuals with significant disabilities who choose to remain in their home and community.

SENATE CONCURRENT RESOLUTION 30—COMMENDING THE BUREAU OF LABOR STATISTICS ON THE OCCASION OF ITS 125TH ANNIVERSARY

Mr. SCHUMER (for himself, Mr. BROWNBACK, and Mrs. MURRAY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 30

Whereas the Act entitled ''An Act to establish a Bureau of Labor'', approved on June 27, 1884 (23 Stat. 60), established a bureau to ''collect information upon the subject of labor, its relation to capital, the hours of

labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity'';

Whereas the Bureau of Labor Statistics is the principal factfinding agency for the Federal Government in the broad field of labor economics and statistics, and in that role it collects, processes, analyzes, and disseminates essential statistical data to the public, Congress, other Federal agencies, State and local governments, business, and labor;

Whereas the Bureau of Labor Statistics has completed 125 years of service to government, business, labor, and the public by producing indispensable data and special studies on prices, employment and unemployment, productivity, wages and other compensation, economic growth, industrial relations, occupational safety and health, the use of time by the people of the United States, and the economic conditions of States and metropolitan areas;

Whereas many public programs and private transactions are dependent today on the quality of such statistics of the Bureau of Labor Statistics as the unemployment rate and the Consumer Price Index, which play essential roles in the allocation of Federal funds and the adjustment of pensions, welfare payments, private contracts, and other payments to offset the impact of inflation;

Whereas the Bureau of Labor Statistics pursues these responsibilities with absolute integrity and is known for being unfailingly responsive to the need for new types of information and indexes of change;

Whereas the Bureau of Labor Statistics has earned an international reputation as a leader in economic and social statistics;

Whereas the Bureau of Labor Statistics' Internet website, www.bls.gov, began operating in 1995 and meets the public need for timely and accurate information by providing an ever-expanding body of economic data and analysis available to an ever-growing group of online citizens; and

Whereas the Bureau of Labor Statistics has established the highest standards of professional competence and commitment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the Bureau of Labor Statistics on the occasion of its 125th anniversary for the exemplary service its administrators and employees provide in collecting and disseminating vital information for the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1364. Mr. REID (for Mr. KENNEDY (for himself and Mr. ENZI)) proposed an amendment to the bill H.R. 1777, to make technical corrections to the Higher Education Act of 1965, and for other purposes.

TEXT OF AMENDMENTS

SA 1364. Mr. REID (for Mr. KENNEDY (for himself and Mr. ENZI)) proposed an amendment to the bill H.R. 1777, to make technical corrections to the Higher Education Act of 1965, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. References.
Sec. 3. Effective date.

TITLE I—GENERAL PROVISIONS

Sec. 101. General provisions.

TITLE II—TEACHER QUALITY ENHANCEMENT

Sec. 201. Teacher quality enhancement.

TITLE III—INSTITUTIONAL AID

Sec. 301. Institutional aid.
Sec. 302. Multiagency study of minority science programs.

TITLE IV—STUDENT ASSISTANCE

Sec. 401. Grants to students in attendance at institutions of higher education.
Sec. 402. Federal Family Education Loan Program.
Sec. 403. Federal work-study programs.
Sec. 404. Federal Direct Loan Program.
Sec. 405. Federal Perkins Loans.
Sec. 406. Need analysis.
Sec. 407. General provisions of title IV.
Sec. 408. Program integrity.
Sec. 409. Waiver of master calendar and negotiated rulemaking requirements.

TITLE V—DEVELOPING INSTITUTIONS

Sec. 501. Developing institutions.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Sec. 601. International education programs.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT

Sec. 701. Graduate and postsecondary improvement programs.

TITLE VIII—ADDITIONAL PROGRAMS

Sec. 801. Additional programs.
Sec. 802. Amendments to other higher education Acts.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if enacted on the date of enactment of the Higher Education Opportunity Act (Public Law 110–315).

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL PROVISIONS.

(a) HIGHER EDUCATION OPPORTUNITY ACT.—

(1) GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Section 101(b) of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking ''July 1, 2010'' and inserting ''the date of enactment of this Act''.

(2) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.—Section 102(e) of the Higher Education Opportunity Act (Public Law 110-315) is amended by striking the period at the end and inserting '', except that, with respect to foreign nursing schools that were eligible to participate in part B of title IV as of the day before the date of enactment of this Act, the amendments made by subsection (a)(1)(D) shall take effect on July 1, 2012.''.

(b) HIGHER EDUCATION ACT OF 1965.—Title I (20 U.S.C. 1001 et seq.) is amended—

(1) in section 102(a)(2)(D) (20 U.S.C. 1002(a)(2)(D)), by striking ''under part B'' and inserting ''under part B of title IV'';

(2) in section 111(b) (20 U.S.C. 1011(b)), by striking ''With'' and inserting ''with'';

(3) in section 131(a)(3)(A)(iii)(I) (20 U.S.C. 1015(a)(3)(A)(iii)(I)), by striking ''section 428(a)(2)(C)(i)'' and inserting ''section 428(a)(2)(C)(ii)'';

(4) in section 136(d)(1) (20 U.S.C. 1015e(d)(1)), by striking ''(Family Educational Rights and Privacy Act of 1974)'' and inserting ''(commonly known as the 'Family Educational Rights and Privacy Act of 1974')'';

(5) in section 141 (20 U.S.C. 1018)—

(A) in the matter preceding subparagraph (A) of subsection (c)(3), by striking ''under this title'' and inserting ''under title IV''; and

(B) in subsection (d)(3), by striking ''appropriate committees of Congress'' and inserting ''authorizing committees'';

(6) in section 153(a)(1)(B)(iii)(V) (20 U.S.C. 1019b(a)(1)(B)(iii)(V)), by striking ''borrowers who take out loans under'' each place the term appears and inserting ''borrowers of loans made under''; and

(7) in section 155(a) (20 U.S.C. 1019d(a)), by striking paragraph (4) and inserting the following:

''(4) include a place to provide information on—

''(A) the applicant's cost of attendance at the institution of higher education, as determined by the institution under part F of title IV;

''(B) the applicant's estimated financial assistance, including amounts of financial assistance used to replace the expected family contribution, as determined by the institution, in accordance with title IV, for students who have completed the Free Application for Federal Student Aid; and

''(C) the difference between the amounts under subparagraphs (A) and (B), as applicable; and''.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY ENHANCEMENT.

Title II (20 U.S.C. 1021 et seq.) is amended—

(1) in section 200(22) (20 U.S.C. 1021(22)), by striking subparagraph (D) and inserting the following:

''(D) prior to completion of the program—

''(i) attains full State certification or licensure and becomes highly qualified; and

''(ii) acquires a master's degree not later than 18 months after beginning the program.'';

(2) in section 202 (20 U.S.C. 1022a)—

(A) in subsection (b)(6)(E)(ii), by striking ''section 1111(b)(2)'' and inserting ''section 1111(b)(1)'';

(B) in subsection (c)(1), by striking ''pre-baccalaureate'';

(C) in subsection (d)—

(i) in the heading, by striking ''PRE-BACCALAUREATE'' and inserting ''THE''; and

(ii) in the matter preceding paragraph (1), by striking ''An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:'' and inserting ''An eligible partnership that receives a grant to carry out a program for the preparation of teachers shall carry out an effective pre-baccalaureate teacher preparation program or a 5th year initial licensing program that includes all of the following:'';

(D) in subsection (e)(2)—

(i) in subparagraph (A)(ii), by striking ''to earn'' and inserting ''leading to''; and

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''one-year'' before ''teaching residency program''; and

(II) in clause (iii)(I), by striking ''one-year''; and

(E) in subsection (i)(3), by striking ''consent of'' and inserting ''consent to''; and

(3) in section 231(a)(1) (20 U.S.C. 1032(a)(1)), by striking ''serve graduate'' and inserting ''assist in the graduation of''.

TITLE III—INSTITUTIONAL AID

SEC. 301. INSTITUTIONAL AID.

Title III (20 U.S.C. 1051 et seq.) is amended—

(1) in section 316 (20 U.S.C. 1059c)—

(A) in subsection (a), by striking ''Indian Tribal'' and inserting ''Tribal''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978'';

(ii) in paragraph (2), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''; and

(iii) in paragraph (3)(A), by striking ''the Navajo Community College Assistance Act of 1978'' and inserting ''the Navajo Community College Act'';

(2) in section 318(b)(1) (20 U.S.C. 1059e(b)(1)), by striking subparagraph (F) and inserting the following:

''(F) is not receiving assistance under—

''(i) part B;

''(ii) part A of title V; or

''(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).'';

(3) in section 323(a) (20 U.S.C. 1062(a)), in the matter preceding paragraph (1), by striking ''in any fiscal year'' and inserting ''for any fiscal year,'';

(4) in section 324(d) (20 U.S.C. 1063(d))—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''Notwithstanding subsections (a)'' and inserting ''(1) Notwithstanding subsections (a)''; and

(C) by adding at the end the following:

''(2) If the amount appropriated pursuant to section 399(a)(2)(A) for any fiscal year is not sufficient to pay the minimum allotment required by paragraph (1) to all part B institutions, the amount of such minimum allotments shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocations shall be increased on the same basis as the basis on which they were reduced (until the amount allotted equals the minimum allotment required by paragraph (1)).'';

(5) in section 351(a) (20 U.S.C. 1067a(a))—

(A) by striking ''section 304(a)(1)'' and inserting ''section 303(a)(1)''; and

(B) by striking ''of 1979'';

(6) in section 355(a) (20 U.S.C. 1067e(a)), by striking ''302'' and inserting ''312'';

(7) in section 371(c) (20 U.S.C. 1067q(c))—

(A) in paragraph (3)(D), by striking ''402A(g)'' and inserting ''402A(h)'';

(B) in paragraph (4), by striking ''402A(g)'' and inserting ''402A(h)''; and

(C) in paragraph (9)—

(i) in subparagraph (C)(iii), by striking ''402A(g)'' and inserting ''402A(h)''; and

(ii) by amending subparagraph (F) to read as follows:

''(F) is not receiving assistance under—

''(i) part B;

''(ii) part A of title V; or

''(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).''; and

(8) in section 392(a)(6) (20 U.S.C. 1068a(a)(6)), by striking ''College or University'' and inserting ''Colleges and Universities''.

SEC. 302. MULTIAGENCY STUDY OF MINORITY SCIENCE PROGRAMS.

Section 1024 (20 U.S.C. 1067d) is repealed.

TITLE IV—STUDENT ASSISTANCE

SEC. 401. GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS.—Part A of title IV (20 U.S.C. 1070 et seq.) is amended—

(1) in section 400(b) (20 U.S.C. 1070(b)), by striking ''1 through 8'' and inserting ''1 through 9'';

(2) in section 401 (20 U.S.C. 1070a)—

(A) in the second sentence of subsection (a)(1), by striking ''manner,,'' and inserting ''manner,'';

(B) in subsection (b)(1), by striking ''section 401'' and inserting ''this section''; and

(C) in subsection (b)(9)(A)—

(i) in clause (vi), by striking ''$105,000,000'' and inserting ''$258,000,000''; and

(ii) in clause (viii), by striking ''$4,400,000,000'' and inserting ''$4,452,000,000'';

(3) by striking paragraph (4) of section 401(f) (20 U.S.C. 1070a(f)), as added by section 401(c) of the Higher Education Opportunity Act (Public Law 110–315);

(4) in section 402A (20 U.S.C. 1070a–11)—

(A) in subsection (b)(1), by striking ''organizations including'' and inserting ''organizations, including''; and

(B) in subsection (c)(8)(C)(iv)(I), by inserting ''to be'' after ''determined'';

(5) in section 402E(d)(2)(C) (20 U.S.C. 1070a–15(d)(2)(C)), by striking ''320.'' and inserting ''320'';

(6) in section 415E(b)(1)(B) (20 U.S.C. 1070c–3a(b)(1)(B))—

(A) in clause (i), by striking ''If a'' and inserting ''Except as provided in clause (ii), if a'';

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) (as amended by subparagraph (A)) the following:

''(ii) SPECIAL CONTINUATION AND TRANSITION RULE.—If a State that applied for and received an allotment under this section for fiscal year 2010 pursuant to subsection (j) meets the specifications established in the State's application under subsection (c) for fiscal year 2011, then the Secretary shall make an allotment to such State for fiscal year 2011 that is not less than the allotment made pursuant to subsection (j) to such State for fiscal year 2010 under this section (as this section was in effect on the day before the date of enactment of the Higher Education Opportunity Act (Public Law 110–315)).'';

(7) in section 419C(b)(1) (20 U.S.C. 1070d–33(b)(1)), by inserting ''and'' after the semicolon at the end;

(8) in section 419D(d) (20 U.S.C. 1070d–34(d)), by striking ''1134'' and inserting ''134''; and

(9) by adding at the end the following:

''Subpart 10—Scholarships for Veteran's Dependents

''SEC. 420R. SCHOLARSHIPS FOR VETERAN'S DEPENDENTS.

''(a) DEFINITION OF ELIGIBLE VETERAN'S DEPENDENT.—The term 'eligible veteran's dependent' means a dependent or an independent student—

''(1) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(2) who, at the time of the parent or guardian's death, was—

''(A) less than 24 years of age; or

''(B) enrolled at an institution of higher education on a part-time or full-time basis.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award a grant to each eligible veteran's dependent to assist in paying the eligible veteran's dependent's cost of attendance at an institution of higher education.

''(2) DESIGNATION.—Grants made under this section shall be known as 'Iraq and Afghanistan Service Grants'.

''(c) PREVENTION OF DOUBLE BENEFITS.—No eligible veteran's dependent may receive a grant under both this section and section 401.

''(d) TERMS AND CONDITIONS.—The Secretary shall award grants under this section in the same manner, and with the same terms and conditions, including the length of the period of eligibility, as the Secretary awards Federal Pell Grants under section 401, except that—

''(1) the award rules and determination of need applicable to the calculation of Federal Pell Grants, shall not apply to grants made under this section;

''(2) the provisions of subsection (a)(3), subsection (b)(1), the matter following subsection (b)(2)(A)(v), subsection (b)(3), and subsection (f), of section 401 shall not apply; and

''(3) a grant made under this section to an eligible veteran's dependent for any award year shall equal the maximum Federal Pell Grant available for that award year, except that such a grant under this section—

''(A) shall not exceed the cost of attendance of the eligible veteran's dependent for that award year; and

''(B) shall be adjusted to reflect the attendance by the eligible veteran's dependent on a less than full-time basis in the same manner as such adjustments are made under section 401.

''(e) ESTIMATED FINANCIAL ASSISTANCE.—For purposes of determinations of need under part F, a grant awarded under this section shall not be treated as estimated financial assistance as described in sections 471(3) and 480(j).

''(f) AUTHORIZATION AND APPROPRIATIONS OF FUNDS.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Secretary to carry out this section, such sums as may be necessary for fiscal year 2010 and each succeeding fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(9) shall take effect on July 1, 2010.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 404 of the Higher Education Opportunity Act (Public Law 110–315) is amended by adding at the end the following new subsection:

''(i) EFFECTIVE DATE; TRANSITION.—

''(1) IN GENERAL.—The amendments made by subsection (e) shall apply to grants made under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) on or after the date of enactment of this Act, except that a recipient of a grant under such chapter that is made prior to such date may elect to apply the requirements contained in the amendments made by subsection (e) to that grant if the grant recipient informs the Secretary of the election.

''(2) SPECIAL RULE.—A grant recipient may make the election described in paragraph (1) only if the election does not decrease the amount of the scholarship promised to an individual student under the grant.''.

SEC. 402. FEDERAL FAMILY EDUCATION LOAN PROGRAM.

(a) AMENDMENT TO PROVISION AMENDED BY THE COLLEGE COST REDUCTION AND ACCESS ACT.—

(1) IN GENERAL.—Section 428(b)(1)(G)(i) (20 U.S.C. 1078(b)(1)(G)(i)), as amended by section 303 of the College Cost Reduction and Access Act (Public Law 110–84), is amended by striking ''or 439(q)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendment in section 303(a) of the College Cost Reduction and Access Act (Public Law 110–84), shall take effect on October 1, 2012, and shall apply with respect to loans made on or after such date.

(b) ENTRANCE COUNSELING FUNCTIONS.—

(1) GUARANTY AGENCIES.—Section 428(b)(3) (20 U.S.C. 1078(b)(3)) is amended—

(A) in subparagraph (C), by inserting ''or 485(l)'' after ''section 485(b)''; and

(B) in subparagraph (D), by inserting ''or 485(l)'' after ''section 485(b)''.

(2) ELIGIBLE LENDERS.—Section 435(d)(5) (20 U.S.C. 1085(d)(5)) is amended—

(A) in subparagraph (E), by inserting ''or 485(l)'' after ''section 485(b)''; and

(B) in subparagraph (F), by inserting ''or 485(l)'' after ''section 485(b)''.

(c) AMENDMENT TO PROVISION AMENDED BY THE HIGHER EDUCATION OPPORTUNITY ACT.—

(1) IN GENERAL.—Section 428C(c)(3)(A) (20 U.S.C. 1078–3(c)(3)(A)), as amended by section 425 of the Higher Education Opportunity Act (Public Law 110–315), is amended by striking ''section 493C'' and inserting ''section 493C,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendments in section 425(d)(1) of the Higher Education Opportunity Act (Public Law 110–315), and shall take effect on July 1, 2009.

(d) REHABILITATION OF STUDENT LOANS.—

(1) Section 428F (20 U.S.C. 1078–6) is amended—

(A) in subsection (a)—

(i) by amending paragraph (1) to read as follows:

''(1) SALE OR ASSIGNMENT OF LOAN.—

''(A) IN GENERAL.—Each guaranty agency, upon securing 9 payments made within 20 days of the due date during 10 consecutive months of amounts owed on a loan for which the Secretary has made a payment under paragraph (1) of section 428(c), shall—

''(i) if practicable, sell the loan to an eligible lender; or

''(ii) on or before September 30, 2011, assign the loan to the Secretary if—

''(I) the Secretary has determined that market conditions unduly limit a guaranty agency's ability to sell loans under clause (i); and

''(II) the guaranty agency has been unable to sell loans under clause (i).

''(B) MONTHLY PAYMENTS.—Neither the guaranty agency nor the Secretary shall demand from a borrower as monthly payment amounts described in subparagraph (A) more than is reasonable and affordable based on the borrower's total financial circumstances.

''(C) CONSUMER REPORTING AGENCIES.—Upon the sale or assignment of the loan, the Secretary, guaranty agency or other holder of the loan shall request any consumer reporting agency to which the Secretary, guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of the default from the borrower's credit history.

''(D) DUTIES UPON SALE.—With respect to a loan sold under subparagraph (A)(i)—

''(i) the guaranty agency—

''(I) shall repay the Secretary 81.5 percent of the amount of the principal balance outstanding at the time of such sale, multiplied by the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan; and

''(II) may, in order to defray collection costs—

''(aa) charge to the borrower an amount not to exceed 18.5 percent of the outstanding principal and interest at the time of the loan sale; and

''(bb) retain such amount from the proceeds of the loan sale; and

''(ii) the Secretary shall reinstate the Secretary's obligation to—

''(I) reimburse the guaranty agency for the amount that the agency may, in the future, expend to discharge the guaranty agency's insurance obligation; and

''(II) pay to the holder of such loan a special allowance pursuant to section 438.

''(E) DUTIES UPON ASSIGNMENT.—With respect to a loan assigned under subparagraph (A)(ii)—

''(i) the guaranty agency shall add to the principal and interest outstanding at the time of the assignment of such loan an amount equal to the amount described in subparagraph (D)(i)(II)(aa); and

''(ii) the Secretary shall pay the guaranty agency, for deposit in the agency's Operating Fund established pursuant to section 422B, an amount equal to the amount added to the principal and interest outstanding at the time of the assignment in accordance with clause (i).

''(E) ELIGIBLE LENDER LIMITATION.—A loan shall not be sold to an eligible lender under subparagraph (A)(i) if such lender has been found by the guaranty agency or the Secretary to have substantially failed to exercise the due diligence required of lenders under this part.

''(F) DEFAULT DUE TO ERROR.—A loan that does not meet the requirements of subparagraph (A) may also be eligible for sale or assignment under this paragraph upon a determination that the loan was in default due to clerical or data processing error and would not, in the absence of such error, be in a delinquent status.'';

(ii) in paragraph (2)—

(I) by striking ''paragraph (1) of this subsection'' and inserting ''paragraph (1)(A)(i)''; and

(II) by striking ''paragraph (1)(B)(ii) of this subsection'' and inserting ''paragraph (1)(D)(ii)(I)'';

(iii) in paragraph (3)—

(I) by striking ''sold under paragraph (2)'' and inserting ''sold or assigned under paragraph (1)(A)''; and

(II) by striking ''sale.'' and inserting ''sale or assignment.'';

(iv) in paragraph (4), by striking ''which is sold under paragraph (1) of this subsection'' and inserting ''that is sold or assigned under paragraph (1)''; and

(v) in paragraph (5), by inserting ''(whether by loan sale or assignment)'' after ''rehabilitating a loan''; and

(B) in subsection (b), in the first sentence, by inserting ''or assigned to the Secretary'' after ''sold to an eligible lender''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective on the date of enactment of this Act, and shall apply to any loan on which monthly payments described in section 428F(a)(1)(A) were paid before, on, or after such date of enactment.

(e) REPAYMENT IN FULL FOR DEATH AND DISABILITY.—

(1) IN GENERAL.—Section 437(a)(1) (20 U.S.C. 1087(a)(1)), as amended by section 437 of the Higher Education Opportunity Act (Public Law 110–315), is amended—

(A) in the matter preceding subparagraph (A), by striking ''Secretary),, or if'' and inserting ''Secretary), or if''; and

(B) in subparagraph (B), by inserting ''the reinstatement and resumption to be'' after ''determines''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if enacted as part of the amendments in section 437(a) of the Higher Education Opportunity Act (Public Law 110–315), and shall take effect on July 1, 2010.

(f) OTHER AMENDMENTS.—Part B of title IV (20 U.S.C. 1071 et seq.) is further amended—

(1) in section 428 (20 U.S.C. 1078)—

(A) in subsection (a)(2)(A)(i)(II), by striking ''and'' after the semicolon at the end;

(B) in subsection (b)—

(i) in the matter following subclause (II) of paragraph (1)(M)(i), by inserting ''section'' before ''428B'';

(ii) in paragraph (3)(A)(i), by striking ''any institution of higher education or the employees of an institution of higher education'' and inserting ''any institution of higher education, any employee of an institution of higher education, or any individual or entity'';

(iii) in paragraph (4), by striking ''For the purpose of paragraph (1)(M)(i)(III) of this subsection,'' and inserting ''With respect to the graduate fellowship program referred to in paragraph (1)(M)(i)(II),''; and

(iv) in paragraph (7)—

(I) in subparagraph (B), by striking ''clause (i) or (ii) of''; and

(II) in subparagraph (D), by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''; and

(C) in subsection (c)(9)(K), by striking ''3 months'' and inserting ''6 months'';

(2) in section 428B(e) (20 U.S.C. 1078–2(e))—

(A) in paragraph (3)(B), by striking ''subsection (c)(5)(B)'' and inserting ''subsection (d)(5)(B)''; and

(B) by repealing paragraph (5);

(3) in section 428C (20 U.S.C. 1078–3)—

(A) in subsection (a)(4)(E), by striking ''subpart II of part B'' and inserting ''part E'';

(B) in the matter preceding clause (i) of subsection (c)(2)(A)—

(i) by striking ''subsection (b)(2)(F)'' and inserting ''subsection (b)(2)''; and

(ii) by inserting a comma after ''graduated'';

(C) in subsection (d)(3)(D), by striking ''loan insurance fund'' and inserting ''loan insurance account''; and

(D) in subsection (f)(3), by striking ''subsection (a)'' and inserting ''this subsection'';

(4) in section 428G(c) (20 U.S.C. 1078–7(c))—

(A) in paragraph (1), by striking ''section 428(a)(2)(A)(i)(III)'' and inserting ''section 428(a)(2)(A)(i)(II)''; and

(B) by striking paragraph (3) and inserting the following:

''(3) notwithstanding subsection (a)(2), may, with the permission of the borrower, be disbursed by the lender on a weekly or monthly basis, provided that the proceeds of the loan are disbursed by the lender in substantially equal weekly or monthly installments, as the case may be, over the period of enrollment for which the loan is made.'';

(5) in section 428H (20 U.S.C. 1078–8)—

(A) in subsection (d), by amending the text of the header of paragraph (2) to read as follows: ''LIMITS FOR GRADUATE, PROFESSIONAL, AND INDEPENDENT POSTBACCALAUREATE STUDENTS''; and

(B) in subsection (e), by amending paragraph (6) to read as follows:

''(6) REPAYMENT PERIOD.—For purposes of calculating the repayment period under section 428(b)(9), such period shall commence at the time the first payment of principal is due from the borrower.'';

(6) in section 428J (20 U.S.C. 1078–10)—

(A) in subsection (c)(1), by adding at the end the following: ''No borrower may receive a reduction of loan obligations under both this section and section 460.''; and

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting ''or'' after the semicolon at the end;

(ii) by striking subparagraph (C);

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(iv) in subparagraph (C), as redesignated by clause (iii), by striking ''12571'' and inserting ''12601'';

(7) in section 428K(g)(9)(B) (20 U.S.C. 1078–11(g)(9)(B)), by striking ''under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3))'' and inserting ''under subsection (ll)(4) of such section (42 U.S.C. 1395x(ll)(4))'';

(8) in section 430A(f) (20 U.S.C. 1080a(f))—

(A) by striking ''and (6)'' and inserting ''and (5)''; and

(B) by striking ''(a)(6)'' and inserting ''(a)(5)'';

(9) in section 432 (20 U.S.C. 1082)—

(A) in subsection (b), by striking ''section 1078 of this title'' and inserting ''section 428''; and

(B) in subsection (m)(1)(B)—

(i) in clause (i), by inserting ''and'' after the semicolon at the end; and

(ii) in clause (ii), by striking ''; and'' and inserting a period;

(10) in section 435 (20 U.S.C. 1085)—

(A) in subsection (a)(2)(C)(ii), by striking ''a tribally controlled community college within the meaning of section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''a tribally controlled college or university, as defined in section 2(a)(4) of the Tribally Controlled Colleges and Universities Assistance Act of 1978'';

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(ii)(III), by striking ''section 501(1) of such Code'' and inserting ''section 501(a) of such Code''; and

(II) in subparagraph (G), by striking ''sections 428A(d), 428B(d), and 428C,'' and inserting ''sections 428B(d) and 428C,'';

(ii) in paragraph (2)(A)(vi), by striking ''section 435(m)'' and inserting ''subsection (m)'';

(iii) in paragraph (3), by striking ''section 435(m)'' and inserting ''subsection (m)''; and

(iv) in paragraph (5)(A), by striking ''to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part'' and inserting ''to any institution of higher education, any employee of an institution of higher education, or any individual or entity in order to secure applicants for loans under this part'';

(C) in subsection (o)(1)(A)(ii), by striking ''Service'' and inserting ''Services''; and

(D) in subsection (p)(1), by striking ''section 771'' and inserting ''section 781''; and

(11) in section 438(b)(2) (20 U.S.C. 1087–1(b)(2))—

(A) in the second sentence of subparagraph (A), by striking ''427A(f)'' and inserting ''427A(i)'';

(B) in the first sentence of subparagraph (B)(i), by striking ''1954'' and inserting ''1986''; and

(C) in the second sentence of subparagraph (F), by striking ''427A(f)'' and inserting ''427A(i)''.

SEC. 403. FEDERAL WORK-STUDY PROGRAMS.

Section 443 (42 U.S.C. 2753) is amended—

(1) in subsection (b)(2), by striking ''section 443'' and inserting ''this section'';

(2) in subsection (d)(1), by striking ''subsection (b)(2)(B)'' and inserting ''subsection (b)(2)(A)''; and

(3) in subsection (e)(1), in the matter preceding subparagraph (A), by striking ''in accordance with such subsection''.

SEC. 404. FEDERAL DIRECT LOAN PROGRAM.

(a) TEMPORARY AUTHORITY TO PURCHASE LOANS.—Section 459A (20 U.S.C. 1087i–1) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking ''purchase of loans under this section'' and inserting ''purchase of loans under paragraph (1)''; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) TEMPORARY AUTHORITY TO PURCHASE REHABILITATED LOANS.—

''(A) AUTHORITY.—In addition to the authority described in paragraph (1), the Secretary, in consultation with the Secretary of the Treasury, is authorized to purchase, or enter into forward commitments to purchase, from any eligible lender (as defined in section 435(d)(1)), loans that such lender purchased under section 428F on or after October 1, 2003, and before July 1, 2010, and that are not in default, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interest of the United States, except that any purchase under this paragraph shall not result in any net cost to the Federal Government (including the cost of servicing the loans purchased), as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

''(B) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget shall jointly publish a notice in the Federal Register prior to any purchase of loans under this paragraph that—

''(i) establishes the terms and conditions governing the purchases authorized by this paragraph;

''(ii) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget will jointly consider in evaluating the price at which to purchase loans rehabilitated pursuant to section 428F(a); and

''(iii) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).''; and

(2) by amending subsection (b) to read as follows:

''(b) PROCEEDS.—The Secretary shall require, as a condition of any purchase under subsection (a), that the funds paid by the Secretary to any eligible lender under this section be used—

''(1) to ensure continued participation of such lender in the Federal student loan programs authorized under part B of this title; and

''(2)(A) in the case of loans purchased pursuant to subsection (a)(1), to originate new Federal loans to students, as authorized under part B of this title; or

''(B) in the case of loans purchased pursuant to subsection (a)(3), to originate such new Federal loans to students, or to purchase loans in accordance with section 428F(a).''.

(b) OTHER AMENDMENTS.—Part D of title IV (20 U.S.C. 1087a et seq.) is amended—

(1) by repealing paragraph (3) of section 453(c) (20 U.S.C. 1087c(c));

(2) in section 455 (20 U.S.C. 1087e)—

(A) in subsection (d)(1)(C), by striking ''428(b)(9)(A)(v)'' and inserting ''428(b)(9)(A)(iv)'';

(B) in subsection (h), by striking ''(except as authorized under section 457(a)(1))''; and

(C) in subsection (k)(1)(B), by striking '', or in a notice under section 457(a)(1),'';

(3) by repealing section 457 (20 U.S.C. 1087g); and

(4) in section 460 (20 U.S.C. 1087j)—

(A) in subsection (c)(1), by adding at the end the following: ''No borrower may receive a reduction of loan obligations under both this section and section 428J.''; and

(B) in subsection (g)(2)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (C), as redesignated by clause (ii), by striking ''12571'' and inserting ''12601''.

SEC. 405. FEDERAL PERKINS LOANS.

Part E of title IV (20 U.S.C. 1087aa et seq.) is amended—

(1) in section 462(a)(1) (20 U.S.C. 1087bb(a)(1)), by striking subparagraph (A) and inserting the following:

''(A) 100 percent of the amount received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year), multiplied by'';

(2) in section 463(c) (20 U.S.C. 1087cc(c))—

(A) in paragraph (2)—

(i) by moving the margins of subparagraph (A) 2 ems to the left; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) information concerning the repayment and collection of any such loan, including information concerning the status of such loan; and''; and

(B) in paragraph (3)—

(i) by striking ''and (6)'' and inserting ''and (5)''; and

(ii) by striking ''(a)(6)'' and inserting ''(a)(5)'';

(3) in the first sentence of the matter preceding paragraph (1) of section 463A(a) (20 U.S.C. 1087cc–1(a)), by striking '', in order to carry out the provisions of section 463(a)(8),'';

(4) in section 464 (20 U.S.C. 1087dd)—

(A) in subsection (c)—

(i) in paragraph (1)(D)—

(I) by striking ''(I)'' and inserting ''(i)''; and

(II) by striking ''(II)'' and inserting ''(ii)''; and

(ii) in paragraph (2)(A)(iii)—

(I) by aligning the margin of the matter preceding subclause (I) with the margins of clause (ii);

(II) by aligning the margins of subclauses (I) and (II) with the margins of clause (i)(I); and

(III) by aligning the margins of the matter following subclause (II) with the margins of the matter following subclause (II) of clause (i); and

(B) in subsection (g)(5), by striking ''credit bureaus'' and inserting ''consumer reporting agencies'';

(5) in section 465(a)(6) (20 U.S.C. 1087ee(a)(6)), by striking ''12571'' and inserting ''12601'';

(6) in section 467(b) (20 U.S.C. 1087gg(b)), by striking ''paragraph (5)(A), (5)(B)(i), or (6)'' and inserting ''paragraph (4) or (5)''; and

(7) in section 469(c) (20 U.S.C. 1087ii(c)), by striking ''and the term'' and all that follows through the period at the end and inserting ''and the term 'early intervention services' has the meaning given the term in section 632 of such Act.''.

SEC. 406. NEED ANALYSIS.

(a) AMENDMENTS.—Part F of title IV (20 U.S.C. 1087kk et seq.) is amended—

(1) in section 473 (20 U.S.C. 1087mm)—

(A) by striking ''For the purpose of this title, except subpart 2 of part A,'' and inserting ''(a) IN GENERAL.—For the purpose of this title, other than subpart 2 of part A, and except as provided in subsection (b),''; and

(B) by adding at the end the following:

''(b) SPECIAL RULE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, the family contribution of each student described in paragraph (2) shall be deemed to be zero for the academic year for which the determination is made.

''(2) APPLICABILITY.—Paragraph (1) shall apply to any dependent or independent student with respect to determinations of need for academic year 2009–2010 and succeeding academic years—

''(A) who is eligible to receive a Federal Pell Grant for the academic year for which the determination is made;

''(B) whose parent or guardian was a member of the Armed Forces of the United States

and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(C) who, at the time of the parent or guardian's death, was—

''(i) less than 24 years of age; or

''(ii) enrolled at an institution of higher education on a part-time or full-time basis.

''(3) INFORMATION.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense, as appropriate, shall provide the Secretary of Education with information necessary to determine which students meet the requirements of paragraph (2).'';

(2) in section 475(c)(5)(B) (20 U.S.C. 1087oo(c)(5)(B)), by inserting ''of 1986'' after ''Code'';

(3) in section 477(b)(5)(B) (20 U.S.C. 1087qq(b)(5)(B)), by inserting ''of 1986'' after ''Code'';

(4) in section 479 (20 U.S.C. 1087ss)—

(A) in subsection (b) (as amended by section 602 of the College Cost Reduction and Access Act (Public Law 110–84))—

(i) in paragraph (1)(A)(i), by amending subclause (III) to read as follows:

''(III) include at least one parent who is a dislocated worker; or''; and

(ii) in paragraph (1)(B)(i), by amending subclause (III) to read as follows:

''(III) is a dislocated worker or has a spouse who is a dislocated worker; or''; and

(B) in subsection (c) (as amended by such section 602)—

(i) in paragraph (1)(A), by amending clause (iii) to read as follows:

''(iii) include at least one parent who is a dislocated worker; or''; and

(ii) in paragraph (2)(A), by amending clause (iii) to read as follows:

''(iii) is a dislocated worker or has a spouse who is a dislocated worker; or'';

(5) in section 479C (20 U.S.C. 1087uu–1)—

(A) in paragraph (1), by striking ''under'' and all that follows through ''; and'' and inserting ''under Public Law 98–64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the 'Per Capita Act') or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and''; and

(B) in paragraph (2)—

(i) by striking ''Alaskan'' and inserting ''Alaska'';

(ii) by inserting ''(43 U.S.C. 1601 et seq.)'' before ''or the''; and

(iii) by inserting ''of 1980 (25 U.S.C. 1721 et seq.)'' after ''Maine Indian Claims Settlement Act'';

(6) in section 480(a)(2) (20 U.S.C. 1087vv(a)(2)), by striking ''12571'' and inserting ''12511'';

(7) in section 480(c)(2) (20 U.S.C. 1087vv(c)(2))—

(A) in the matter preceding subparagraph (A), by striking ''the following'' and inserting ''benefits under the following provisions of law''; and

(B) by striking subparagraphs (A) through (J) and inserting the following:

''(A) Chapter 103 of title 10, United States Code (Senior Reserve Officers' Training Corps).

''(B) Chapter 106A of title 10, United States Code (Educational Assistance for Persons Enlisting for Active Duty).

''(C) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

''(D) Chapter 1607 of title 10, United States Code (Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Certain Other Operations).

''(E) Chapter 30 of title 38, United States Code (All-Volunteer Force Educational Assistance Program, also known as the 'Montgomery GI Bill—active duty').

''(F) Chapter 31 of title 38, United States Code (Training and Rehabilitation for Veterans with Service-Connected Disabilities).

''(G) Chapter 32 of title 38, United States Code (Post-Vietnam Era Veterans' Educational Assistance Program).

''(H) Chapter 33 of title 38, United States Code (Post-9/11 Educational Assistance).

''(I) Chapter 35 of title 38, United States Code (Survivors' and Dependents' Educational Assistance Program).

''(J) Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) (Educational Assistance Pilot Program).

''(K) Section 156(b) of the 'Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes' (42 U.S.C. 402 note) (Restored Entitlement Program for Survivors, also known as 'Quayle benefits').

''(L) The provisions of chapter 3 of title 37, United States Code, related to subsistence allowances for members of the Reserve Officers Training Corps.''; and

(8) in section 480(j)(1) (20 U.S.C. 1087vv(j)(1)), by striking ''12571'' and inserting ''12511''.

(b) EFFECTIVE DATE.—The amendments made by—

(1) paragraph (1) of subsection (a) shall take effect on July 1, 2009; and

(2) paragraph (4) of such subsection shall be effective as if enacted as part of the amendments in section 602(a) of the College Cost Reduction and Access Act (Public Law 110–84), and shall take effect on July 1, 2009.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 473(f) of the Higher Education Opportunity Act (Public Law 110–315) is amended by inserting '', except that the amendments made in subsection (e) shall take effect on July 1, 2009'' before the period at the end.

SEC. 407. GENERAL PROVISIONS OF TITLE IV.

(a) DELAYED IMPLEMENTATION OF EZ FAFSA.—Notwithstanding any other provision of law, the Secretary of Education shall be required to carry out the requirements under the following provisions of section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) only for academic year 2010–2011 and subsequent academic years:

(1) In subsection (a) of such section—

(A) subparagraphs (A)(i) and (B) of paragraph (2);

(B) in paragraph (3)—

(i) the second sentence of subparagraph (A);

(ii) clauses (i) and (ii) of subparagraph (B); and

(iii) subparagraph (C);

(C) paragraph (4)(A)(iv); and

(D) paragraph (5)(E).

(2) Subsection (h) of such section.

(b) OTHER AMENDMENTS.—Part G of title IV (20 U.S.C. 1088 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 481(c) (20 U.S.C. 1088(c)), by striking ''or any State, or private, profit or nonprofit organization'' and inserting ''any State, or any private, for-profit or nonprofit organization,'';

(2) in section 482(b) (20 U.S.C. 1089(b)), by striking ''413D(e), 442(e), or 462(j)'' and inserting ''413D(d), 442(d), or 462(i)'';

(3) in section 483 (20 U.S.C. 1090)—

(A) in subsection (a)(3)(C), by inserting ''that'' after ''except''; and

(B) in subsection (e)(8)(A), by striking ''identify'' and inserting ''determine'';

(4) in section 484 (20 U.S.C. 1091)—

(A) in the matter preceding subparagraph (A) of subsection (a)(4), by striking ''certification,,'' and inserting ''certification,'';

(B) in subsection (b)(1)(B)—

(i) by striking ''have (A)'' and inserting ''have (i)''; and

(ii) by striking ''and (B)'' and inserting ''and (ii)'';

(C) in subsection (f)(1), by striking ''part B'' and all that follows through ''part E'' in each place that the phrase occurs and inserting ''part B, part D, or part E'';

(D) in subsection (h)—

(i) in paragraph (2), by striking ''(h)(4)(A)(i)'' and inserting ''(g)(4)(A)(i)''; and

(ii) in paragraph (3), by striking ''(h)(4)(B)(i)'' and inserting ''(g)(4)(B)(i)''; and

(E) in subsection (n), by striking ''section 1113 of Public Law 97–252'' and inserting ''section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f))'';

(5) in section 485 (20 U.S.C. 1092)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) the matter preceding subparagraph (A), by striking ''also referred to as the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' ''; and

(II) in subparagraph (I), by striking ''handicapped students'' and inserting ''students with disabilities'';

(ii) in paragraph (4)(B), by inserting ''during which'' after ''time period''; and

(iii) in the matter preceding subclause (I) of paragraph (7)(B)(iv), by inserting ''education'' after ''higher'';

(B) in subsection (e)(3)(B), by inserting ''during which'' after ''time period'';

(C) in subsection (f)—

(i) in the matter preceding subparagraph (A) of paragraph (1), by inserting ''of'' after ''foreign institution''; and

(ii) in paragraphs (3), (4)(A), (5), and (8)(A), by striking ''under this title'' each place it appears and inserting ''under this title, other than a foreign institution of higher education,'';

(D) in subsection (g)(2), by striking ''subparagraph (G)'' and inserting ''paragraph (1)(G)'';

(E) in subsection (i)—

(i) in paragraph (2), by striking ''eligible institution participating in any program under this title'' and inserting ''institution described in paragraph (1)'';

(ii) in paragraph (3), in the matter preceding subparagraph (A), by striking ''eligible institution participating in any program under this title'' and inserting ''institution described in paragraph (1)''; and

(iii) in paragraph (5)(B), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(F) in subsection (k)(2), by inserting ''section'' before ''484(r)(1)''; and

(G) in the matter preceding clause (i) of subsection (l)(1)(A), by striking ''subparagraph (B)'' and inserting ''paragraph (2)'';

(6) in section 485A (20 U.S.C. 1092a)—

(A) in subsection (a)—

(i) by striking ''or defined in subpart I of part C of title VII of the Public Health Service Act'' and inserting ''or an eligible lender as defined in section 719 of the Public Health Service Act (42 U.S.C. 292o)''; and

(ii) by striking ''under subpart I of part C of title VII of the Public Health Service Act (known as Health Education Assistance Loans)'' and inserting ''under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(B) in subsection (b), by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(C) in subsection (e)—

(i) by striking ''Health Education Assistance Loan'' and inserting ''loan under part A

of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)''; and

(ii) in paragraph (2), by striking ''733(e)(3)'' and inserting ''707(e)(3)''; and

(D) in subsection (f)—

(i) in paragraph (1)—

(I) in the second sentence, by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)''; and

(II) in the fourth sentence, by striking ''728(a)'' and inserting ''710''; and

(ii) in paragraph (2), by striking ''subpart I of part C of title VII of the Public Health Service Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)'';

(7) in section 485B (20 U.S.C. 1092b)—

(A) in subsection (a)(5), by striking ''))'' and inserting ''))''; and

(B) in subsection (d)(3)(D), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(8) in section 487 (20 U.S.C. 1094)—

(A) in subsection (a)(23)(A), by inserting ''of 1993'' after ''Registration Act'';

(B) in subsection (c)(1)—

(i) in subparagraph (A)(i), by striking ''students receives'' and inserting ''students receive'';

(ii) in subparagraph (F), by striking ''paragraph (2)(B)'' and inserting ''paragraph (3)(B)''; and

(iii) in subparagraph (H), by striking ''paragraph (2)(B)'' and inserting ''paragraph (3)(B)'';

(C) in subsection (f)(1), by striking ''496(c)(4)'' and inserting ''496(c)(3)''; and

(D) in subsection (g)(1), by striking ''subsection (f)(2)'' and inserting ''subsection (e)(2)'';

(9) in section 487A(b) (20 U.S.C. 1094a(b))—

(A) in paragraph (1)—

(i) by striking ''Any activities'' and inserting ''Any experimental sites''; and

(ii) by striking ''June 30, 2009'' and inserting ''June 30, 2010''; and

(B) by adding at the end the following:

''(4) DETERMINATION OF SUCCESS.—For the purposes of paragraph (1), the Secretary shall make a determination of success regarding an institution's participation as an experimental site based on—

''(A) the ability of the experimental site to reduce administrative burdens to the institution, as documented in the Secretary's biennial report under paragraph (2), without creating costs for the taxpayer; and

''(B) whether the experimental site has improved the delivery of services to, or otherwise benefitted, students.'';

(10) in section 489(a) (20 U.S.C. 1096(a))—

(A) in the third sentence, by striking ''has agreed to assign under section 463(a)(6)(B)'' and inserting ''has referred under section 463(a)(4)(B)''; and

(B) in the fourth sentence, by striking ''484(h)'' and inserting ''484(g)'';

(11) in section 491(l)(2)(A) (20 U.S.C. 1098(l)(2)(A)), by inserting ''the'' after ''enactment of''; and

(12) in section 492(a) (20 U.S.C. 1098a(a))—

(A) in paragraph (1), by striking ''regulations'' and all that follows through ''The'' and inserting ''regulations for this title. The''; and

(B) in paragraph (2), by striking ''ISSUES'' and all that follows through ''provide'' and inserting ''ISSUES.—The Secretary shall provide''.

SEC. 408. PROGRAM INTEGRITY.

Part H of title IV (20 U.S.C. 1099a et seq.) is amended—

(1) in section 496(a)(6)(G) (20 U.S.C. 1099b(a)(6)(G)), by striking the period at the end and inserting a semicolon; and

(2) in section 498(c)(2) (20 U.S.C. 1099c(c)(2)), by striking ''for profit'' and inserting ''for-profit''.

SEC. 409. WAIVER OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to the amendments made by this title, or to any regulations promulgated under those amendments.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. DEVELOPING INSTITUTIONS.

Section 502(b)(2) (20 U.S.C. 1101a(b)(2)) is amended by striking ''which determination'' and inserting ''which the determination''.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL EDUCATION PROGRAMS.

(a) HIGHER EDUCATION ACT OF 1965.—Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) in section 604(a) (20 U.S.C. 1124(a))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by inserting ''the'' before ''Federal''; and

(B) in paragraph (7)(D), by striking ''institution, combination'' and inserting ''applicant, consortium,''; and

(2) in section 622(a) (20 U.S.C. 1131–1(a)), by inserting a period after ''title''.

(b) HIGHER EDUCATION OPPORTUNITY ACT.—The matter preceding paragraph (1) of section 621 of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking ''Section 631 (20 U.S.C. 1132)'' and inserting ''Section 631(a) (20 U.S.C. 1132(a))''.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT

SEC. 701. GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS.

Title VII (20 U.S.C. 1133 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 721(d) (20 U.S.C. 1136(d)), by striking ''services through'' and all that follows through ''resource centers'' and inserting ''services through pre-college programs, undergraduate prelaw information resource centers'';

(2) in section 723(b)(1)(P) (20 U.S.C. 1136a(b)(1)(P)), by striking ''Sate'' and inserting ''State'';

(3) in section 744(c)(6)(C) (20 U.S.C. 1138c(c)(6)(C)), by inserting ''of the National Academies'' after ''Institute of Medicine'';

(4) in section 760 (20 U.S.C. 1140), by striking paragraph (1) and inserting the following:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that meets each of the following:

''(A) Is offered by an institution of higher education.

''(B) Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment.

''(C) Includes an advising and curriculum structure.

''(D) Requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, with such participation focusing on academic components, and occurring through 1 or more of the following activities:

''(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

''(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

''(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

''(iv) Participation in internships or work-based training in settings with nondisabled individuals.

''(E) Requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible.'';

(5) in section 772 (20 U.S.C. 11401)—

(A) in subsection (a)(2)(A), by striking ''with in'' and inserting ''with''; and

(B) in the matter preceding subclause (I) of subsection (b)(1)(C)(ii), by striking ''subparagraph (C)'' and inserting ''clause (i)'';

(6) in section 781 (20 U.S.C. 1141)—

(A) in subsection (c)(1), by striking ''Service'' each place the term appears and inserting ''Services'';

(B) in the matter preceding paragraph (1) of subsection (e)—

(i) by striking ''(as defined'' and all that follows through ''this Act)'' and inserting ''(as described in section 435(p))''; and

(ii) by striking ''435(j)'' and inserting ''428(b)'';

(C) in subsection (g)(2), by striking ''Service'' and inserting ''Services''; and

(D) in subsection (i)—

(i) in paragraph (1)(D), by striking ''consortia'' and inserting ''consortium''; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking ''CONSORTIA'' and inserting ''CONSORTIUM''; and

(II) by striking ''consortia'' each place the term appears and inserting ''consortium''.

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 801. ADDITIONAL PROGRAMS.

Title VIII (20 U.S.C. 1161a et seq.) is amended—

(1) in section 802(d)(2)(D) (20 U.S.C. 1161b(d)(2)(D)), by striking ''regulation'' and inserting ''regulations'';

(2) in section 804(d) (20 U.S.C. 1161d(d))—

(A) in the heading, by striking ''DEFINITION'' and inserting ''DEFINITIONS''; and

(B) by striking paragraph (2) and inserting the following:

''(2) PUBLIC HEALTH SERVICE ACT.—The terms 'accredited' and 'school of nursing' have the meanings given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).'';

(3) in section 808(a)(1) (20 U.S.C. 1161h(a)(1)), by striking ''the Family Education Rights and Privacy Act of 1974'' and inserting ''section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974')'';

(4) in section 819(b)(3) (20 U.S.C. 1161j(b)(3)), by inserting a period after ''101(a)'';

(5) in section 820 (20 U.S.C. 1161k)—

(A) in subsection (d)(5), by inserting ''the'' before ''grant'';

(B) in subsection (f)(2), by striking ''subpart'' each place the term appears and inserting ''section''; and

(C) in subsection (h), by striking ''use'' and inserting ''used'';

(6) in section 821 (20 U.S.C. 11611)—

(A) in subsection (a)(1), by striking ''subsection (g)'' and inserting ''subsection (f)''; and

(B) in subsection (c)(1)(B), by striking ''within'' and inserting ''in'';

(7) in section 824(f)(3) (20 U.S.C. 11611–3(f)(3))—

(A) in subparagraph (A), by inserting ''a'' after ''submitting''; and

(B) in subparagraph (C), by striking ''pursing'' and inserting ''pursuing'';

(8) in section 825(a) (20 U.S.C. 11611-4(a)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(9) in section 826(3) (20 U.S.C. 11611-5(3)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' '';

(10) in section 830(a)(1)(B) (20 U.S.C. 1161m(a)(1)(B)), by striking ''of for'' and inserting ''of'';

(11) in section 833(e)(1) (20 U.S.C. 1161n–2(e)(1))—

(A) in the matter preceding subparagraph (A), by striking ''because of'' and inserting ''based on''; and

(B) in subparagraph (D), by striking ''purposes of this section'' and inserting ''purpose of this part'';

(12) in section 841(c)(1) (20 U.S.C. 1161o(c)(1)), by striking ''486A(d)'' and inserting ''486A(b)(1)'';

(13) in section 851(j) (20 U.S.C. 1161p(j)), by inserting ''to be appropriated'' after ''authorized''; and

(14) in section 894(b)(2) (20 U.S.C. 1161y(b)(2)), by striking ''the Family Educational Rights and Privacy Act of 1974'' and inserting ''commonly known as the 'Family Educational Rights and Privacy Act of 1974' ''.

SEC. 802. AMENDMENTS TO OTHER HIGHER EDUCATION ACTS.

(a) HIGHER EDUCATION AMENDMENTS OF 1998.—

(1) INCARCERATED INDIVIDUALS.—Section 821(h) of the Higher Education Amendments of 1998 (20 U.S.C. 1151(h)) is amended to read as follows:

''(h) ALLOCATION OF FUNDS.—

''(1) FISCAL YEAR 2009.—From the funds appropriated pursuant to subsection (i) for fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of incarcerated individuals described in paragraphs (1) and (2) of subsection (e) in the State bears to the total number of such individuals in all States.

''(2) FUTURE FISCAL YEARS.—From the funds appropriated pursuant to subsection (i) for each fiscal year after fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.''.

(2) UNDERGROUND RAILROAD.—Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by inserting ''this section'' after ''to carry out''.

(b) EDUCATION OF THE DEAF ACT OF 1986.—Section 203(b)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(2)) is amended by striking ''and subsections (b) and (c) of section 209.'' and inserting ''and subsections (a), (b), and (c) of section 209.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 10 a.m., to hold a hearing entitled ''Confronting Drug Trafficking in West Africa.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 23, 2009 at 10 a.m. in room 325 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 23, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 11 a.m.

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

SUBCOMMITTEE ON PERSONNEL

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 9:30 a.m.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 3:30 p.m.

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

SUBCOMMITTEE ON SEAPOWER

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 5:30 p.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 2 p.m.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 23, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

RECEIVING ARTICLES OF IMPEACHMENT

Mr. BEGICH. Mr. President, I ask unanimous consent that the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, agreeable to the notice communicated to the Senate, and at the hour of 10 a.m., Wednesday, June 24, 2009, the Senate will receive the honorable managers on the part of the House of Representatives in order that they may present and exhibit the said articles of impeachment against the said Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

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

PRIVILEGES OF THE FLOOR

Mr. BEGICH. Mr. President, I ask unanimous consent that the following counsel and staff of the House of Representatives be permitted the privileges of the floor during Wednesday's proceedings with respect to the trial of the impeachment of Judge Kent: Alan Baron, Phillip Tahtakran, Branden Ritchie, Mark Dubester, Harry Hamelin, Ryan Clough, Elisabeth Stein, Michael Lenn.

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

COMMENDING BUREAU OF LABOR STATISTICS ON 125TH ANNIVERSARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 30 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 30) commending the Bureau of Labor Statistics on the occasion of its 125th anniversary.

There being no objection, the Senate will proceed to the concurrent resolution.

Mr. BEGICH. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no

intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 30) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 30

Whereas the Act entitled ''An Act to establish a Bureau of Labor'', approved on June 27, 1884 (23 Stat. 60), established a bureau to ''collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity'';

Whereas the Bureau of Labor Statistics is the principal factfinding agency for the Federal Government in the broad field of labor economics and statistics, and in that role it collects, processes, analyzes, and disseminates essential statistical data to the public, Congress, other Federal agencies, State and local governments, business, and labor;

Whereas the Bureau of Labor Statistics has completed 125 years of service to government, business, labor, and the public by producing indispensable data and special studies on prices, employment and unemployment, productivity, wages and other compensation, economic growth, industrial relations, occupational safety and health, the use of time by the people of the United States, and the economic conditions of States and metropolitan areas;

Whereas many public programs and private transactions are dependent today on the quality of such statistics of the Bureau of Labor Statistics as the unemployment rate and the Consumer Price Index, which play essential roles in the allocation of Federal funds and the adjustment of pensions, welfare payments, private contracts, and other payments to offset the impact of inflation;

Whereas the Bureau of Labor Statistics pursues these responsibilities with absolute integrity and is known for being unfailingly responsive to the need for new types of information and indexes of change;

Whereas the Bureau of Labor Statistics has earned an international reputation as a leader in economic and social statistics;

Whereas the Bureau of Labor Statistics' Internet website, www.bls.gov, began operating in 1995 and meets the public need for timely and accurate information by providing an ever-expanding body of economic data and analysis available to an ever-growing group of online citizens; and

Whereas the Bureau of Labor Statistics has established the highest standards of professional competence and commitment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the Bureau of Labor Statistics on the occasion of its 125th anniversary for the exemplary service its administrators and employees provide in collecting and disseminating vital information for the United States.

HONORING THE SUPREME COURT'S OLMSTEAD DECISION

Mr. BEGICH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 201, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 201) recognizing and honoring the tenth anniversary of the United States Supreme Court decision in Olmstead v. L.C., 527 U.S. 581 (1999).

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, this week marks the 10th anniversary of the landmark decision of the U.S. Supreme Court in Olmstead v. L.C.

In the Olmstead case, two Georgia women brought suit on the grounds that their needless confinement in a mental institution violated the Americans with Disabilities Act—ADA. Even though their treatment professionals concluded that the two could receive the services they required in a community-based setting, the women remained institutionalized.

The plaintiffs' argument—that their institutionalization violated the ADA—was consistent with our findings in the ADA. There we said:

Historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem.

We also said:

Discrimination against individuals with disabilities persists in such critical areas as . . . institutionalization.

This is precisely what had happened to the two women in the Olmstead case, Lois Curtis and Elaine Wilson. Lois had been confined in an institution since the age of 14. Elaine had been living in a locked ward in a psychiatric hospital for more than a year.

Elaine told the district court judge in the case that, confined to the institution, she felt like she was sitting in a little box with no way out. Day after day, she endured the same routine, the same four walls. This is exactly the kind of exclusion and isolation that the ADA was designed to end. So Elaine and Lois brought suit under the ADA.

The Supreme Court agreed with them. The Court ruled that needless segregation is discrimination on two grounds. First, the Court said that needless segregation perpetuates the unwarranted assumption that individuals who are so isolated are incapable or unworthy of participating in community life. And, second, the Court said that confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational achievement, and cultural enrichment.

The Supreme Court said that, under title II of the ADA, States are required to provide community-based services and supports for individuals with disabilities who want to receive their necessary services and supports in non-institutional settings, where such placement is appropriate, and where such community-based placement can be reasonably accommodated.

I mentioned that Lois Curtis and Elaine Wilson were institutionalized for long durations. How did they fare afterwards?

At a hearing in the case, they both spoke of the little things that had changed. They could make new friends and attend family celebrations. They could make Kool-Aid whenever they pleased. They could go outside and take walks.

We all take these kinds of things for granted. But these kinds of ordinary activities are not ordinary if you are in an institution and someone else dictates every aspect of your life.

Since the Olmstead decision 10 years ago this week, we have made progress in giving individuals with disabilities the choice to receive their necessary services and supports in home- and community-based settings, rather than only in an institution.

Many of the provisions in my Money Follows the Person legislation were included in the Deficit Reduction Act of 2005. The goal of Money Follows the Person is that Medicaid money would follow the person with a disability from an institution into the community.

In 2007, the Centers for Medicare & Medicaid Services awarded more than $1.4 billion in Money Follows the Person grants to States, making it possible to transition 37,731 individuals out of institutional settings over the 5-year demonstration period. Thirty States and the District of Columbia were awarded grants to reduce their reliance on institutional care, while developing community-based long-term care opportunities—thus enabling people with disabilities to fully participate in their communities.

But our work is not nearly done. Despite our efforts, the institutional bias remains for low-income individuals with significant disabilities. States still spend about 60 percent of their Medicaid long-term care dollars on institutional services, with only about 40 percent going to home- and community-based services.

Although almost every State has chosen to provide some services under home- and community-based Medicaid waivers, to get these services individuals with disabilities must navigate a maze of programs where there are caps for costs, caps for the number of people served, and limits on the specific disabilities that are covered. In many States, there are also significant waiting lists for these basic services.

Some States have adopted the optional Medicaid benefit of providing personal care services under their Medicaid Program. But this is only 30 States, not everywhere. Services provided in an institutional setting still represent the only guaranteed benefit.

So while more than 2.7 million people in this country are already receiving home- and community-based services at a cost of more than $30 billion each year, there are an estimated 600,000 individuals with significant disabilities on Medicaid who do not have the same choices that were promised by the

Olmstead decision. Their only choice is to live in an institution or to try to get by with the help of family and friends, often at the expense of their health.

To fulfill the promise of Olmstead, Congress must pass the Community Choice Act. This legislation, which I have introduced and continue to champion, would require Medicaid to provide individuals with significant disabilities the choice of receiving community-based services and supports, rather than receiving care in an institution. These services and supports can include assistance with activities of daily living, such as eating, toileting, grooming, dressing, and bathing, as well as other health-related tasks.

We know that, over the long term, providing home- and community-based services is likely to be less expensive than providing those same services in institutions, especially in the case of adults with physical disabilities.

In 2007, 69 percent of Medicaid long-term care spending for older people and adults with physical disabilities went for institutional services. Only six States spent 50 percent or more of their Medicaid long-term care dollars on home- and community-based services for older people and adults with physical disabilities, while half of the States spent less than 25 percent. This disparity continues even though, on average, it is estimated that Medicaid dollars could support nearly three older people and adults with physical disabilities in home- and community-based services for every person in a nursing home.

The majority of individuals who use Medicaid long-term services and supports prefer to live in the community, rather than in institutional settings. Olmstead says they should have that choice.

I think of my nephew Kelly, who became a paraplegic after an accident while serving in U.S. Navy. The Veterans' Administration pays for his personal care services. This allows Kelly to get up in the morning, go to work, operate his own small business, pay taxes, and be a fully contributing member of our economy and society.

The costs of the Community Choice Act would be mostly offset by the benefits of having people with disabilities who are employed, paying taxes, and contributing to the economy.

With appropriate community services and supports, we can fulfill the promise of the Olmstead decision, and we can make good on the great goals of the ADA—equal opportunity, full participation, independent living, and economic self-sufficiency for all people with disabilities.

Mr. BEGICH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 201) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 201

Whereas in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (referred to in this preamble as the ''ADA''), Congress found that the isolation and segregation of individuals with disabilities is a serious and pervasive form of discrimination;

Whereas the ADA provides the guarantees of equality of opportunity, economic self-sufficiency, full participation, and independent living for individuals with disabilities;

Whereas on June 22, 1999, the United States Supreme Court in *Olmstead* v. *L.C.*, 527 U.S. 581 (1999), held that under the ADA, States must offer qualified individuals with disabilities the choice to receive their long-term services and support in a community-based setting;

Whereas the Supreme Court further recognized in *Olmstead* v. *L.C.* that ''institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life'' and that ''confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.'';

Whereas June 22, 2009, marks the tenth anniversary of the *Olmstead* v. *L.C.* decision;

Whereas, as a result of the Supreme Court decision in *Olmstead* v. *L.C.*, many individuals with disabilities have been able to live in home and community-based settings, rather than institutional settings, and to become productive members of the community;

Whereas despite this success, community-based services and supports remain unavailable for many individuals with significant disabilities;

Whereas eligible families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should be able to make a choice between entering an institution or receiving long-term services and supports in the most integrated setting appropriate to the individual's needs; and

Whereas families of children with disabilities, working-age adults with disabilities, and older individuals with disabilities should retain the greatest possible control over the services received and, therefore, their own lives and futures, including quality services that maximize independence in the home and community: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the tenth anniversary of the Supreme Court decision in *Olmstead* v. *L.C.*;

(2) salutes all people whose efforts have contributed to the expansion of home and community-based long-term services and supports for individuals with disabilities; and

(3) encourages all people of the United States to recognize the importance of ensuring that home and community-based services are equally available to all qualified individuals with significant disabilities who choose to remain in their home and community.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Alaska (Ms. MURKOWSKI), from the Committee on Appropriations, and the Senator from Arizona (Mr. MCCAIN), designated by the Chairman of the Committee on Armed Services.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senators from Texas (Mrs. HUTCHISON), from the Committee on Appropriations, and the Senator from North Carolina (Mr. BURR), At Large, to the Board of Visitors of the U.S. Military Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Utah (Mr. BENNETT), from the Committee on Appropriations, and the Senator from Oklahoma (Mr. INHOFE), At Large.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from Mississippi (Mr. WICKER), from the Committee on Commerce, Science and Transportation and the Senator from Louisiana (Mr. VITTER), At Large.

The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from Georgia (Mr. ISAKSON), from the Committee on Commerce, Science and Transportation, and the Senator from South Carolina (Mr. GRAHAM), At Large.

ORDERS FOR WEDNESDAY, JUNE 24, 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:55 a.m., Wednesday, June 24; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to the impeachment proceeding under the previous order; that upon the conclusion of the impeachment proceedings, the Senate proceed to executive session, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees, and that at 11 a.m. the Senate proceed to vote on the motion to invoke cloture on the nomination of Harold Koh to be Legal Adviser of the Department of State.

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

PROGRAM

Mr. BEGICH. Mr. President, under a previous order, tomorrow at approximately 10 a.m. the Senate will proceed to impeachment proceedings and will conduct a live quorum call. Senators are encouraged to be in the Chamber and seated at their desks at 10 a.m. When a quorum is ascertained, the Senate will receive the House managers, who will deliver the articles of impeachment, and the Senators will be sworn in as a body in order to proceed with the impeachment of Samuel B. Kent, a Judge of the U.S. District Court for the Southern District of Texas. The Senate will then consider two resolutions by consent.

At 11 a.m., the Senate will proceed to the cloture vote on the Koh nomination.

ADJOURNMENT UNTIL 9:55 A.M. TOMORROW

Mr. BEGICH. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

Thereupon, the Senate, at 7:11 p.m., adjourned until Wednesday, June 24, 2009, at 9:55 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF VETERANS AFFAIRS

JOAN M. EVANS, OF OREGON, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AND LEGISLATIVE AFFAIRS), VICE CHRISTINE O. HILL, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED IN ACCORDANCE WITH TITLE 10, U.S.C., SECTION 5148:

To be vice admiral

REAR ADM. JAMES W. HOUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. NANETTE M. DERENZI

EXTENSIONS OF REMARKS

CONGRATULATIONS TO CHUCK McCALL UPON HIS RETIREMENT FROM THE OFFICE OF OFFICIAL REPORTERS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. HOYER. Madam Speaker, today I rise to congratulate Chuck McCall as he retires from the Official Reporters, a division of the Office of the Clerk, after 33 years of service to the House of Representatives.

During his long career with the House, Chuck has been responsible for providing a broad range of technical support for the electronic systems that make the operations of this body possible. His responsibilities have included the Electronic Voting System, the House Publication System, and the daily production of the CONGRESSIONAL RECORD. He has contributed to the design, configuration, software development, installation, system testing, vendor contracting, operations, maintenance, user assistance, training, and system documentation of these valuable House systems.

Chuck came to the House in 1976 as a Courier and Production Control Specialist in the HIS Computer Center.

In 1977, he became a Computer Operator tasked with supporting the Electronic Voting System, the Member Correspondence System, and the House Publication System.

In 1980, Chuck was named a Computer Programmer and his projects included the House Legislative Information System, the House Committee Meeting Scheduling System, and the Legislative Database System.

In 1984, he was named Senior Systems Specialist for the Electronic Voting System and the House Publication and Communications System.

Chuck joined the Office of the Clerk in 1989 as an Operations Supervisor and, in addition to his EVS responsibilities, became involved in the House Document Management System and the House Floor Audio System. He was named Technical Manager in 1996.

It was in 1999 that Chuck assumed his present position with the Office of Official Reporters as System Analyst. In that role, he has been responsible for the daily transmission of the CONGRESSIONAL RECORD to the Government Printing Office each evening, often working into the wee hours of the morning to ensure timely publication of the RECORD. It only seems appropriate that we honor his service in that RECORD today.

After dedicated service to this House for 33 years, we wish Chuck the very best as he now has the opportunity to spend more time with his wife, Mary, and his beautiful daughter, Kathleen. He will retire to his home near the Chesapeake Bay and will enjoy fishing, boating, camping and, we hope, strumming his guitar.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 2647

Account: Other Procurement—Aviation Support Equipment—Aviation Life Support

Legal Name of Requesting Entity: Peckham Industries

Address of Requesting Entity: Peckham Industries, 2822 N. Martin Luther King Blvd., Lansing, MI 48906

Description of Request: Provide funding of $5,000,000 for a Multi Climate Protection System (MCPS) for U.S. Navy and Marine Corps aircrews. The U.S. Navy and Marine Corps requirement for MCPS is 21,500 units. $5,000,000 will fund approximately 2,500 sets of MCPS. MCPS is designed to replace outdated garments that are bulky, do not fit the aircrew population, have minimal water and wind resistance, and limited moisture management and cannot decrease or increase thermal value by addition or removal of layers. The majority of aircrews do not have this system.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science and Related Agencies Appropriations Bill, 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Corona

Address of Requesting Entity: 400 S. Vicentia Avenue, Corona, California 92882

Description of Request: I have secured $150,000 for interoperability upgrades for the City of Corona Police Department. The funding would be used to purchase equipment required to achieve interoperability in the field; as well as equip the department's Mobile Command Vehicle (MCV) with necessary technology, including mobile radios, digital television monitors, video recording capability, computers, printers, mapping software, wireless router and system to ensure the MCV can act as a planning and collaborative field center. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Riverside Public Utilities

Address of Requesting Entity: 3901 Orange Street, Riverside, California 92501

Description of Request: I have secured $1,000,000 for the City of Riverside Public Utilities Infrastructure Video Security. The funding will go towards the purchase, installation and configuration of necessary infrastructure for video security at Public Utilities Substations. The City's Information Technology department and Public Utilities will design a system that will provide for video security cameras at each substation as well as the network, storage and enterprise software necessary to effectively manage the cameras. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Riverside County Sheriff's Department

Address of Requesting Entity: 4095 Lemon Street, Riverside, California 92501

Description of Request: I have secured $700,000 for Night Vision Binoculars for the Riverside County Sheriff's Department. The funding will provide the department night vision binoculars that will greatly enhance the night time capabilities of the Riverside County Sheriff's Emergency Services Team. The AN/PVS–15 models can be hand-held or used as a helmet-mounted goggle and is specifically designed for critical missions where high performance and depth perception are vital under low light conditions. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: California Department of Justice

Address of Requesting Entity: 1300 I Street, Sacramento, California 95814

Description of Request: I have secured $250,000 for the California Department of Justice's Riverside Gang Suppression Enforcement Team. The funding will provide support for the Gang Suppression Enforcement Team program in Riverside County. Funding will be used for training, equipment, translation services, wiretapping, overtime pay, and travel expenses for law enforcement personnel. I certify that this project does not have a direct and

foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Chabad of Riverside

Address of Requesting Entity: 3579 Arlington Avenue, Suite 100, Riverside, California 92506

Description of Request: I have secured $400,000 for Chabad of Riverside's Project PRIDE (Prevention, Resource, Information and Drug Eradication). The funding would be used to expand Project PRIDE, a drug prevention program to reach at-risk youth in my district and the region. Funding will be used to train additional counselors and volunteers, drug and alcohol prevention material production, an interactive drug prevention website and an at-risk youth treatment and prevention camp. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2847

Account: DOJ, OJP—Juvenile Justice

Legal Name of Requesting Entity: Olive Crest Treatment Centers

Address of Requesting Entity: 2130 E. 4th Street, Suite 200, Santa Ana, California 92705-3818

Description of Request: I have secured $500,000 for Olive Crest's Independent Living Skills for At-Risk Youth. The funding would be used towards expanding a three phase program for successful independent living for at-risk youth. The program assists the participants in developing tools that will enable them to foster relationships and become responsible for themselves by providing training on issues such as banking, health, education, housing plans and job preparation. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science & Other Related Agencies Appropriations Act, 2010:

Request information: Representative JACK KINGSTON

H.R. 2847

Department of Justice

COPS Technology Account

Recipient information: Valdosta/Lowndes joint Crime Lab

Chief Frank Simons

City of Valdosta

P.O. Box 1125

Valdosta, GA 31603-1125

Description: The crime lab received an earmark in the amount of $500,000. Funding will provide equipment to expand and enhance the capabilities of the Valdosta/Lowndes joint crime lab. This equipment will be utilized for processing of evidence in criminal prosecutions and will affect local, state, and federal law enforcement initiatives. This translates to assisting victims of crime well outside of Georgia by providing quality evidence processing and identification.

EARMARK DECLARATION

REP. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Fiscal Year 2010 Department of Homeland Security Appropriations Act:

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2892

Account: FEMA

Name and Address: Butte-Silver Bow Government (155 W. Granite, Butte, MT 59701)

Description: A formal analysis of Butte-Silver Bow's current emergency operations center revealed deficiencies in all critical areas: the physical facility lacks adequate space, sustainability, survivability, and interoperable communications equipment. This $800,000 will be used to construct a facility that meets Dept. of Homeland Security standards and upgrade communications equipment to provide Butte-Silver Bow with a functional emergency operations center. Serving a community of 40,000 people, in an area that is at risk of experiencing environmental (forest fire, earthquake, etc.) and man-made disasters, it is critical that the current emergency operations center be replaced to provide for a timely and proper response in the event of a catastrophic event.

HONORING AMARJIT BUTTAR FOR HIS MANY YEARS OF SERVICE TO THE STATE OF CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. COURTNEY. Madam Speaker, I rise today to offer my congratulations and best wishes to Amarjit Buttar who is retiring after two decades of dedicated service to the state of Connecticut's Worker's Compensation Commission.

Amarjit and his family first came to America in 1965 to attend law school at the University of Michigan. After getting his degree, he moved to Vernon, Connecticut more than three decades ago and has since been an active member of the community. Amarjit serves as a justice of the peace and is active in various local organizations. He has also served as president of the New England Sikh Study Circle and as Chairman of the World Sikh Council, America region.

In 1995, he was appointed to serve on the Vernon Board of Education. Later that year, he was elected to serve a full four year term and was chosen as Chairman of Board of Education following his re-election in 1999. At that time, he was one of the first Sikh-Americans elected to public office. He is a passionate advocate for strong public schools, since it made a huge difference in his own life and that of his children. He remains an active contributing member of the Board of Education, being reelected most recently in 2005. Amarjit has also been an active participant in local, state and national Democratic politics. Always present at local and state political conventions, Buttar was chosen to be a delegate at the Democratic National Convention in Boston, Massachusetts in July 2004.

At the Workers' Compensation office, Amarjit provided technical and legal assistance to all who interact with that very complex system. Claimants, claimant family members, staff, attorneys, even the chairmen themselves all relied on Amarjit's accurate, compassionate and cheerful help to make the system work and achieve real justice for injured workers and the companies they worked for.

Amarjit is also an avid fan of the University of Connecticut Basketball program. The father of two UConn graduates, Amarjit worked with State Representative Claire Janowski and other legislators to rename the stretch of Route 195 that leads to the UConn campus the "UConn Husky Way."

For those of us who know Amarjit and consider him a friend, we know that his retirement will not mean an end to his public service. I ask my colleagues to join with me and in congratulating him and wishing him well in his future endeavors.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. GALLEGLY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010:

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 2847—the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This $570,000 request is for a pilot program in Ventura County, California to establish a DNA Cold Case Prosecution Unit to investigate and prosecute violent crimes through the use of DNA technology. The federal government has devoted considerable resources to DNA testing and establishing DNA databases. However, even with a DNA match, the passage of time makes these cases extremely difficult to investigate and prosecute as prosecutors must reconstruct the case based upon the new DNA evidence. This program will fund the hiring of a prosecutor and two investigators for the sole purpose for solving and prosecuting DNA cold cases.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 2847—the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010

Account: Department of Justice, COPS Methamphetamine Enforcement

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of $350,000 is for the purpose of providing funds for two California multi-jurisdictional Methamphetamine investigators. The Ventura County Combined Agency Task Force is a collaborative effort with city, county, state and federal law enforcement agencies working toward the disruption, dismantlement, apprehension, and arrest of narcotic offenders and drug trafficking organizations. Funding would be used for two Senior Deputy investigators that will be utilized to specifically target mid- to large-scale methamphetamine dealers and manufacturers and will assist in funding vehicle costs and miscellaneous safety equipment for these two positions. These investigators will be assigned to the Special Services Division, Special Investigations Unit.

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 2847—the Commerce, Justice, Science and Related Agencies Appropriations Act, 2010

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of $318,000 is to provide federal support for two forensic scientists for the County of Ventura Sheriff's Gang Unit. The Sheriff's Gang Unit is responsible for the apprehension of gang members, the disruption and dismantlement of gangs, and the investigation and prevention of gang-related crimes. This addition to the Ventura County Sheriff's Gang Unit will enhance the regional aspect of the Gang Unit by adding much-needed forensic scientists dedicated to analyzing evidence from gang-related crimes throughout the County of Ventura. The geographic area of Ventura County encompasses several local law enforcement jurisdictions. The bill provides $80,000 in funding for this request.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105.

Requesting Member: JOHN SHIMKUS

Bill number: H.R. 2647

The Account: MCANG

Lincoln Capital Airport, 1200 Capital Airport Drive, Springfield, IL 62707.

Funding would go to relocate the existing base entrance at Abraham Lincoln Capital Airport (ANG), Illinois to meet AntiTerrorism/Force Protection criteria. Provide additional standoff area to construct facilities to meet AT/FP criteria. The base is acquiring 13 acres from the adjacent Airport Authority per the approved base master plan. This relocation of the main entrance will establish the basic infrastructure to develop this additional area and provide the proper set back/stand-off distances from the base perimeter.

Description of Matching Funds:

State of Illinois—$3.3 Million

STUDENT INTERNET SAFETY ACT OF 2009

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 2009

Mr. BURTON of Indiana. Madam Speaker, I am proud to join my colleagues in supporting the "Student Internet Safety Act of 2009" (H.R. 780), which the House of Representatives passed on June 16, 2009. H.R. 780 amends the Elementary and Secondary Education Act of 1965 to allow local educational agencies that receive Title II (teacher grants) funds and Safe and Drug-Free Schools and Communities funds, to develop and implement programs promoting safe Internet use by students (i.e. how to prevent online stalking and promoting parental involvement).

My colleague from Florida, Representative ADAM PUTNAM is the author of H.R. 780. I commend Representative PUTNAM in crafting thoughtful and much needed legislation to provide schools with the ability to teach children about the potential dangers associated with the Internet. Congressman PUTNAM said that "We teach our children how to look both ways before crossing the street; we also need to teach them the safety rules for the 'information superhighway.'" I could not agree more and that is why I was pleased that the House Leadership scheduled a vote on H.R. 780.

I have been a champion for parental rights and for the protection of children from violent and sexually explicit material for decades. I was one of the leading proponents of the "Parental Choice in Television Act" and the "Children's Protection from Violent Programming Act" which lead to the enactment of the V-chip provision of the Telecommunications Act of 1996, (Public Law 104–104). Because of those efforts, today the V-chip is in practically every television in America and it has proven to be a very successful tool, in conjunction with the television rating system, for parents who want to protect their kids from violent or sexually explicit material on television.

Today, however, the problem is not television but the Internet and that is why H.R. 780 is so important. It will provide another avenue for children to learn about Internet safety. There are things parents can do to help to keep their kids safe on the Internet. For example the National Center for Missing & Exploited Children recommends that:

Parents choose search engines carefully. Some are specifically designed for kids, and others offer kid-safe options.

Parents tell kids when they come across any material making them feel scared, uncomfortable, or confused to immediately tell them or another trusted adult.

Parents help kids find information online. By searching the Internet together parents can help them find reliable sources of information and distinguish fact from fiction.

Parents talk with their Internet service providers (ISPs) as many offer filters to prevent kids from accessing inappropriate sites. As a consumer parents have a right to choose an ISP with the services meeting their family's needs.

There are more tips on safe Internet usage as well as tips on how kids can use e-mail and social networking sites safely on the National Center for Missing and Exploited Children's website at www.missingkids.com. And if a child has ever been sent inappropriate material by someone he or she met online or ever inadvertently encountered inappropriate material, a report of these types of incidents can be filed at www.CyberTipline.com or by calling 1–800–THE–LOST.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting the following: in regards to the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Joshua Tree National Park Visitor's Center

Account: National Park Service, Construction

Legal Name of Requesting Entity: City of Twentynine Palms

Address of Requesting Entity: 6136 Adobe Road, Twentynine Palms, California 92277

Description of Request: The Joshua Tree National Park Visitors Center annually hosts nearly one and a half million visitors in a cramped, obsolete facility where it is impossible to display the cultural history of the area, provide needed community and informational services, or even provide appropriate information to visitors to the Park. These funds would allow for an improvement and expansion of the Center to provide the space to display the fabled Campbell Collection of Native American artifacts, as well as a wide array of other objects of interest to both the visiting public and to researchers.

Amount: $300,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Big Bear Department of Water and Power for Big Bear Lake Water System Infrastructure Improvements

Account: EPA, State and Tribal Assistance Grants

Legal Name of Requesting Entity: Big Bear Lake Department of Water and Power

Address of Requesting Entity: 41972 Garstin Drive, Big Bear Lake, California 92315

Description of Request: This project would provide improved water pressure at peak demand periods and improved water quality resulting from the replacement of steel pipes with PVC. Although the City of Big Bear is located in an area prone to wildfires, much of its water supply infrastructure is unable to even meet minimum requirements for fire flow. Engineering studies have identified 181,800 feet

of pipeline that must be replaced to meet current standards.

Amount: $500,000.

Requesting Member: Congressman JERRY LEWIS.

Project Name: The City of Calimesa for Storm Drain Improvements

Account: EPA, State and Tribal Assistance Grants

Legal Name of Requesting Entity: City of Calimesa

Description of Request: The funding provided would be used by the city to manage storm flows that currently flow in natural channels that degrade water quality and disrupt traffic endangering individuals and property. The City in conjunction with Riverside County will improve the channel and form what will be the backbone for a citywide drain system.

Amount: $500,000.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010:

Requesting Member: Congressman TIM MURPHY (PA–18)

Bill Number: H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010

Account: RDA

Legal Name of Requesting Entity: PPG Industries

Address of Requesting Entity: 4325 Rosanna Drive; Allison Park, PA 15101

Description of Request: Nanotechnology for Potable Water and Waste Treatment—PPG Industries proposes to use its nanotechnology for water filtration technologies. One such technology applicable to water filtration is nano-fiber mats which may be produced in high volumes through an electromechanical spinning technique developed by PPG. These nano-fiber mats can be functionalized to sequester water contaminants quickly and efficiently. Additionally, fiberglass can be modified with nano-materials and then films to mitigate waterborne contaminants. The program will address both conventional water treatment and water security needs in a military field environment and the public sector.

Amount: $2,000,000

Budget Breakdown: 80 percent of the funding will be used for Research and Development and 20 percent for procuring materials and testing.

HONORING THE LIFE AND ACCOMPLISHMENTS OF KATHERINE DUNHAM ON THIS, HER CENTENNIAL BIRTHDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. RANGEL. Madam Speaker, I rise today to praise the glorious accomplishments of a true American heroine, Katherine Mary Dunham, who made a place for herself and others at a racially turbulent and unwelcoming time in American history. Katherine Mary Dunham graced the earth with her superior intellect, artistic poise, and philanthropic heart in a lifelong initiative to make better the lives of African-Americans in a time ill-intended to suit such ambition by a Black woman. A manifestation of the American dream at a time when life was often nightmarish for Blacks in America, Katherine Dunham began crafting a life of superior skill and ability at an early age. A published poet by the age of 12, Dunham would pursue writing, the Humanities, and artistry until the age of 96 when she passed. As a student at the prestigious University of Chicago, Dunham studied rigorously as a pioneer in ethnic choreography, which led her to create the discipline of dance anthropology. As she progressed, Dunham became known for her tenacity, bringing to the predominantly European dance stage African and Caribbean dance forms in an ethnic and sensual way. Les Ballet Negre, the first black ballet company in the United States, came to be known as the Katherine Dunham Dance Company, through which dancers toured more than 60 countries on 6 continents between the 1940s and 1960s. Beyond her own personal creative achievements, Katherine Dunham won unprecedented recognition and became the first woman of color to hold the most prestigious positions in dance. Dunham was a dancer, choreographer, and director on Broadway, and the first Black choreographer at the Metropolitan Opera.

In addition to her artistic achievements, Katherine Dunham was an activist with an appetite for the attainment of social justice. In 1967, Katherine Dunham established the Performing Arts Training Center in East St. Louis, Illinois, followed by the Katherine Dunham Centers for Arts and Humanities in 1969, and the Katherine Dunham Museum and Children's Workshop in 1977. Each of these thoughtful, community-center initiatives brought artistic opportunity to less fortunate Black children.

The recipient of 10 honorary doctorates, this famed artist, activist, teacher, and dancer defied historical limitations through her accomplishments in academia and the arts. A conversationalist in Creole, French, Spanish, and Swahili, her dance techniques also spoke a language that propelled her into an international audience that understood and embraced the language her body spoke.

INTRODUCTION OF THE PROSTATE CANCER MEDICAID COVERAGE ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Ms. NORTON. Madam Speaker, today I introduce a bill to allow treatment using Medicaid funds for men who are diagnosed with prostate cancer. This bill mirrors the measure that Congress enacted in 1999 to help low-income women who would otherwise not qualify for Medicaid, despite being diagnosed with breast cancer or cervical cancer. Congress found that women responded in large numbers to efforts by government and others to encourage early diagnosis using mammography after the Breast and Cervical Cancer Mortality Prevention Act was enacted in 1990. However, in 1999 Congress recognized that, because the screening did not provide coverage of treatment for women above the poverty level, the screening legislation had the tragic but unintended consequence of informing these women of a serious disease that demanded immediate treatment but leaving them without the means to seek that treatment. Later, Congress amended Title XIX of the Social Security Act to provide medical assistance for the women screened and found to have breast or cervical cancer under a federally funded screening program.

In today's bill, I have endeavored to provide the same relief for men. This bill allows men, earning up to 250% of the poverty level, who are diagnosed with prostate cancer through a federal screening program for prostate cancer, to qualify for treatment using Medicaid funds. The program would target men who are low-income, uninsured or underinsured who, nevertheless, do not qualify for Medicaid.

Prostate cancer outranks breast cancer as the second most common occurring cancer in the U.S. and the second leading cause of cancer-related deaths. However, diagnosing this cancer is often less expensive, and unlike breast cancer, often does not require immediate treatment. Prostate cancer treatment does not require invasive surgery in many instances. Many prostate cases can be diagnosed with a simple Prostate-Specific Antigen (PSA) test unlike the more costly high technology mammography machines used to detect breast cancer. Many men are advised to wait and watch for the development of the disease before seeking treatment.

However the rate of cancer deaths coupled with available treatment is strong evidence that many lives could be saved at considerably less expense if early detection and treatment were more available. Although race is a factor, every man over the age of 50 is at risk of developing prostate cancer and should be screened. Veterans that have been exposed to Agent Orange also have a higher risk of developing prostate cancer. Many doctors recommend yearly screening for men over age 50, and some advise men who are at a higher risk for prostate cancer to begin screening at age 40 or 45. Many Black men are at the highest risk of prostate cancer—it tends to start at younger ages and grows faster than in men of other races. Currently, Medicare provides coverage for an annual PSA test for all men age 50 and older, but many still do not fall within existing requirements to receive Medicaid.

This bill is especially necessary in today's tough economic climate where more and more men are becoming unemployed and falling below the poverty line. We cannot expect them to get screened for a disease that they cannot afford to treat. We must act on the lesson we learned from the 1999 passage of the Breast and Cervical Cancer Mortality Prevention Act and fund treatment for this cancer.

I urge my colleagues to join me in establishing this program guaranteeing treatment for men diagnosed with prostate cancer. It will meet an immediate and pressing need in communities across the country, and across racial and class lines.

I urge all of my colleagues to support this bill.

IN HONOR OF EDUARDO SOSA SILVA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. FARR. Madam Speaker, I rise today to honor a man who dedicated his life to serving our nation during Operation Enduring Freedom. Eduardo Silva of Greenfield, California served our country as Specialist in the United States Army and was a devoted husband and a proud son. Specialist Silva died in Iraq earlier this month.

Eduardo enlisted in the Army in August 2006 and was deployed to Bagram Air Base, Afghanistan in July 2008 where he was a food service specialist. He was assigned to the 563rd Aviation Support Battalion, 159th Combat Aviation Brigade, 101st Airborne Division, U.S. Army, Fort Campbell, Kentucky.

Eduardo's life inspired the lives of others. He was a proud resident of Greenfield where he graduated as Valedictorian from Vista Verde Middle School and excelled at Greenfield High School. At an early age, he learned to appreciate the arts as a student of music. As a result, for his actions both at home and abroad, there is no measure of devotion we as a community can dedicate to Eduardo. This soldier, husband, and son shall be remembered for his caring, altruistic life.

Held closest to Eduardo's heart is the love and support of his wife and partner, Rosalinda, and his family. The memories the family has shared of Eduardo depict an honorable, caring, selfless man who gave without hesitation. It is evident the Silva family is proud of the example Eduardo left on his community.

Madam Speaker, on behalf of the House of Representatives, I would like to extend our nation's deepest gratitude for Specialist Eduardo Silva's service to the United States of America and for his many accomplishments as a husband and son.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. THOMPSON of California. Madam Speaker, on June 19, 2009, I was unavoidably unable to cast my vote for rollcall 418. Had I been present, I would have voted "aye."

CELEBRATING THE UNITED STATES COAST GUARD ANXILIARY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. GARRETT of New Jersey. Madam Speaker, 70 years ago today, in this very room, Congress passed legislation creating what is now known as the United States Coast Guard Auxiliary. With volunteer members spread across the 50 states, the Coast Guard Auxiliary has played an important role in supporting the mission of the United States Coast Guard and promoting safe practices within the American boating community.

From its inception, the Coast Guard Auxiliary has been a leader in boating safety and instruction. In addition to educational programs, the Auxiliary regularly holds boating safety classes and performs vessel safety checks. Since September 11, the Auxiliary has also been very involved in securing our ports from foreign threats.

Every day, the Coast Guard Auxiliary saves one life, assists 28 people, and participates in more than 100 Coast Guard missions. This is in addition to the countless lives saved by their proactive efforts to prevent boating accidents and thwart terrorist attacks.

My district, the Fifth District of New Jersey, is part of one of the largest Coast Guard Auxiliary regions—Division 10, First Southern Region. This division has been awarded the "Coast Guard Meritorious Team Commendation" for being the most active Auxiliary Division in the nation. In 2008, Division 10 was responsible for 81,000 volunteer hours, 1,379 air and surface missions, 313 search and rescue missions, and more than 2,500 hours of educational programs. The several flotillas that make up this division comprise 360 members from all walks of life, all of whom should be proud of their exceptional service.

On this 70th anniversary, I commend the 34,000 men and women of the U.S. Coast Guard Auxiliary on their service, and recognize the important role they play in securing our coastline and promoting responsible boating conduct.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I submit the following:

Requesting Member: Congressman BILL SHUSTER (PA–9)

Bill Number: H.R. 2647—The National Defense Authorization Act, Fiscal Year 2010

FY 2010 National Defense Authorization Act Projects

Project Name: Engine Installation & Removal Vehicle (EIRV)

Account: APN, Line 58

Legal Name of Requesting Entity: JLG Industries

Address of Requesting Entity: 1 JLG Drive, McConnellsburg, PA 17233

Description of Request/Justification of Federal Funding: $3,400,000 for Engine Installation & Removal Vehicle (EIRV)

It is my understanding that funding will be used by the United States Navy to procure additional EIRVs to meet current operational requirements.

The purpose of the Engine Installation & Removal Vehicle (EIRV) program is to satisfy the operational need of the U.S. Navy and Marine Corps by providing a commercial off the shelf (COTS), mobile, Engine/Propeller Installation and Removal System, with the capability of safely installing and removing the T56 engine and/or T56 propeller on and from P–3, C–2, E–2 and C–130 aircraft.

Installation and removal of the T56 engine and propeller onto the respective aircraft requires relatively fine lateral and horizontal adjustments in order to be executed properly. To accomplish this, the Navy is requiring a commercially available, mobile, Engine/Propeller Installation and Removal System for procurement.

The Navy is currently removing and replacing aircraft engines with an unsafe combination of manual tri-pod hoists, scaffolding, and industrial forklifts. The EIRV was chosen to reduce damage to equipment, injuries to workers and increase efficiencies.

This project is a valuable use of taxpayer funds because procurement of the system will decrease damage to the engine/prop and the airframe, thereby decreasing downtime and increasing operational readiness.

Project Name: Millennia Military Vehicle/Extendable Boom Fork Lift (MMV/EBFL)

Account: PMC, Line 50

Legal Name of Requesting Entity: JLG Industries

Address of Requesting Entity: 1 JLG Drive, McConnellsburg, PA 17233

Description of Request/Justification of Federal Funding: $30,000,000 for Millennia Military Vehicle/Extendable Boom Fork Lift (MMV/EBFL)

It is my understanding that funding will be used by the United States Marine Corps to procure additional MMV units to meet current operational requirements.

The Marine Corps has a requirement for an additional Millennia Military Vehicles/Expandable Boom Fork Lift (MMV/EBFL). The Marine Corps does not plan to update its current telehandler fleet until 2011, thus producing an unfunded requirement for the Marine Corps. The MMV program is a four year procurement effort by the U.S. Marine Corps to procure reconfigured MMV's to fulfill their advanced lifting requirements in handling material containers in rapid deployment construction and reconstruction. The MMV is an 11,000 pound rough terrain, self-deployable in rough terrain, manually operated forklift capable of operating efficiently in nuclear, biological and chemical environments. The MMV is capable of unloading containers located on the ground as well as on trailers. It is fully air transportable in C–130, C–17 and C–5A aircraft, fordable, and operable in all weather and night conditions.

This project is a valuable use of taxpayer funds because the Marine Corps requires funding to procure additional MMV units to meet current operational requirements.

Project Name: Hardmetal Epidemiology Investigation

Account: RDA, PE # 0602105A, Line 5

Legal Name of Requesting Entity: University of Pittsburgh, Department of Biostatistics

Address of Requesting Entity: A410 Crabtree Hall, Pittsburgh, PA 15650

Description of Request/Justification of Federal Funding: $7,000,000 for Hardmetal Epidemiology Investigation

It is my understanding that funding for this project will provide for an epidemiological study to determine the potential health impacts from workplace exposures to hardmetal powders. "Hardmetal" refers to metal composites, notably tungsten carbide with a cobalt binder, known for their durability and wear resistance. In 2003–2004, three governmental and scientific bodies designated hardmetal (i.e. tungsten carbide/cobalt) as a possible carcinogen

to humans. A critical review by an independent toxicological consultant identified significant weaknesses in the study (i.e. small study size, lack of reliable exposure information and the inability to control for potential confounding by cigarette smoking, etc.). The study also involved no input by industry or its consultants. Tungsten touches almost every product that is produced in modern manufacturing, as it is a common component in manufacturing equipment and materials—including munitions, military vehicles and other equipment. Hardmetal is used extensively in tooling to manufacture and maintain ordnance, missiles, automotive and aviation equipment, and to produce rifle bullets, vehicle armor, kinetic energy penetrators, missile warheads, and many other critical battlefield systems.

This project is a valuable use of taxpayer funds because a more accurate and reliable study is necessary before classified carcinogens, like hardmetal, will be ''deselected and phased out'' of manufacturing, slowing the manufacturing process and making it harder, if not impossible, to deliver needed products to the battlefields for U.S. soldiers.

Project Name: Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA

Account: RDA, PE # 0602624A, Line 17

Legal Name of Requesting Entity: L. Robert Kimball & Associates

Address of Requesting Entity: 615 West Highland Avenue, Ebensburg, PA 15931

Description of Request/Justification of Federal Funding: $3,000,000 for Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA

It is my understanding that the Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA project is part of efforts led by U.S. Army ARDEC at Picatinny, New Jersey combing and harmonizing a number of Homeland Defense and Homeland Security programs under the umbrella of Project National Shield (PNS). The National Infrastructure Protection Plan (NIPP) mandates a coordinated approach to Critical Infrastructure and Key Resources (CIKR) protection roles and responsibilities for federal, state, local, tribal, and private sector security partners. The ability to sense, detect and respond to threats to CIKR will require regional communication and information sharing capabilities. The fundamental geospatial data needed to manage CIKR risk and establish the framework for assessing consequences, vulnerability, and threat information is available in jurisdictions across the country. Not available, however, are Enterprise Geographic Information Systems (EGIS) that span political jurisdictions, regions or states and can produce the comprehensive, systematic, and rational assessment of national or sector risk. South Central Pennsylvania houses a major freight transportation hub (CSX railway) and Army depot (Letterkenny) within miles of each other. This proposal will establish EGIS in South Central PA to advance NIPP objectives. Response-specific intelligence will provide emergency responders and homeland defense personnel with essential situational awareness information required to protect critical infrastructure.

This project is a valuable use of taxpayer funds because it meets a critical Army need to improve Homeland Defense and Civil Support missions while also providing enhanced capabilities to local constituencies in the communications and networking side of emergency response. Specifically, the program represents the actual full deployment of a critical network that will allow local Emergency Management personnel and first responders to communicate as well as provide for a tie in to the Army's Emergency Operations Center at Picatinny Arsenal.

Project Name: Cadmium Emissions Reduction—Letterkenny Army Depot

Account: RDA, PE # 0603779A, Line 64

Legal Name of Requesting Entity: Mountain Research, LLC

Address of Requesting Entity: 825 25th Street, Altoona, PA 16601

Description of Request/Justification of Federal Funding:

$1,000,000 for Cadmium Emissions Reduction—Letterkenny Army Depot

This project is a valuable use of taxpayer funds because this work will help Letterkenny Army Depot conduct environmental management activities in an environmentally and fiscally sound, sustainable manner.

Letterkenny's unique mission, which includes manufacturing, depot level maintenance, and demilitarization, presents significant challenges to maintaining operations while achieving aggressive sustainability targets and goals. Specifically, this project will assist in addressing federal and state regulatory issues associated with the reduction of cadmium levels in waste water affluent outflows. This technology implementation will also serve as a demonstration site to facilitate horizontal technology transfer to surrounding Pennsylvania military installations, other Army depots, and installations across the Department of Defense.

Project Name: AFATDS Voice Recognition and Cross Platform Speech Interface System

Account: RDA, PE #0203726A, Line 147

Legal Name of Requesting Entity: Szanca Solutions, Inc.

Address of Requesting Entity: 100 East Pitt Street, Bedford, PA 15522

Description of Request/Justification of Federal Funding:

$2,500,000 for AFATDS Voice Recognition and Cross Platform Speech Interface System

It is my understanding that funding for this project would provide voice activation to legacy command and control systems to improve the ease of use, accuracy, and timeliness of the systems. The project will continue the work done to bring speech controlled operations and in addition provide a cross-platform solution that can be integrated to a wide variety of military systems. Doing so will dramatically increase the functionality and useful life of legacy systems while decreasing training costs and increasing operational speed.

This project is a valuable use of taxpayer funds because many of the Army's current command and control systems require a series of complicated keyboard entries to operate, making the systems slower to operate and prone to errors in stressful environments. This can result in delays providing commanders with critical information and in executing mission critical fire missions. This program will focus on solutions to those issues, allow quicker access to tactical information, and increase the speed in which targets can be fired.

Project Name: ALC Logistics Integration Environment

Account: RDAF, PE #0708611F, Line 233

Legal Name of Requesting Entity: IS2 Technologies, Inc.

Address of Requesting Entity: 3018 Pleasant Valley Blvd., Altoona, PA 16602

Description of Request/Justification of Federal Funding:

$2,000,000 for ALC Logistics Integration Environment

It is my understanding that this project will develop a Logistics Integration Environment using COTS software that facilitates pulling together teams of people to optimize battlefield readiness and improve the availability of aircraft and associated subsystems.

This project is a valuable use of taxpayer funds because the Air Force Logistics Centers lack an integrated data environment for service, repair, and overall logistics. Development and deployment of the Logistics Information Environment would:

Develop and implement a collaborative logistics management solution that would provide a single source of data for the maintainers, supply and battlefield environments;

Provide optimized predictive logistics modeling for critical supportability factors such as spare parts, maintenance schedules, and survivability under fire;

Capture aircraft performance information that may be used to drive further improvements in survivability;

Allow for real-time collaboration across the R&D, acquisition, logistics, and warfighter communities; and

Reduce costs by reducing the time required to research and collect the engineering and logistics data necessary to support unplanned/unscheduled depot-level maintenance requirements.

Benefits to our warfighting capability would be:

Mission readiness: Improve the readiness of rapidly deployed aircraft;

Cost Avoidance: Minimize the cost and complexity of the aircraft logistics footprint; and

Innovation: Allow for accelerated innovation to aircraft and subsystems, continuously improving their operational performance and survivability.

Additional benefits would include composite data that can be used to formalize and distribute Interactive Electric Technical Manuals (IETM) and dynamic work cards for maintenance planning and instructions.

EARMARK DECLARATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BROWN of South Carolina. Madam Speaker, I submit the following:

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: COPS—Technology Assistance

Legal Name of Requesting Entity: Sumter County Sheriff (on behalf of 15 SC counties, including Charleston, Georgetown, Berkeley & Dorchester)

Address of Requesting Entity: 107 East Hampton Avenue, Sumter, SC 29150

Description of Project: $1 million to provide 15 South Carolina counties (including Charleston, Georgetown, Berkeley and Dorchester counties) with detailed imaging to assist with emergency response, planning, and other activities to enhance public safety and officer safety. Program will also supplement existing GIS technologies to assist with planning, environmental protection, and other public services.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Account: Office of Justice Programs—Juvenile Justice

Legal Name of Requesting Entity: Youth Advocate Programs

Address of Requesting Entity: 3422 Rivers Avenue, 2nd Floor, North Charleston, SC 29405 Description of Project: $250,000 to build upon existing Youth Advocate Programs in Charleston and Myrtle Beach that develop community-based alternative for high-risk kids that are referred to the program by local courts; program currently has an 82% success rate in South Carolina, reducing costs borne by taxpayers for incarceration and other punitive measures. Project also sees support from local government and private sector.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Homeland Security Appropriations Act, 2010:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 2892

Account: FEMA—State and Local Programs

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd., Sarasota (FL) 34236

Description of Request: I secured $300,000 for the Emergency Operations Center in Sarasota County.

The funding would be used to help relocate and construct a new Sarasota County Emergency Operation Center.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 2892

Account: FEMA—Pre-disaster Mitigation

Legal Name of Requesting Entity: City of Venice

Address of Requesting Entity: 401 West Venice Avenue, Venice (FL) 34285

Description of Request: I secured $200,000 for improvements to the Emergency Shelter in the City of Venice.

The funding would be used for the installation of a modernized energy generation system that would provide power during storm events that would allow this facility to appropriately serve as a hurricane shelter, and also be designated as a special needs shelter.

HONORING SARA MESLOW AND CAMP ODAYIN IN STILLWATER AND CROSSLAKE MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Sara Meslow, founder and director of Camp Odayin, headquartered in Stillwater, Minnesota. With facilities in Crosslake, Minnesota, Camp Odayin is the only camp in the Midwest for children with heart disease. This amazing opportunity is made available for just $25 because of generous donations from individuals, local organizations and medical groups. Sara says, "We wanted something associated with children's heart disease that doesn't have dollar signs after it." I would like to honor Sara and the team at Camp Odayin in front of this Congress that we all may be amazed at the opportunities she provides our children.

Young heart patients from 17 states, Canada and Germany have been to Camp Odayin and many leave feeling completely different about the disease that will impact them the rest of their lives. The object of Camp Odayin, which means "heart" in Ojibway, is to connect kids with heart transplants, congenital defects, artificial valves, abnormal heart rhythms and many other conditions with one another.

Sara shares a very personal connection with the Odayin campers. As a teenager, she learned that she had a heart condition that sometimes caused her heart to beat wildly and later received a Medtronic defibrillator to control the condition. After volunteering at a camp for children with heart disease in California and with some prodding from her mother, Sara began exploring options for a camp in Minnesota.

Camp Odayin held its first session in 2001 with 53 campers. Now in their eighth summer, they have expanded to three sessions and are expecting 240 campers. The camp sessions are available for ages 8 to 17 and are as normal as any summer camp with swimming, archery, horseback riding, canoeing, crafts and of course, general fun. The advantage is that medical professionals and health specialists make up many of the volunteer staff allowing children needing extra attention and care to participate in activities they would otherwise sit out on at other camps. Nurses attend every activity, regularly monitor medications and staff an infirmary that is similar to a hospital intensive care unit. This level of medical care is not available at any other camp in the Midwest.

I had the privilege of learning about Camp Odayin from one of the many children blessed with this opportunity. This young girl was just thrilled to have been to a camp where many of the kids were dealing with the same problems she had. It is obvious the joy that Sara has brought to hundreds of children and I rise today to honor and applaud her work empowering the children that are the future of America, regardless of their health, status or ability.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 2892, the "Department of Homeland Security Appropriations Act, 2010."

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2892, the "Department of Homeland Security Appropriations Act, 2010"

Account: Predisaster Mitigation

Legal Name of Requesting Entity: City of Santa Clarita, CA

Address of Requesting Entity: 23920 Valencia Boulevard, Suite 300, Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling $500,000 for seismic retrofits to the City of Santa Clarita, CA's Emergency Operations Center. This project would assist the City of Santa Clarita with seismic upgrades to its City Hall building so that it may serve as the City's Emergency Operations Center (EOC). The funding would help purchase and install Special Concentrically Braced Frames, incorporating lessons learned from the Northridge earthquake of 1994, during which the City of Santa Clarita's City Hall building, which serves as the Santa Clarita Valley's Emergency Operations Center (EOC), sustained extensive damage. These enhancements will allow Santa Clarita's City Hall to serve as the City's primary EOC in the event of a significant seismic event.

HONORING THE SERVICE OF JAMES E. MITCHELL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WOLF. Madam Speaker, I rise today to honor the service to the community of Mr. James E. Mitchell, as he assumes the presidency of the Winchester, Virginia, chapter of the Lions Club.

Mr. Mitchell is a retired school teacher who has dedicated his career to public service. As the first African American president of the Winchester Lions Club, he will work with local agencies and residents to provide services to those with sight and hearing impairments as well as providing scholarships to local high school students.

In his 35 years as an educator, Mr. Mitchell also served his community as an active member of the Lions Club. He has held numerous leadership positions in his 20 years as a member of the organization. Mr. Mitchell is also a Melvin Jones Fellow, a highly honored humanitarian award in the Lions Club given only to those who demonstrate a strong record of community service. He has also participated in numerous "White Cane" events to aid the visually impaired.

Mr. Mitchell is a valued member of not only the Lions Club, but the entire Winchester community which he has served for close to four

decades. It is my pleasure to recognize him today.

A TRIBUTE TO KEVIN SHAFER

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to congratulate Mr. Kevin Shafer, Executive Director of the Milwaukee Metropolitan Sewerage District (MMSD), on being named the new President of the National Association of Clean Water Agencies, NACWA. MMSD provides sewage treatment services and maintains watercourses for 28 municipalities, including nearly all of Milwaukee County and portions of four surrounding counties, serving a population of about 1 million.

Mr. Shafer joined MMSD in 1988, as the Director of Technical Services and four years later became MMSD's Executive Director. Before joining MMSD, Mr. Shafer spent six years with the U.S. Army Corps of Engineers and nine years with a private engineering firm serving as area manager of the Milwaukee office.

Mr. Shafer has formulated numerous innovative MMSD programs including the Sweetwater Trust, a broad stakeholder group to enlist regional cooperation to protect the watersheds of the five-county Milwaukee metropolitan area through both structural and non-structural means. Further, under his direction, MMSD has invested in permanently protecting waterways from flooding and stormwater pollution runoff, by providing conservation easements to nearly 2,000 acres of undeveloped land. This program, called Greenseams, is a national model for green infrastructure in water pollution control. Mr. Shafer's innovation for both the environment and the economy is exhibited through a project to construct a landfill gas pipeline allowing MMSD to use a renewable source of methane gas in its treatment plant operations, while saving customers an estimated $148 million over 20 years.

Mr. Shafer is an active leader on behalf of municipal wastewater agencies at the national level, helping to formulate sound federal water resource policies and legislation. He has served on the Board of Directors of NACWA since 2003, participating on numerous committees including the Clean Water Funding Workgroup and the Executive Committee of the Board. He has appeared before Congress on behalf of NACWA.

Mr. Shafer is an exceptional leader and a public steward of water resources. He has devoted his engineering career to the protection of these environmental resources for current and future water users.

Madam Speaker, I urge my colleagues of the 111th Congress to join me in congratulating Kevin Shafer on becoming the President of NACWA. Under his leadership, I have no doubt that NACWA will continue to lead the advocacy effort for national policies to protect and preserve the Nation's water resources for future generations.

HONORING THE LIFE AND SERVICE OF ADELLA URBAN OF COLUMBIA, CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. COURTNEY. Madam Speaker, I rise today with a heavy heart to announce the passing of a friend and true community leader from the town of Columbia, Connecticut, Adella Urban. Adella passed away on Wednesday, June 17, 2009.

Born in Hartford, Connecticut in 1933, Adella spent her childhood years in Newington before graduating from Newington High School. After high school, Adella continued her education receiving numerous certificates in municipal government, which became one of the two great loves in her life. After settling in Columbia, Connecticut, Adella took a job as secretary to the Selectman in town where she remained until 1971. She then spent a decade as a reporter for the Hartford Courant before returning to municipal government in the town of Mansfield.

In 1985, she assumed the role of First Selectman in her beloved Columbia, a position she would hold for 18 years. It was in that role as First Selectman, that she flourished as both a leader and public servant. Always Columbia's strongest advocate, Adella was tireless in her efforts to improve the lives of her fellow citizens and the town she loved. Perhaps the greatest testament to her public service was the fact that she passed after collapsing while speaking to second graders at the Horace Porter School in Columbia about the history of Columbia.

Although always the dedicated public servant, it was her role as mother, grandmother and eventually great-grandmother that she loved most of all. She is survived by her five children; Richard, Andrew, Marisa, Stefan and Christian, ten grandchildren, and one great-grandchild.

While we will mourn her passing, hers is a life that will be celebrated and honored by the people of Columbia and the state of Connecticut for years to come

CONGRATULATING MERCY SPECIAL CARE HOSPITAL IN NANTICOKE ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mercy Special Care Hospital in Nanticoke, Pennsylvania, on the occasion of a century of service to the citizens of northeastern Pennsylvania.

In October, 1909, responding to community growth due to coal mining and subsequent mine accidents as result of that burgeoning industry, Nanticoke Hospital was born. No longer would injured miners be simply dropped on their porch or would their families go without needed medical treatment.

Throughout those 100 years the hospital endured two World Wars, the Great Depression, epidemics, merger and closure threats. It also saw new forms of insurance, the Medicare program for seniors and disabled as well as affordable healthcare for children and the poor. It also witnessed a time of more life saving drugs and procedures than ever before.

This small community hospital saw horse-drawn carriages give way to motorized ambulances and oxygen tents that led to ventilators. It would also respond to policy initiatives from eighteen United States Presidents. But, most importantly, Nanticoke Hospital cared for tens of thousands of patients, many of them poor, most of them uninsured. Human need was tended by hundreds of dedicated staff and physicians.

Renamed Mercy Special Care Hospital in 1994, it was one of the first long term care hospitals in Pennsylvania. From its success in Nanticoke, a satellite at Mercy Scranton was developed.

This year both sites will explore or undergo major renovations and changes to meet patient, physician and staff needs. That will include things such as increased beds, room upgrades, new outpatient renovation and areas of new growth such as the Area Agency on Aging Nanticoke Senior Center on campus that will be visited daily by older adults.

Mercy Special Care Hospital also holds the distinction of having the first wound care and hyperbaric unit in Luzerne County, a service that continues to grow in response to community need.

Throughout 2009 and beyond, this important facility will look toward the future but never lose sight of the challenges faced daily.

The Sisters of Mercy, Mercy Health Partners and Catholic Healthcare Partners are proud sponsors of this great institution at this historic time.

Madam Speaker, please join me in congratulating Mercy Special Care Hospital. The invaluable services they have rendered to the community for over a century have been inspirational to countless others who share the commitment to helping those in need and has made vast improvement to the quality of life for generations.

So important has their contribution been that they deserve the highest measure of our gratitude and respect.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, FY2010 National Defense Appropriations Act.

Requesting Member: Congresswoman CATHY MCMORRIS RODGERS

Bill Number: H.R. 2647

Account: MCAF

Legal Name of Requesting Entity: Fairchild Air Force Base

Address of Requesting Entity: Spokane, WA

Description of Request: The TFI Refueling Vehicle Maintenance Facility is a multi-bay,

5,005 square foot building that will accommodate Associate 92d & 141st Air Refueling Wings under Total Force Integration (TFI). This new facility will provide more space, closer proximity, and indoor maintenance for those who service and repair the refueling vehicle fleet in support of the flying mission. Right now, the Fuels Management Flight of 100 personnel rely heavily on 15 maintenance people who service and repair the refueling vehicle fleet in support of the flying mission. These people work in undersized, substandard, environmentally deficient facilities separated from each other.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes:

Mr. WU. Mr. Chair, I rise to express my opposition to the Nunes amendment. This amendment puts the salmon runs of the Sacramento River, which is the major run of Pacific salmon, in jeopardy of extinction and risks shutting down the Central Valley Project and State Water Project, affecting water supplies for farms and millions of Californians.

This amendment could halt all activity in California's major water infrastructure and would only serve to delay development of a long-term management plan for water resources. Mr. NUNES' proposal would send government agencies and partners back to the drawing board, inviting further litigation and greater intervention by federal courts. Moreover, the amendment would prevent us from finding consensus solutions for another year or more.

California water disputes have worsened over the last eight years as politically motivated water policies killed tens of thousands of salmon. Some of the water decisions made during that time were not based in science and have since been ruled illegal by federal courts and illegitimate by the Commerce Department's inspector general.

As a result of these short-sighted policies, California and Oregon have gone without commercial and recreational salmon fishing seasons for three of the past four years. These closures and limitations on fishing are completely unprecedented and have devastated both states' hunting and fishing industries, which together employ over 250,000 workers and contribute more than $13.6 billion to state economies.

Our fisheries and coastal communities cannot afford to be subjected to politics. I reject the Nunes amendment wholeheartedly and ask my colleagues to do the same.

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. HARPER. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for one project authorization request that I made and which was included within the text of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: Congressman GREGG HARPER.

Project: Advanced, Long Endurance Unattended Ground Sensor Technologies.

Project Amount: $8 million

Account: Defense-wide (DoD); RDT&E; Special Operations Intelligence Systems Development.

Legal Name of Requesting Entity: Mississippi State University.

Address of Requesting Entity: P.O. Box 6301, Mississippi State, Mississippi 39762.

Description of Request: A significant challenge in modern military operations is the ability to achieve and maintain real-time battlefield situational awareness. Achieving battlefield situation awareness requires the ability to robustly and persistently monitor the movements of the adversary in near real-time across a wide range of operational environments including foliage, mountainous, and urban terrain. This initiative is a follow-on effort to ongoing Mississippi State University Unattended Ground Sensor (UGS) research and development in support of the U.S. Special Operations Command (USSOCOM).

CONGRATULATING DIANA WHALEY AS A RECIPIENT OF THE FLORENCE NIGHTINGALE MEDAL

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to honor Diana Whaley of Rockwood, Tennessee, a registered nurse and American Red Cross Disaster Health Services Manager of the Knoxville Area Chapter. Ms. Whaley has dedicated her life to public health, committing herself to the education of her peers, the betterment of her patients and the protection of Americans in disaster situations.

For her courage and service, the International Committee of the Red Cross will honor Ms. Whaley this year with their prestigious Florence Nightingale Medal. This award is the highest international distinction that a registered nurse can receive from the Red Cross. Every two years, the Red Cross recognizes just 28 nurses in the world, with just three award recipients in the United States. Award recipients must have shown exceptional devotion to caring for the victims of a crisis, or have shown extraordinary service to public health and nursing education.

Recipients of this award often work as a Red Cross or Red Crescent nurse in challenging and, at times, dangerous environments, caring for the most vulnerable in times of crisis. The Medal is named after the founder of professional nursing, Florence Nightingale, and embodies the spirit of service by which we have all come to know the Red Cross.

I am proud, on the occasion of this preeminent award, to have the opportunity to commend the work of Diana Whaley, a great citizen of Rockwood, Tennessee. It is my privilege to honor Ms. Whaley for her work and lifelong dedication, and for reminding all of us of the power each of us has to improve the lives of the afflicted and the less fortunate.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010:

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2892

Account: Army NG

Name and Address: Montana Army National Guard, 1956 Mt Majo Street, Fort Harrison, Helena, MT 59636–4789

Description: An increased number of Periodic Health Assessments has led to serious overcrowding of waiting areas, exam rooms, treatment facilities and administrative areas at the Fort Harrison Troop Medical Facility in Helena, Montana. This overcrowding presents both a risk to patient safety and patient privacy as required by HIPAA. The $1.75 million in funding will be used to expand and renovate the current facility to handle the increased patient load and improve both safety and patient privacy.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BARTLETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY10 National Defense Authorization Act H.R. 2647. The list is as follows:

Bill Number: H.R. 2647

Account: Other Procurement, Army

Legal Name of Requesting Entity: AAI Corporation

Address of Requesting Entity: 124 Industry Lane, Hunt Valley, MD 21030–0126

Description of Request: Authorized $2.5 million to field Shadow TUAS Training Aids, Devices, Simulators, and Simulations (TADSS) for Army National Guard. The TADSS consists of Shadow Crew Trainers, Launcher Part-Task Trainers, Air Vehicle Part-Task Trainers, and Interactive Multimedia Instruction. Shadow crews have specific requirements to maintain their proficiency and readiness, and the TADSS will help fulfill their training needs. Army National Guard units are being activated

and deployed without any Tactical Unmanned Aerial System (TUAS) equipment or the means to sustain individual Aircrew Training Manual requirements and proficiency. The gap between ARNG unit activation and Shadow equipment fielding averages 30 months. Due to these differences, ARNG TUAS units require different TADSS than active units to attain and maintain readiness. Since the TUAS units have dual use (applicability in Homeland Defense and other state missions as well as combat), it is critical to maintain a high state of readiness at all times.

Bill Number: H.R. 2647

Account: RDT&E, Army

Legal Name of Requesting Entity: AEPLOG, Inc.

Address of Requesting Entity: 12800 Middlebrook Road Suite 108, Germantown, MD 20874

Description of Request: Authorized $ 7.5 million for research and development of the Autonomous Sustainment Cargo Container (ASCC), ''Sea Truck.'' The Sea Truck consists of a propulsion module and an optional bow module which attach directly to commercial cargo containers, allowing the deployment of these self-propelled support units from offshore logistics and commercial ships to the beach for sustainment operations. The Sea Truck supports the Army's need for low cost, logistics support equipment with critical distribution and sustainment capabilities. This project will provide actual field-test data to TRAC–LEE, allowing them to assess the desirability of the concept without computer modeling, scale modeling, water-tank testing, prototype design, development, and fabrication, and three years of development time. The ASCC system also addresses other current needs and concerns of logistics support such as high sea state deployment, Operations Other Than Warfare, personnel and materiel safety, reduced fuel usage, and reduced personnel requirements.

Bill Number: H.R. 2647

Account: Other Procurement, Navy

Legal Name of Requesting Entity: American Technology Corporation

Address of Requesting Entity: 15378 Avenues of Science, Suite 100, San Diego, CA 92128

Description of Request: Authorized $5.0 million for procurement of Long Range Acoustical Hailing Devices Anti Terrorism Force Protection Equipment for USN Assets and Facilities. The Long Range Acoustical Hailing Device (LRAD) is non-lethal, counter-personnel, long range hailing and warning device. LRAD's are capable of producing highly directional sound beams, allowing users to project warning tones and intelligible voice commands beyond small arms engagement range. The capability enables U.S. forces to more effectively determine the intent of a person, vessel, or vehicle, at a safe distance and potentially deter them prior to escalating to lethal force. LRAD provides a much needed capability for US Navy security personnel to effectively determine hostile intentions of potential terrorist vessels. LRAD provides tactical leaders with the time necessary to make measured and responsible escalation of force decisions.

Bill Number: H.R. 2647

Account: RDT&E, Air Force

Legal Name of Requesting Entity: Fairchild Controls

Address of Requesting Entity: 540 Highland Street, Frederick MD, 21701

Description of Request: Authorized $4.2 million for research and development of Adaptable Integrated Vapor Cycle based Environmental Control and Power System. Modern aircraft face increasing demand for electric power and cooling because of advanced sensors & weapons systems. Thermal challenges are further exacerbated by high engine fuel efficiency that reduces available fuel heat sink and low observable requirements that limit the use of ram air as a heat sink. Thermal challenge will increase by an order of magnitude for future air platforms. The proposed program will address many of the above challenges using a novel adaptable vapor cycle based environmental control system.

Bill Number: H.R. 2647

Account: RDT&E, Defense Wide

Legal Name of Requesting Entity: General Dynamics Robotics Systems

Address of Requesting Entity: 1231 Tech Court, Westminster, MD 21157

Description of Request: Authorized $4.3 million for research and development of the Mobile Detection Assessment Response System Enhancements. MDARS robot autonomously performs random patrols, detects intruders, and determines the status of inventory, barriers, gates and locks using Radio Frequency Identification (RFID) technology. Onboard sensors and real-time video allow remotely-housed human operators to see intruders or suspect activity as soon as the robot encounters it. There are no funds identified in the FY10 budget to support MDARS enhancements. DoD has identified a variety of enhancements that will expand the capabilities of the MDARS robotic vehicle to support force protection efforts. Requested funds would develop additional capabilities and procure one vehicle for force protection that detects intruders, and determines the status of inventory, barriers, gates and locks using Radio Frequency Identification (RFID) technology.

Bill Number: H.R. 2647

Account: RDT&E, Navy

Legal Name of Requesting Entity: Information Control, LLC

Address of Requesting Entity: 17 S. Summit Ave., Suite 100, Gaithersburg, MD 20877

Description of Request: Authorized $2.0 million for research and development of the Flexible Medical Solutions FlexMedPatch Program. This program will finalize developed micro- and nanotechnologies to save the military, thus taxpayers hundreds of millions of dollars in avoidable medical visits, save tens of millions of barrels of foreign oil, and create dozens of jobs in Maryland while improving access to healthcare and immediacy of lab results for patients and physicians. Most importantly, the medical readiness of military forces will be greatly enhanced as a direct result of the application of this process. This project increases ability to remotely triage injured war fighters in field, sea and air theater of operations; ability to monitor the health of trainees while undergoing dangerous training exercises; ability to create baseline individualized profiles on war fighters and their capacity to withstand pain, recover from injury, and endure prolonged and acute stress; ability to predict cancers, strokes, and heart attacks before they occur; and ability to continuously monitor forces for alcohol and drug use.

Bill Number: H.R. 2647

Account: Other Procurement, Defense-wide

Legal Name of Requesting Entity: MPRI Training and Technology Group

Address of Requesting Entity: 7142 Columbia Gateway Dr., Columbia, MD 21046

Description of Request: Authorized $2.5 million for Basic Rifle/Pistol Marksmanship for the US Army Reserve. Basic Rifle/Pistol Marksmanship for US Army Reserve (BRPM) training is included in the Army Marksmanship Training Strategy. Reserve Soldiers have the current requirement to maintain an annual level of proficiency in marksmanship in accordance with the Standards in Training Commission (STRAC) and the USAR's Small Arms Training Strategy. The BRPM program supports individual marksmanship training from initial entry training through advanced skill levels. The BRPM program is versatile and untethered allowing practice in different environments and locations creating realistic training scenarios. The BRPM program saves ammunition costs, travel time for training, is compatible with existing weapons of various calibers (M16, M4, M249, M240 and M9) and requires no modification to the weapon system. BRPM simulation can be used in concert with both standard U.S. military blank ammunition as well as BRPM specific lead free blank ammunition.

Bill Number: H.R. 2647

Account: RDT&E, Navy

Legal Name of Requesting Entity: Northrop Grumman

Address of Requesting Entity: 1000 Wilson Blvd., Suite 2300, Arlington, VA 22209

Description of Request: Authorized $5.0 million for Next Generation Shipboard Integrated Power: Fuel Efficiency and Advanced Capability Enhancer. Existing and future surface combatants and submarines require advanced propulsion and power system technologies to enhance fuel economy, lower system acquisition cost, and free up volume and weight for war fighting capability. Funding is requested to continue the development of a power dense Integrated Power System (IPS) and Hybrid Electric Drive (HED) technologies suitable for surface combatant and submarine propulsion, enhanced power generation, and power conversion. Power dense electric machines and power conversion solutions enable hybrid propulsion systems that save fuel and provide increased critical power for additional payload capabilities. These developments allow an advanced IPS or HED system to be incorporated in future and existing warships, including the re-started DDG51 line, DDG51 Modification, Ohio Replacement, and a future CG(X).

Bill Number: H.R. 2647

Account: RDT&E, Air Force

Legal Name of Requesting Entity: Proxy Aviation

Address of Requesting Entity: 12850 Middlebook Road, Germantown, MD 20874

Description of Request: Authorized $7.5 million for research and development of Multiple Unmanned Aerial Systems (UAS) Cooperative Concentrated Observation and Engagement against a Common Ground Objective. There is an ongoing need in DoD to increase the number of (Information, Surveillance, Reconnaissance) ISR orbits provided by Unmanned Aircraft. This project increases effectiveness of the current fleet of Unmanned Aerial Vehicles (UAVs) by enabling multiple UAVs and multiple sensors to cooperate in the same airspace with dynamic mission execution. Proxy Aviation Systems has developed and demonstrated the power of UAS cooperative engagement capability that can reduce the manpower and increase the mission effectiveness

of current UAS. The Universal Distributed Management System (UDMS) is a demo proven (TRL–6) autonomous command and control system that will enable up to twelve UAVs to operate simultaneously from a single ground station and perform complex tactical objectives. The upgrade of existing and future US Government UAVs with a Cooperative Engagement capability will significantly reduce the manning required to operate current UAV systems which will lower costs while increasing mission effectiveness

Bill Number: H.R. 2647

Account: RDT&E, Army

Legal Name of Requesting Entity: Volvo Powertrain of North America

Address of Requesting Entity: 13302 Pennsylvania Avenue, Hagerstown, MD 21742

Description of Request: Authorized $3.0 million for research and development of Hybrid electric Heavy Truck Vehicle. The program's goal is to provide the military with a more fuel efficient, cleaner and more easily maintained heavy truck power train. A secondary goal is to build a truck engine that can provide the same electrical source as a traditional diesel generator. Combining these two capabilities in one engine will reduce deployed forces requirement for fossil fuels and reduce the need for inefficient, noisy diesel generators. Requested funds will be used to complete the final development stage prior to production. This final year of funding will enable Mack Trucks and Volvo Power train to finish building a prototype M915 truck with hybrid power train, and be prepared to compete for a M915 by the Army. It will reduce the logistics footprint of deployed forces by requiring less fuel in theater. It will also eliminate the need for noisy, diesel generators that can divulge the location of friendly forces. It will also provide a more easily maintained powertrain.

Bill Number: H.R. 2647

Account: RDT&E, Navy

Legal Name of Requesting Entity: Zeltex Inc.

Address of Requesting Entity: 130 Western Maryland Parkway, Hagerstown, MD 21740

Description of Request: Authorized $2.0 million for research and development of the Remote Fuel Assessment System. The military has critical operational requirements for a field capability to rapidly assess cached and secured fuel supplies at key distribution nodes without extensive logistic support. Zeltex, Inc. proposes to develop and demonstrate a Remote Fuel Assessment System (RFAS) for rapid fuel quality assessment. It will assess representative fuel content and contamination properties such as particulates, moisture, density, total oxygen content, benzene, olefins, aromatics, octane and cetane index to identify the class of fuel. Embedded wireless communication and control capability in the RFAS will ensure seamless operation with tactical information networks (Sense and Respond Logistics).

Bill Number: H.R. 2647

Account: MILCON, Army

Legal Name of Requesting Entity: Fort Detrick Garrison Commander

Address of Requesting Entity: 810 Schreider Street, Ft. Detrick, Maryland 21702–5000

Description of Request: Authorized $7.4 million for Community Activities Center at Fort Detrick Army Base. This project is required to support installation business operations, planning, and interagency integration as well as community activities to replace a rapidly deteriorating and unsafe WWII era building for the growing customer population at Fort Detrick, Maryland. This project will provide a modern, sustainable and safe facility that will greatly enhance communications and customer services by providing a facility that can support a variety of demands. All potential alternatives were examined in the development of this project and none were found to be feasible. Currently, the CAC temporary building is at the end of it's useful life and is requiring frequent expensive stop-gap repairs in order to avoid condemnation by the Fire Marshall or closure by the Installation Safety Officer. The building is unsafe, energy inefficient, environmentally unfriendly, unattractive, and incapable of housing services and activities that are vital, self-fulfilling in maintaining morale, esprit, and the quality of life. This new center will respond to the increase in requirements created by the National Interagency Biodefense Campus (NIBC), BRAC–95, BRAC–05, Army Transformation, Wounded Warrior and Suicide Prevention Programs, and the Army's goal of improving the quality of life for soldiers and their families by offering opportunities for self-fulfillment, social activity and leisure-time enjoyment.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mrs. MILLER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892 the Department of Homeland Security Appropriations Act of 2010

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 2892

Account: State and Local Programs/Emergency Operations Center

Legal Name of Requesting Entity: Macomb County Emergency Management and Communications Center

Address of Requesting Entity: 10 N. Main St. 1st Floor, Mt. Clemens, MI 48043

Description of Request: This request, in the amount of $250,000.00, would be used to purchase and install communications and technology equipment for the Macomb County Emergency Communications Center. The EOC is paramount to assisting and supporting the response and recovery efforts of the local community. With this funding, the EOC will be able to provide both primary and secondary communication and technology modes that will allow them to be interoperable within our EOC at a local, state and federal level.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2487 Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2487

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Madison County

Address of Requesting Entity: 138 North Court Street, Wampsville, NY 13163.

Description: Provide an earmark of $800,000 to Madison County for the construction and implementation of an interoperable emergency communications system to help facilitate communications with area first responders. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2487

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: St. Lawrence County District Attorney's Office

Address of Requesting Entity: 48 Court Street, Canton, NY 13617.

Description: Provide an earmark in the amount of $200,000 for the St. Lawrence County Drug Investigation Equipment Project. The project involves the purchase of electronic equipment to combat drug trafficking through surveillance. The equipment would be used by St. Lawrence County Drug Task Force to investigate, solve, and otherwise address drug trafficking. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2487

Account: Office of Justice Programs: Juvenile Justice

Legal Name of Requesting Entity: Northern Forest Canoe Trail, Inc.

Address of Requesting Entity: PO Box 565, 4403 Main St. 2nd Floor, Waitsfield, VT 05673.

Description: Provide an earmark in the amount of $300,000 for the establishment of an innovative, replicable youth outdoors program model which will serve underprivileged urban and rural 10–14 year olds. This project represents a scalable model for engaging youth in active outdoor experiences that lead to a number of positive outcomes. I certify that I do not have any financial interest in this project.

IN HONOR OF PAN ICARIAN BROTHERHOOD OF AMERICA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Pan Icarian Brotherhood of America as they come together for their 106th Supreme Convention and in recognition of the significant contributions Americans of Greek Heritage have made to the Greater Cleveland Community and to our Nation.

On this 106th anniversary of the organization's founding, I am honored and pleased that the Convention is being hosted by the Cleveland, Ohio Chapter. As many as fifteen hundred people of Greek descent will travel from

across the nation for this momentous occasion. We are very fortunate to live in a country that is rich with diversity and culture including a thriving Greek-American community. The Pan Icarian Brotherhood has passed down Greek traditions and practices. Greek-Americans have made invaluable contributions to their communities throughout the United States by participating in community service, social groups and sharing their history.

Madam Speaker and colleagues, please join me in honor of the Pan Icarian Brotherhood of America on the occasion of their 106th Supreme Convention in Cleveland, Ohio and in recognition of the significant contributions Greek-Americans have made to our country.

HONORING THE EXTRAORDINARY SERVICE OF STAN SYGITOWICZ

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LARSEN of Washington. Madam Speaker, after nearly 25 years of service on the Sedro-Woolley Housing Authority Board of Commissioners, Chair Stanley Sygitowicz will retire June 18 from the board.

Throughout his tenure on the board, Mr. Sygitowicz had a particular passion for ensuring that SWHA housing was updated and improved to the best possible standards. Over the past decade alone, the housing authority invested more than $1.6 million in capital improvements to ensure that our low-income neighbors—be they families, seniors or people with disabilities—live in high quality affordable housing.

At Hillsview, SWHA's 60-unit mid-rise for seniors and individuals with disabilities, Mr. Sygitowicz was regularly known to go above and beyond the duties of his board membership. He always made sure he knew each resident personally, and for many years, he organized an annual holiday party for the building. He exemplified and fostered a spirit of community.

For his commitment to the vulnerable residents of Sedro-Woolley, I offer my sincere congratulations to Mr. Sygitowicz, whose cheerful, easy-going manner belied a quarter century of can-do leadership and dedicated community service. He leaves a legacy of caring and high standards that few can match.

IN HONOR OF DR. BRUCE GRUBE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. KINGSTON. Madam Speaker, I rise today to honor and celebrate the achievements of Dr. Bruce Grube, an educator and leader whose impact extends far beyond the confines of any college campus. After serving since 1999 as the 11th president of Georgia Southern University in Statesboro, GA, Dr. Grube has announced his retirement set to commence at the end of this month.

Prior to his ten-year tenure at Georgia Southern, Dr. Bruce Grube gained a wealth of experience serving at multiple schools across the country. Not only was he the president of St. Cloud State University in St. Cloud, Minnesota, but he was also the provost at California State Polytechnic University in Pomona and Colorado State University in Pueblo. In the classroom, Dr. Grube earned the admiration and respect from colleagues and students alike, imparting his knowledge as a professor of political science on countless undergraduates. As an undergraduate himself, Dr Grube attended the University of California in Berkeley, earning a Bachelor of Arts degree. He followed his studies with a PhD in Government from the University of Texas in Austin.

In the larger community, Dr. Bruce Grube has been a prolific public speaker at national conferences and has been published in myriad academic journals, including The Journal of Politics and The American Political Science Review. He is an active member in community, national, and international organizations including Sigma Alpha Epsilon, Phi Kappa Phi, Phi Beta Delta, and the Golden Key Honor Societies, to name a few. In addition, Dr. Bruce Grube participates in an array of professional associations including the American Association for Higher Education, the American Association for State Colleges and Universities, and the American Association of University Administrators, among others.

Dr. Grube's upcoming retirement can only be described as bittersweet. During his tenure as President at Georgia Southern University, enrollment increased 22.7 percent to a record 17,764 students. Two colleges were founded during his term; the College of Information Technology and the Jiann-Ping Hsu College of Public Health. Various new degree programs were initiated. For example, it is now possible to receive a Bachelor of Science in Information Technology, a Masters of Public Health, a Doctorate in Psychology, or partake in the web-based Masters in Business Administration program. He also began extensive academic, housing, athletic, and administrative renovation projects totaling more than $150 million.

Dr. Bruce Grube will continue as a professor of Political Science for the 2010–2011 academic year and as a mentor and consultant to up-and-coming university presidents within the University System of Georgia. However, his time as president of Georgia Southern University will not be forgotten.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Project Name: Electromagnetic Research and Engineering Facility

Amount: $3,660,000

Requested By: ROBERT J. WITTMAN (VA–01)

Account: Military Construction (MCN)

Intended Recipient of Funds: Naval Activity South Potomac, Dahlgren, Virginia, Dahlgren, VA 22448

Project description and explanation of the request: This project will provide an addition to the Electromagnetic Research and Engineering Facility (EMREF). This addition is required to facilitate the Directed Energy Technology Office at Naval Surface Warfare Center, Dahlgren Division (NSWCDD) to meet its mission in Directed Energy research, development of prototypes and engineering development model systems and in fielding these prototypes to the warfighter. This project will provide laboratories and analysis spaces for wideband RF, High Powered Microwave, Pulsed Power and high energy laser systems engineering and development. This project provides necessary access to a maritime boundary layer environment and therefore is sited along the Potomac River Test Range. This project will house 25–30 engineers and scientists some of whom will be new hires. This project was developed because it represents the lost scope of another military construction project, P295, that was approved in Fiscal Year 2006. Due to high bids, only about 75% of the original facility could be built. This project provides the remaining 25% (6,500 SF). Funding will be used for electrical facilities ($120,000), mechanical facilities ($110,000), paving and site improvements ($30,000), site preparations ($110,000), demolition of previous buildings ($230,000), anti-terrorism/force protection measures ($180,000), information systems ($60,000), built-in equipment ($60,000), and technical operating manuals ($40,000). I certify that neither I nor my spouse has any financial interest in this project.

RECOGNIZING PATTI GILMORE OF HUTTO, TX

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CARTER. Madam Speaker, I would like to recognize Patti Gilmore with the City of Hutto, Texas for her countless hours of volunteerism to the Team Hutto, Adopt-a-Unit Program.

The cities of Hutto and Taylor, Texas jointly adopted the 1–4 ARB Unit out of Fort Hood, Texas last year providing the deployed troops and their families with supplies, encouragement and a sense of family from their neighboring cities in Texas District 31. Patti has been instrumental in obtaining donations, organizing events and providing support to the deployed troops and their families. Her acts are a sign of true patriotism to our great nation and to the men and women who serve our country.

It is an honor to recognize Patti, and she continues to be a true inspiration through her acts of support and dedication.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Ms. GRANGER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of

H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congresswoman KAY GRANGER

Priority Name: UH–60 Rewiring Program—Army National Guard

Authorized Amount: $5 million

Account: Aircraft procurement—Army

Legal Name of Requesting Entity: Inter-Connect Wiring

Address of Requesting Entity: 5024 West Vickery Blvd, Fort Worth, TX 76107

Description of Request: The use of taxpayer funds is justified because the UH–60 rewiring program is a vital recapitalization of critical aviation assets within the Army National Guard. Replacing Kapton insulation used in aircraft wiring harnesses during modification, work order and retrofit is a key component. After many years of use, Kapton insulation becomes old and brittle and can lead to wet or dry arcing. Arcing can lead to intermittent or catastrophic failures. The only solution for this potential problem is to replace the wiring harnesses with new wiring harnesses.

Priority Name: Mobile Firing Range for TXARNG

Authorized Amount: $1.5 million

Account: Training Devices, Nonsystem

Legal Name of Requesting Entity: Texas Army National Guard

Address of Requesting Entity: PO Box 5218, Austin, TX 78763

Description of Request: This funding will be used to procure a Mobile Firing Range for the Texas National Guard. The use of taxpayer funds is justified because the TXANG currently does not have access to any indoor ranges that can be used to fire the M16/M4 which is the current armament for 90% of the soldiers within the Texas Army National Guard. The Mobile Firing Range will allow soldiers to train with their assigned weapons at home station. The value added is soldiers can train more than once a year during their annual qualification. The ability to have mobile ranges allows for them to be collocated as needed to support deploying unit needs. This system is a training and force multiplier due to the negation of travel and lodging, and staging needed when conducting this training on a military facility.

Priority Name: Field Deployable Hologram Production System

Authorized Amount: $4.8 million

Account: Research, Development, Test And Evaluation, Army

Legal Name of Requesting Entity: Zebra Imaging

Address of Requesting Entity: 9801 Metric Boulevard, Suite 200, Austin, TX 78759

Description of Request: The Enhanced Holographic Imager (EHI) program is completing development of a compact production unit that produces 3D holographic imagery for mission planning and intelligence purposes for U.S. forces in Iraq and Afghanistan. The use of taxpayer funds is justified because the Army now requests a self-contained, field-deployable EHI production system to accelerate imagery delivery to combat forces. This authorization will be used to fund an EHI post-processing unit and a transportable production facility, with the completed Field Deployable Hologram Production System operational within a year of receiving funding.

Priority Name: Replace Joint Base Communications Building

Authorized Amount: $6.17 million

Account: Military Construction

Legal Name of Requesting Entity: NAS JRB FT WORTH

Address of Requesting Entity: NAS JRB FT WORTH, Fort Worth, TX 76127

Description of Request: This funding will be used to provide adequate facilities to house and support the communications hub for NAS JRB Fort Worth. The terminal/switch room in this facility provides the single connecting point for all on-base communications and their interface to all off-base systems. The Navy and the Air Force have personnel in this facility and manage communications systems for all of the tenant commands. The base has seen increases in communication volume due to links with off-site data systems and new tenants (e.g. 8th Marine Corps Division Office), as well as increased information security requirements. The use of taxpayer funds is justified because these conditions force increases in the amount and complexity of the equipment. Existing space will not accommodate growth requirements for the terminal/switch room, threatening a loss in communication functionality base-wide.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BLUNT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman ROY BLUNT

Priority Name: JSOW–ER

Authorized Amount: $6.5 million

Account: Joint Standoff Weapon Systems

Legal Name of Requesting Entity: LaBarge, Inc

Address of Requesting Entity: 1505 S. Maiden Lane, Joplin, MO 64801

Description of Request: JSOW is a GPS-guided air-to-ground weapon designed to attack a variety of targets in day, night and adverse weather conditions. The 70+ mile range of JSOW allows launch aircraft to stand off beyond the range of most Surface-to-Air missiles. The use of taxpayer funds is justified because there is a need for weapons with greater standoff. A new variant of JSOW (JSOW–ER Block IV) would have a range and lethal capability equal to or greater than SLAM–ER and would satisfy the warfighter's need at less than half the cost of SLAM–ER. An existing engine from the Miniature Air-Launched Decoy program will be used to extend the range of JSOW–ER to more than four times of the current glide version.

Priority Name: Lithium Ion Storage Advancement for Aircraft Applications

Authorized Amount: $4.2 million

Account: Force Protection Applied Research

Legal Name of Requesting Entity: EaglePicher Technologies

Address of Requesting Entity: 1215 W B St., Joplin, MO 64801

Description of Request: Protection of Li-Ion power systems is absolutely necessary on all current chemistries to prevent catastrophic failures due to over charge, over discharge and temperature excursions. In conjunction with the necessary safety aspects of the power system, a management function is necessary to achieve maximum performance. Maximum performance is achieved by monitoring individual cell voltages, temperature and currents and using this information to control each cell's charging based on environments. By managing the system at the cell level, premature power system degradation and failure can be greatly reduced. This translates into reduced maintenance costs, increased battery life, increased performance and overall increased safety. The use of taxpayer funds is justified because the results from advancements in overall safety and chemistry not only provide safety for aircraft applications but can also be transitioned to the commercial, industrial, military as well as consumer product industries. The next generation of energy storage can be achieved. In addition, by leveraging the results from efforts on current projects, advancements toward new technologies can be realized sooner. These batteries have significant weight and power density advantages over legacy technologies that are currently in use.

Priority Name: Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence

Authorized Amount: $8 million

Account: Aerospace Technology Dev/Demo

Legal Name of Requesting Entity: Missouri State University/QinetiQ North America

Address of Requesting Entity: 901 S. National Ave., Springfield, MO 65804

Description of Request: This funding will be used toward a revolutionary approach to the realization of truly load bearing antenna arrays. In addition to load bearing antennas, the DF hardware will be structurally integrated such that weight is minimized. DF algorithms have been developed and modifications for the severe conditions in Afghanistan will be used as a baseline. The use of taxpayer funds is justified because this new, affordable, antenna platform will significantly increase the DF capabilities of the Zephyr platform. This will enable rapid deployment and affordable assets in theater, adding significantly to the nation's assets.

Priority Name: Short Range Ballistic Missile Defense

Authorized Amount: $20.5 million

Account: Ballistic Missile Defense Terminal Defense Segment

Legal Name of Requesting Entity: LaBarge Inc

Address of Requesting Entity: 1505 S. Maiden Lane, Joplin, MO 64801

Description of Request: SRBMD is a joint Missile Defense Agency (MDA) and Israel Missile Defense Organization program to develop and deploy a cost-effective broad-area defense for use by both countries' militaries and Israeli civilians against ballistic missiles, large caliber rockets and cruise missiles. The joint program objective is to develop the Stunner interceptor to be common to both militaries for maximum return on investment. The Army has indicated its intention to integrate the Stunner into current and planned missile defense systems. The program successfully completed a critical flight test in February 2009 and two additional tests are scheduled this year. The use of taxpayer funds is justified because the additional funding requested will support qualification and transition to production beyond the

President's request and will support US-specific work to integrate the system into the US air and missile defense system. The funding will accelerate a critical, ongoing program and help to ensure that this system is deployed as quickly as possible to begin providing needed protection to US troops deployed around the world.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 National Defense Authorization bill.

Requesting Member: Congressman JEFF MILLER

Project Name: STARBASE Freedom

Account: Civilian Education and Training

Legal Name of Requesting Entity: Okaloosa County Schools/Eglin AFB

Address of Requesting Entity: Eglin Air Force Base, Florida 32542

Description of Request: $484,000–STARBASE Freedom, Okaloosa County/Eglin AFB, Florida. I requested these funds to provide a science and mathematics education improvement program for at-risk youths in the Eglin AFB community. The entity to receive funding for this project is Eglin AFB/Okaloosa County Schools located at Eglin Air Force Base, Florida. I certify that this project does have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a ''front'' or ''pass through'' entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

IN HONOR AND REMEMBRANCE OF EDWARD PETER LEO McMAHON, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Edward Peter Leo McMahon, Jr. who shared his life and talents with the American people through his long and successful career as both a fighter pilot for the United States Marine Corps and an iconic entertainer.

Ed McMahon was born in Detroit, Michigan. After spending his summers as a teen announcing bingo for carnivals, he attended Boston College. An electrical engineering student, McMahon enrolled in the Navy's V–5 training program. In 1944 McMahon earned his wings and served in World War II as an instructor and test pilot. He returned to Catholic University of America and earned a Bachelor's of Art in 1949. After a brief stint in broadcasting McMahon was called to duty during the Korean War and subsequently won six air medals.

Upon completing his military duty, McMahon returned to television as the announcer for the game show Who Do You Trust? Four years later McMahon began his infamous role as the announcer for The Tonight Show with Johnny Carson. McMahon became a television and entertainment icon during his thirty year tenure with the show and had independently become a star on his own over the decades. He became the host of Star Search in 1983; the advertising voice of countless products and was featured in numerous films and television series.

In addition to his roles as actor, announcer and promoter, McMahon was active in various charities. He made frequent appearances with Jerry Lewis on the Muscular Dystrophy Association annual telethon, served on the board of the Marine Corps Scholarship Fund, and also supported the United Negro College Fund.

Madam Speaker and colleagues, please join me in honoring and remembering the long and successful life of Ed McMahon. I offer my deepest sympathy and condolences to his family and friends. He was truly dedicated to the American people; serving them through his service in the military as well as entertaining them for decades. His life and laughter will surely be missed and cherished for years to come.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the House-passed version of H.R. 2647, the National Defense Authorization Act for Fiscal Year, 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2647

Account: Navy Research and Development—0604215N

Legal Name of Requesting Entity: U.S. Navy; Naval Surface Warfare Center, Corona Division

Address of Requesting Entity: Naval Surface Warfare Center, Corona Division, Corona, CA 92878–5000

Description of Request: I have secured $2,000,000 for the Measurement Standards Research and Development Program. The program includes testing for electro-optic and night vision systems; chem/bio and radiation detection systems; advanced sensor technologies; nano-technology. It also provides for improved and state of the art measurement calibration systems that ensure an accurate traceability of measurement from the weapon system parameter to National Standards maintained at NIST. Without adequate measurement capability, verification of performance for weapon and detection system readiness is not possible. This project results in the development of the measurement standards and calibration systems necessary to provide traceable measurements. These state-of-the-art measurements standards often reside at NIST and thus provide benefit to other federal agencies and industry as well. This project allows the Navy to make correct test decisions that ensure mission success and safety while reducing the cost of unnecessary rework. Substantial cost savings have resulted from past R&D projects funding through this program.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2647

Account: Army Research and Development—0602787A

Legal Name of Requesting Entity: Air Force Office of Scientific Research

Address of Requesting Entity: 801 N. Randolph Street, Arlington, VA 22203

Description of Request: I have secured 3,000,000 for the Military Photomedicine Program. Photomedicine is an emerging field of biomedical research that shows considerable promise in the ability to address many priority military medical problems, including treatment of drug resistant infections, light activated repair of severed nerves and blood vessels, non-invasive critical care monitors for hemorrhagic shock and compartment syndrome, self directed needles for vascular access, sealing of penetrating eye injuries, early detection of Traumatic Brain Injury (TBI), biopsy imaging without tissue removal for airway injury from smoke or chemical agent inhalation, real time imaging of tissue circulation for wound management and reconstructive surgery, and targeted accelerated wound healing. Through peer reviewed, competitive grant funding this program supports teams of scientists and health care professionals at academic centers in collaborations with DoD medical laboratories in the development of technologies identified by DoD as important to military personnel, with a specific focus on the wounded warrior priorities identified in the Department's Guidance for Development of the Force FY 2010–2015 document.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2647

Account: Military Construction; Air Force Reserve

Legal Name of Requesting Entity: March Air Reserve Base

Address of Requesting Entity: March Air Reserve Base, Riverside, California 92518–2166

Description of Request: I have secured $9,800,000 for the March Air Reserve Base Small Arms Firing Range. The funds would be used to construct an adequately sized and configured small arms firing range which is required for training and maintaining the standard of current Air Force preparedness. The project also includes office space, classrooms, and equipment with fire protection and security alarm, lightning protection and explosion proof electrical which would bring the facility up to current force protection standards. The existing firing range was built in 1942 and is sub standard as a training facility. It is located approximately 5 miles away from March ARB and creates security, safety, and health and maintenance problems. Without funding the current facility will deteriorate further and will not be able to meet the training and readiness requirements of the base. Security, health and safety will be a concern and may cause the existing firing range to shut down. The range closure will seriously impact the small arm training, Force Protection and Personnel Combat Arms requirement for Reserve and National Guard units.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2647

Account: Navy Operations and Maintenance—BA03–1804N

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps

Address of Requesting Entity: U.S. Naval Sea Cadet Corps; 2300 Wilson Blvd, North; Arlington, VA 22201–3308

Description of Request: I have secured $650,600 for the U.S. Naval Sea Cadet Program. The Sea Cadet Program is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets and adult volunteers in 387 units country-wide. It promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Summer training onboard Navy and Coast Guard ships and shore stations is a challenging training ground for developing self-confidence and self-discipline, promotion of high standards of conduct and performance and a sense of teamwork. Funds will be utilized to "buy down" the out-of-pocket expenses for training to $120/week. NSCC instills in every Cadet a sense of patriotism, courage and the foundation of personal honor. A significant percent of Cadets join the Armed Services often receiving accelerated advancement, or obtain commissions. The program has significance in assisting to promote the Navy and Coast Guard, particularly in those areas of the U.S. where these Services have little presence.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the FY10 National Defense Authorization bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 2647

Account: Military Construction—Air Force Reserve

Legal Name of Requesting Entity: Niagara Falls Air Reserve Station

Address of Requesting Entity: Niagara Falls Air Reserve Station, 2720 Kirkbridge Drive, Niagara Falls, NY 14304

Description of Request: Provide an authorization of $5.7 million for Project #RVKQ 10–9091, the Indoor Small Arms Range that would support the requirements of the Base wings, the units of the new Armed Forces Readiness Center and the Department of Homeland Security tenants.

Of the total project amount, approximately $4.4 million (or 77.1%) is for construction of the range; $44,000 (or 1%) is for force protection; $640,000 (or 11.2%) is for supporting facilities; $254,000 (or 5%) is for contingency costs; and $304,000 (or 5.7%) is for inspection and overhead.

The current situation requires personnel to shoot at a range in Canada when utilizing the M–24B machine gun and M–249 rifle. Additionally, the current number of firing line positions is inadequate to satisfy the volume of monthly training requirements which has grown with the addition of the Regional Readiness Center at the Base.

Due to the fact that the existing range is outdoors and off-Base, students and instructors are exposed to the elements and extreme temperatures for extended periods of time. In addition, an exorbitant amount of time is wasted by personnel who must travel a distance to the range. Also, due to extreme weather conditions, the Wing loses several months of weapons qualifying each year. This new Small Arms Range will allow personnel to meet all necessary mandatory weapons training as well as meeting safety and environmental requirements.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman MIKE ROGERS of Michigan

Bill Number: H.R. 2647

Account: Operations and Maintenance—Operating Forces

Legal Name of Requesting Entity: Peckham Industries

Address of Requesting Entity: Peckham Industries, 2822 N. Martin Luther King Blvd., Lansing, MI 48906

Description of Request: Provide funding of $2,600,000 for a Cold Weather Layering System (CWLS) for U.S. Marine Corps Expeditionary Forces. The Marine Corps requirement for the Polartec components to CWLS is 202,000 units. $2,600,000 will fund approximately 13,000 sets of CWLS. The CWLS is designed to reduce the weight and volume that a Marine operating as dismounted infantry must carry to accomplish combat missions in mountainous and cold weather environments.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010."

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010"

Account: Air Force Research and Development

Legal Name of Requesting Entity: Northrop Grumman Corporation

Address of Requesting Entity: 1840 Century Park East, Los Angeles, California 90067–2199

Description of Request: I requested and received a Member priority authorization request totaling $14,600,000 for Advanced Tactical Data Links (ATDLs) for the U.S. Air Force B–2 Stealth. This data link would profoundly alter how these stealth aircraft like the B–2, F–35, and F–22 communicate with each other in a high threat environment by allowing all three types of aircraft to communicate and share threat information. Sharing real-time threat information would improve lethality, increase survivability, reduce operating and support costs, and increase efficiencies.

The USAF has acknowledged the need for such a critical capability and has provided funding to integrate a common data link into the F–35 and F–22. However, funding for integration of such a link on the B–2 has not occurred. This initiative would provide these significant improvements in the capability two to three years sooner than currently planned. These upgrades will enable our strategic bombers to be more effective in projecting American power abroad and providing battlefield support for our troops.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010"

Account: Army Research and Development

Legal Name of Requesting Entity: Curtiss-Wright Controls Embedded Computing

Address of Requesting Entity: 28965 Avenue Penn, Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority authorization request totaling $2,400,000 for U.S. Army Vehicle Electronics Optimization. This project provides advanced technological components to a variety of Army systems such as tanks, armored personnel carriers, and artillery pieces that are smaller, save power, weigh less, and require less cooling while improving performance and reducing life cycle cost. This would help the Army's accelerated fielding of new systems by reducing complexity and risk associated with these electronics upgrades. Enhancements will help our soldiers in combat be more effective and responsive.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010"

Account: Air Force Research and Development

Legal Name of Requesting Entity: Advatech Pacific, Inc.

Address of Requesting Entity: 950 E. Palmdale Blvd., Suite C, Palmdale, CA 93550

Description of Request: I requested and received a Member priority authorization request totaling $3,000,000 for the U.S. Air Force Advanced Vehicle Propulsion Center (AVPC), a unique, world-class center at Edwards Air Force Base that allows experts to examine current and future engineering, design, and development of propulsion systems, space vehicles, missiles, and advanced weapon concepts. The Center's efforts are estimated to save the Air Force millions of dollars in future program costs through the integration of the best engineering, design, analysis, and cost tools from government, industry, and academia.

Funding would allow the Center's engineers to incorporate recent technological advances

into future Air Force space and missile systems, virtually demonstrating whether proposed designs are sound from operational, infrastructure, schedule, cost, reliability, and risk perspectives. This research will enable our warfighter to be more effective, and will free up limited resources to fund other defense priorities.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010"

Account: Navy Research and Development

Legal Name of Requesting Entity: Naval Air Warfare Center, China Lake

Address of Requesting Entity: HSAD Program Office, Naval Air Warfare Center, China Lake, CA 93555–6100

Description of Request: I requested and received a Member priority authorization request totaling $1,900,000 for the U.S. Navy/U.S. Air Force High Speed Anti-Radiation Demonstrator established at China Lake Naval Air Weapons Station in 2002 to demonstrate an advanced rocket propulsion system that can provide either twice the distance or half the time to target over solid propellant rocket motors. With flight testing successfully accomplished and propulsion system technology demonstrated, this funding request would allow the transition of HSAD designs into a tactical missile configuration for future use in Navy/USAF advanced weapon systems. In addition, funds would be used to develop next generation solid ramjet fuels and provide performance data to support missile performance. In the future this research will benefit the warfighter by providing better performing missiles and missile defenses critical to our air superiority and homeland defense.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010"

Account: MILCON, Navy

Legal Name of Requesting Entity: U.S. Marine Corps Mountain Warfare Training Center

Address of Requesting Entity: U.S. Marine Corps Mountain Warfare Training Center, Bridgeport, CA, 93517

Description of Request: I requested and received a Member priority authorization request totaling $8,600,000 for a new commissary at the U.S. Marine Corps Mountain Warfare Training Center. This project would construct a permanent commissary at the U.S. Marine Corps Mountain Warfare Training Center. Due to the remote location of the base outside Bridgeport, California, military members and their families travel dozens of miles over steep and sometimes impassable roadways to buy groceries and supplies. This project would eliminate that drive and provide an improved quality of life on base, especially during the winter months.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010"

Account: Air Force Research and Development

Legal Name of Requesting Entity: Andrews Space

Address of Requesting Entity: 25133 Avenue Tibbitts, Unit A, Valencia, CA 91355

Description of Request: I requested and received a Member priority authorization request totaling $2,000,000 to promote research into smaller, lower cost, and rapidly deployable satellites called "cubesats" that would provide imagery, advanced warning, navigation, and intelligence to our military and other national security agencies. Currently, a domestic provider of cubesat components does not exist.

Funding would allow the DoD Cubesat Program to continue fundamental research, development, testing, of domestic source, low cost components such as flight computers, power hardware, and spacecraft navigation and control hardware. These efforts would help enable domestic mass production of cubesats in the near future. Cubsats are an integral part of the Department of Defense's plan to provide more, less expensive, timely intelligence to support the warfighter.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010"

Account: Navy Research and Development

Legal Name of Requesting Entity: California State University Long Beach

Address of Requesting Entity: 6300 State University Drive, Ste 332, Long Beach, CA 90815

Description of Request: I requested and received a Member priority authorization request totaling $2,000,000 for a Department of Defense Strategic Mobility Logistics Study. This project, headed by Cal State University Long Beach and Cal State University San Bernardino at the Southern California Logistics Airport (SCLA), would allow the continuation of educational training, logistics modeling, and the development of defense training courses supporting the U.S. Army, U.S. Navy, and several major commands. These courses are designed to make Defense Department logistics more efficient, less expensive, and provide greater inventory control while creating a more cognizant military and civilian logistics workforce. This program also plays a key training role creating jobs in the defense industry.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the FY10 Homeland Security Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 2892

Account: Science & Technology—Research, Development, Acquisition, and Operations

Legal Name of Requesting Entity: Rochester Institute of Technology

Address of Requesting Entity: 30 Lomb Memorial Drive, Rochester, NY 14623

Description of Request: Provide an earmark of $500,000 for the Remote Sensing for Situational Awareness and Decision Support project, which will allow the Rochester Institute of Technology's (RIT) Chester F. Carlson Center for Imaging Science to create a Remote Sensing TestBed (RSTB) for Border Security and Disaster Management. This research will focus on remotely sensed data from an affected area delivered in real-time or near real-time by using instruments and software developed at RIT.

Of the total amount received, approximately $310,000 (or 62%) is for materials and flight services and approximately $190,000 (or 38%) is for personnel, including faculty, staff, and students. RIT is seeking additional funding from the New York Foundation for Science, Technology and Innovation (NYSTAR) and the NYS Department of Homeland Security.

Timely and effective response to border incursions, disasters, or infrastructure failures requires situational awareness on the part of decision makers. The lack of such timely and useful geo-spatial data was a key aspect of the response to the aftermath of Hurricane Katrina in 2005. Often the best source of situational awareness is remotely sensed data from the affected area delivered in real-time or near real-time. Using instruments and software developed at RIT, they have deployed prototype airborne systems and successfully tested these systems to validate their capabilities in addressing these critical issues. The demonstrations to be conducted will process and display precision geo-referenced imagery to users in an operational setting, enable incident managers to command and view sensor information in a form that is intuitive and useful to decision makers, and deliver training to enable the deployment of these systems as part of their ongoing operations.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2892, the Department of Homeland Security Appropriations Bill, 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2892

Account: DHS, FEMA, National Predisaster Mitigation

Legal Name of Requesting Entity: Orange County Fire Authority

Address of Requesting Entity: 1 Fire Authority Road, Irvine, California 92602

Description of Request: I have secured $252,000 for predisaster mitigation for the Orange County Fire Authority. The funding would be used to support a full time year-round hand crew for wildland fire operations through the purchase of materials such as personal protective equipment, supplies and tools. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

TRIBUTE TO MINISTER LUCA FERRARI

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay tribute to one of

the finest diplomats that both of us have come to know, Mr. Luca Ferrari, the Minister Counselor for Public and Legislative Affairs at the Embassy of the Republic of Italy. Minister Ferrari, who has been at the Italian Embassy here in Washington since October 8, 2005, is also the Official Spokesman at the Embassy as well. It has been recently announced that Minister Ferrari will leave Washington later this summer to become the Deputy Chief of Mission at the Embassy of Italy in Madrid, Spain.

Minister Ferrari, whose father was a career diplomat, was born in Rome and lived all over the world while growing up. As a result, he can speak five languages fluently. He received a degree in political science from the University of Rome in 1984. He joined the Italian Diplomatic Service in 1986 and served in a number of positions in Rome, including Executive Assistant to the Foreign Minister and Special Assistant in the Office of the Secretary General of the Ministry of Foreign Affairs. In 1991, he was sent to Moscow where, as First Secretary, he held the position of Head of the Ambassador's Secretariat and Chief of the Consular Section until 1995. Then he began his first assignment in Washington, where he was Counselor and Chief of Staff of the Ambassador of Italy to the United States until 1999. After returning to Rome, he served as the Director for Middle Eastern Affairs of the Italian Ministry of Foreign Affairs until his return to Washington in 2005.

Given the enormous amount of diplomatic and consular activity between the United States and our critical NATO ally Italy over the years, Washington, D.C. is one of the most challenging posts for Italian diplomats. I think that you will agree with my belief that Minister Ferrari has performed superbly both as a diplomat and as a friend to both of us. Whether it has been his tireless efforts on your historic trip to Italy as the highest ranking Italian-American official, his facilitation of the recent visit of Prime Minister Silvio Berlusconi to Washington, and the numerous visits of other high-level officials in recent years, his work to provide relief in the wake of the devastating earthquake in Abruzzo, his preparations for the upcoming July G–8 Summit in L'Aquila, or the energy he brought to the numerous other projects to which he was assigned; I think that you will agree with me that Luca has set an example of what it means to be a model diplomat. Many of our colleagues are aware of the historic role that the model of Italian diplomacy has played in the creation of the current worldwide diplomatic system and international law. We can easily see how Luca fits into the fine tradition of envoys that Italy has sent to other nations down through the ages.

On a personal level, Madam Speaker, Luca has been a true friend to both of us, as well as to your husband Paul and to my wife Leslie. As you have on so many occasions, Luca travelled to Hartford to participate in my annual charity Bocce Tournament, which Leslie and I host at our home to raise money for the St. Patrick/St. Anthony Church in Hartford and the East Hartford Interfaith Ministries. Although he has yet to join you in the elite group of Italian Celebrity Night trophy winners, I am sure that, with a little more practice, he will be awarded that honor at some future tournament.

Madam Speaker, I would like to conclude by urging all of our colleagues to join us in saluting Minister Luca Ferrari for all he has done to further relations between our two countries and to wish him, his wife Mariachiara Pastore Ferrari, and their 13 year-old son Alessandro Ferrari all the best as they begin their new duties in Spain.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LATHAM. Madam Speaker, pursuant to the new House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 2647, National Defense Authorization Act for Fiscal Year 2010

Project Name: Readiness Center Addition/Alteration, Iowa Falls, Iowa.

Amount: $2,000,000

Account: Army National Guard

Recipient: Construction and Facilities Management Office (CFMO), Iowa Army National Guard

Recipient's Street Address: Camp Dodge, Building B-61, 7105 NW 70th Avenue Johnston, Iowa 50131

Description: The purpose of this project is to renovate and provide an addition to the Iowa Falls National Guard Readiness Center (armory). The project is a complete renovation of the existing facility to modernize administrative and training areas to meet new Department of Defense force structure requirements. The addition to the building will address deficiencies in supply space, vault space, classroom space, the electrical system, HVAC system, Anti-terrorism/Force Protection (AT/FP) measures, information technology/telecom systems and military parking space.

Bill Number: Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010

Project Name: Garner Wastewater Treatment Plant/Trunk Sewer Reconstruction

Amount: $500,000

Account: STAG Water and Wastewater Infrastructure Project

Recipient: City of Garner

Recipient's Street Address: 135 West 5th Street Garner, IA 50438

Description: Construct improvements, including upgrading current aerated lagoon system to sequencing batch reactor mechanical plant and reconstruction of approximately 3000 feet of undersized trunk sewer line. The Iowa Department of Natural Resources has mandated construction of wastewater plants to meet ammonia nitrogen standards. Trunk sewer carrying 70% of the community's flow needs to be upgraded from 12'' diameter pipe to 24''. The City's aerated lagoon system is no longer capable of meeting standards for ammonia nitrogen, and the DNR has mandated construction of a new plant. The project is extremely significant locally. Without securing outside funding, sewer rates will be triple what they were in 2005 for at least the next 20–25 years. This is a major expense for families in economic times that have hit Hancock County's employment base harder than the national average.

Bill Number: H.R. 2849, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Project Name: Iowa Central Law Enforcement Training Center

Amount: $500,000

Account: OJP—Byrne Discretionary Grants

Recipient: Iowa Central Community College

Recipient's Street Address: One Triton Circle Fort. Dodge, IA 50501

Description: The Center provides an economical and efficient platform for multi-discipline training programs for first-responder law enforcement personnel from across the state of Iowa. Thus far about 26,000 personnel have been trained.

Bill Number: H.R. 2849, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Project Name: Internet Scale Event and Attack Generation Environment

Amount: $400,000

Account: OJP—Byrne Discretionary Grants

Recipient: Iowa State University

Recipient's Street Address: 1750 Beardshear Hall Ames, IA 50011

Description: The funding will be used to continue the program, which simulates technology cyber attacks on a virtual internet for the purpose of researching cyber defense mechanisms and analyzing attacks.

Bill Number: H.R. 2849, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Project Name: Iowa State Forensic Testing Lab

Amount: $1,300,000

Account: OJP—Byrne Discretionary Grants

Recipient: Iowa State University

Recipient's Street Address: 1750 Beardshear Hall Ames, IA 50011

Description: The funding will continue this project, which involves cutting edge developments in forensic analysis and evaluation techniques, and the conduct of training and lab management programs for state and local (and some federal) entities.

Bill Number: H.R. 2849, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010

Project Name: Law Enforcement Visual Intelligence Tool

Amount: $200,000

Account: COPS Law Enforcement Technology

Recipient: Pocahontas County Iowa Sheriff

Recipient's Street Address: 99 Court Square Pocahontas, IA 50574

Description: The purpose of the technology is to aid local sheriffs in North Central Iowa by providing a special aerial imagery and geospatial visual intelligence tool that can help law enforcement personnel view and analyze an enforcement target location, building, intersection, etc.

HONORING THE SAMARITAN INN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mrs. CAPITO. Madam Speaker, I rise today to honor The Samaritan Inn, which took its first resident in 1989. Since it began, the Inn has served over 400 men through outreach or residential housing.

The Samaritan Inn is transitional residential living with supportive services for up to 12

homeless adult men at a time. Men may stay for up to 24 months. The Inn provides for group living in a safe, supportive, home-like environment. The project has as its primary mission to promote residential stability, increase skill level, and increase income which leads to greater self determination, thereby enabling the men serviced to move to permanent housing.

Specifically, the Inn: (1) provides safe, decent temporary shelter for homeless men in transition from homelessness to independent living in permanent housing; (2) provides case management services that emphasize healthy relationships, financial responsibility, education and training, household management, work ethics, mental and physical health, and responsible personal behavior; (3) provides opportunity to recover self-esteem, build confidence, restore dignity; and (4) provides life skill training and job development skills required to support and sustain independent living in permanent housing.

For a number of years, Samaritan Inn was the only HUD supported transitional housing available for men in the Kanawha Valley. Today it is one of only two HUD supported transitional facilities for men in this area.

The Inn is a stately Victorian home-like facility that is conveniently located in downtown Charleston and is close to bus lines and businesses.

Upon entry, each resident works with staff to establish individualized goals designed to overcome the obstacles to permanent, independent living. Each resident is required to work, pay up to 30% of his income in rent, maintain his own living area, share the cooking and cleaning responsibilities, participate in a life skills curriculum, substance abuse education, and participate in community volunteer activities.

The Samaritan Inn provides a safe environment to recover from homelessness, offers services that permanently change the lives of men who have been homeless, and empowers men to be productive independent citizens of our community.

BIASED LA TIMES STORY MISSES POINT

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SMITH of Texas. Madam speaker, I have more bad news for Americans . . . yet another example of biased reporting.

This one comes from the Los Angeles Times.

The paper ran a story about a company that fired 200 workers after an IRS audit found "hundreds of 'invalid or fraudulent' Social Security numbers."

An unbiased story would have focused on how devastating ID theft is to families. It might have discussed the range of problems they face—faulty arrest records and tax liabilities among them.

The article also might have mentioned that those 200 jobs are now open for jobless U.S. citizens and legal immigrants. And that typically after an action like this, wages for American workers are higher.

But the Times story did neither of these things.

Instead, the story followed the talking points set forth by amnesty advocates and the Times' own editorial board.

Readers deserve better. They deserve a balanced view.

And that Los Angeles company—it should be praised for its actions to comply with the law instead of ignoring it.

ACKNOWLEDGING THE 37TH ANNIVERSARY OF TITLE IX

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Ms. WATERS. Madam Speaker, I rise today to acknowledge the 37th Anniversary of Title IX. Title IX is the federal law that prohibits gender discrimination in federally funded educational programs. Specifically this legislation was designed to create equality among the sexes in education, but this mandate has had an even greater impact on women's athletics. As a result, it has provided opportunities which were not previously available. While many gender barriers have been broken since Title IX's implementation, there are still many obstacles that young women face today.

Many of Title IX's accomplishments stem from successes with collegiate level athletics. Unfortunately, elementary and high school girls are still not completely protected by the requirements of this legislation. Today we know that those young women are not receiving nearly as much funding as their male counterparts in sport related activities. Although there is still work to be done in regards to Title IX, a lot has changed since its inception. Before the law passed in 1972, women consisted of just seven percent of all high school sports participants. Today over forty percent of high school athletes are females. In terms of collegiate academia and sports participation, well over half of all undergraduate college students are women. Women also outnumber men in graduate school and law school enrollment.

Madam Speaker, I am pleased to acknowledge the 37th Anniversary of Title IX and all it has done to provide our young women with so many excellent opportunities. I will work diligently with my colleagues to protect the rights of women and ensure that gender discrimination becomes a remnant of the past.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent Friday, June 19, on very urgent business. Had I been present for the ten votes that day, I would have voted the following way:

I would have voted "aye" on H. Res. 559, rollcall vote No. 409;

I would have voted "aye" on H. Res. 559, rollcall vote No. 410;

I would have voted "aye" on H. Res. 560, rollcall vote No. 411;

I would have voted "aye" on H.R. 2918, rollcall vote No. 412;

I would have voted "aye" on H.R. 2918, rollcall vote No. 413;

I would have voted "present" on rollcall vote No. 414;

I would have voted "aye" on H. Res. 520, rollcall vote No. 415;

I would have voted "aye" on H. Res. 520, rollcall vote No. 416;

I would have voted "aye" on H. Res. 520, rollcall vote No. 417;

I would have voted "aye" on H. Res. 520, rollcall vote No. 418.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BISHOP of Utah. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am submitting the following earmark disclosure information regarding project funding I had requested and which was included within the legislation H.R. 2647, as reported. To the best of my knowledge, funding for this project: (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds. I further certify that neither my spouse, nor I, have any personal financial interests in this request.

Project Title: Senior Center, Brigham City, Utah

Amount: $250,000

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 2892

Account: FEMA Pre-Disaster Mitigation

Address of Requesting Entity: Brigham City Corporation

Location: Brigham City Corp., 20 North Main, Brigham City, UT 84302

Matching Funds: $125,000

Detailed Spending Plan: FEMA Pre-Disaster Mitigation project grants require a minimum local cost share of 25% or the total project cost. This project is estimated as costing $500,000. Under regular FEMA guidelines, Brigham City would be required to expend $125,000 as the local cost-share. Request for federal share was for $375,000. However, the committee decided only to fund $250,000 of the regular federal portion, which may require up to an additional $100,000 local cost share for a total of $225,000 local cost share to fully complete the project. Funds will be used to perform seismic upgrades to existing senior center facilities, such as strengthening the roof system, and the wall structures. Minor bracing will be used on existing walls, doors and windows.

Description and Justification of Funding: Project would strengthen an existing Senior Citizen Center facility in Brigham City, Utah, against future seismic threats. Brigham City is located along the Wasatch Fault and according to the U.S. Geological Survey, there is a 25% chance of a 6.5 to 7.0 earthquake along this fault within the next 100 years. This Senior Center services thousands of local residents as well as senior populations in outlying areas in a large geographical region. Located

less than one mile downhill from the Wasatch Fault, there is a significant chance that liquefaction of the subsurface would occur during a major seismic event, and that the center could sustain severe damage or, at worst, collapse outright resulting in numerous fatalities and serious injuries.

MEDIA SHOULD SAVE OPINIONS FOR EDITORIALS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SMITH of Texas. Madam Speaker, in some national newspapers, the line between news reporting and opinion has become nonexistent. Take two recent examples:

First, this opinionated sentence from The Washington Post on America's health care system: "Nowhere else in the world is so much money spent with such poor results."

Second, this sarcastic comment from The New York Times on Supreme Court nominee Judge Sotomayor: "Of course, it is not as if a lawyer and judge with a history of involvement in racial issues has not made it onto the Supreme Court. Thurgood Marshall, a fierce advocate for racial justice as a lawyer for the NAACP, sailed onto the highest bench in the 1960s."

Amazingly, these blatant opinions are from front-page news stories, not editorials.

Newspapers should report the facts and save opinions for the editorial page.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010. The entity authorized to receive funding for this project is KCF Technologies, 112 West Foster Avenue, State College, PA 16801, in the amount of $2,000,000. It is my understanding that the funding would be used for self-powered prosthetic limb technology. Successful development and deployment of the Self-Powered Prosthetic Limb Technology will create an opportunity for our country's injured soldiers to attain high functional levels with hopes of remaining on active duty in service to their country.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, National Defense Authorization Act for Fiscal Year 2010:

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 2647, National Defense Authorization Act for Fiscal Year 2010

Account: RDAF

Legal Name of Requesting Entity: L–3 Communications Integrated Systems

Address of Requesting Entity: 10001 Jack Finney Boulevard, Greenville, TX 75403

Description of Request: I have secured $2,500,000 for the Rivet Joint Services Oriented Architecture (SOA) with L–3 Communications Integrated Systems. Funding for this project will fully implement the RC–135 SOA, which will ensure full RIVET JOINT integration in the ISR Enterprise, thus meeting USAF/DoD/DNI requirements for making ISR data and information discoverable, accessible, and to enable information sharing. RIVET JOINT requires continuous, current access to other ISR nodes, databases, and special processing to accomplish current and projected missions. At the same time, the ISR Enterprise will benefit greatly from RC–135 provision of ISR services, both intra- and post-mission. This will be achieved by building on current ongoing RC–135 ground systems, extending the number and performance of ISR services available through these systems, and fully meeting USAF/DoD/DNI SOA tenets. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. HELLER. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—Department of Homeland Security Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 2892—Department of Homeland Security Appropriations Act, 2010

Account: FEMA—Predisaster Mitigation

Legal Name of Requesting Entity: City of Reno, Nevada

Address of Requesting Entity: P.O. Box 1900, Reno, NV 89505.

Description of Request: $500,000. The Reno area is ringed by federal lands and each year the growing community moves closer to the "wildland/urban interface," zone where the City limits meet open land. As a result, the threat of wildfires reaching and damaging the community grows significantly. The Reno Fire Department has initiated discussions with regional and statewide stakeholders to help residents and organizations undertake the needed mitigation that would reduce the susceptibility to wildfire. This Federal funding will expand fire suppression activities throughout the Washoe County area and provide assistance that would be shared by multiple partner agencies.

ENVIRONMENTALLY CONSCIOUS PACKAGING

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. INSLEE. Madam Speaker, it has come to my attention that a number of companies in the outdoor industry have begun taking steps to reduce the amount of packaging that accompany their products. I commend the companies for their efforts to reduce waste and minimize their environmental footprint.

These businesses have taken meaningful steps toward the preservation of our planet, and they set a vital example for businesses throughout America. Over the past year, a coalition of outdoor industry companies worked together to create policies for the reduction of consumer waste. I was pleased to learn that they have successfully followed through with these policies, utilizing higher levels of recycled material and reducing the amount of packaging used in production.

As these companies demonstrate, a reduction in waste can be accomplished through a variety of innovative practices. In order to cut down on the use of new materials, one footwear company redesigned their shoeboxes to use 100 percent post-recycled content. A family-owned business that sells camping equipment began packaging mattresses in completely degradable plastic bags. Another travel accessories company completely overhauled their packaging program, eliminating about 15 tons of packaging waste.

These companies are a beacon of environmental awareness and responsible stewardship. They provide an example to all American businesses involved in manufacturing, which must begin to see the reduction of consumer waste as an essential step in protecting our environment. As members of Congress, it is our responsibility to encourage every industry to begin making such environmentally conscious choices as these.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SOUDER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman MARK SOUDER

Bill Number: H.R. 2647

Account: RDA, 0603807A (PE Number), 70 (Line Number)

Legal Name of Requesting Entity: Zimmer Inc.

Address of Requesting Entity: P.O. Box 708, Warsaw, IN 46581

Description of Request: Zimmer has concepts for a pneumatic "nail" gun that would fire resorbable darts in rapid succession for the purpose of temporarily holding together the fragments of complex fractures prior to using standard plates and screws for long-

term fixation. This type of rapid fixation would simplify and speed the time of surgery by eliminating the cumbersome need for metallic pins and clamps. A civilian version of this gun would use darts are intended to function for minutes and then resorb over months. A military version could be designed that provided fixation for days allowing for the safe transfer of these patients from near-battlefield medical units to base hospitals for more extensive care. Many of these fractures are difficult to brace, splint or cast. Closed reduction and maintenance may be possible; further reducing the risk of infection. There is currently no other product on the market that addresses these specific unmet needs. Zimmer estimates that resourcing for a project of this magnitude will require in excess of six professional/technical FTE's (full-time equivalent employees) each year for a period of extending through and potentially beyond FY 2011. Although the precise number can't be calculated at this point, a substantial number of production and process workers (at the Warsaw facility) will be required to commercialize this product.

HONOR COLONEL DANA R. HURST

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mrs. CAPITO. Madam Speaker, I rise today to honor Colonel Dana R. Hurst, who will retire from the United States Army effective October 1, 2009, after more than twenty-seven years of service to our nation.

Colonel Hurst, originally from Glen Ellyn, Illinois, graduated from Kansas State University with a Baccalaureate of Science Degree in Civil Engineering. In June of 1982, Dana enlisted in the Infantry where he was commissioned a Second Lieutenant in the Corps of Engineers after completion of Officer Candidate School. His command and staff assignments have carried him all over the United States as well as several posts overseas. His first-rate service has earned him major military awards and decorations including the Defense Meritorious Service Medal, Meritorious Service Medal, Army Commendation Medal, and Army Achievement Medal.

For the past three years, Colonel Hurst has been the Commander and District Engineer of the Huntington District U.S. Army Corps of Engineers. He has had the responsibility of carrying out the districts mission within the Ohio River Basin, which includes more than 300 navigable miles of the Ohio River in West Virginia, Kentucky, and Ohio, plus nine major tributaries. Within the 2nd congressional district of West Virginia, Colonel Hurst has played a vital role in completing a 100 foot by 800 foot lock at Marmet which has considerably shortened the time the navigation industry uses while reducing costs when moving West Virginia products to national and international markets.

It is an honor to recognize Colonel Dana R. Hurst as he retires from the United States Army. I want to congratulate him for his more than twenty years of service and hope he enjoys his retirement with his wife Ingrid and two children, Garrett and Mallory.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Military Construction, Army

Name of Military Installation: Fort Drum

Address of Requesting Entity: Fort Drum, New York 13601

Provide an earmark of $8,200,000 in MCA to build an All Weather Marksmanship Facility at Fort Drum, New York. Currently, Fort Drum has only one operational All Weather Marksmanship Facility. The project is required to provide year round live fire training to more efficiently support soldiers in meeting weapons proficiency and qualification standards, and minimize the amount of time required to complete training. The Light Infantry Doctrine and the missions of the 10th Mountain Division require higher than normal levels of marksmanship proficiency and fire discipline.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Defense Health Program

Legal Name of Requesting Entity: Fort Drum Regional Health Planning Organization (FDRHPO)

Address of Requesting Entity: 120 Washington Street, Suite 302, Watertown, NY 13601

Provide an earmark of $430,000 to enable the FDRHPO to hire the necessary staff and conduct the required assessments. The health care delivery model for federal beneficiaries at Fort Drum is unique as the only MEDDAC with a division and no inpatient capabilities. The model is a military-community partnership that joins the Army medical treatment facility with community providers to augment the medical treatment facilities primary care capability with specialty care and inpatient services. Through ongoing collaboration of the FDRHPO, access to quality health care will continue to improve, costs will be reduced, communication will continue to increase, additional resources will be leveraged and innovated cooperative health care arrangements and agreements will be tested.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Air Force

Legal Name of Requesting Entity: Clarkson University and ITT

Address of Requesting Entity: Clarkson University (8 Clarkson, Potsdam, NY 13699) and ITT AES (474 Phoenix Drive Rome. NY 13441)

Provide an earmark of $5,000,000 for Cyber Attack and Security Environment (CASE). Operating effectively in cyberspace requires a Cyber Command and Control (CC2) system to synchronize cyber attack operations, facilitate analysis of attack results including measures of effectiveness, and deconflict friendly use of cyberspace. The objective of ITT's proposed effort is to conceptualize and demonstrate the technologies necessary to systematically coordinate, plan, and execute offensive cyber campaigns; determine effects associated with an offensive cyber weapon; monitor/evaluate events that occur in cyberspace; and ultimately achieve situational awareness of cyberspace with an overall goal of achieving dominance within that critical realm. Alpha and beta testing throughout the lifecycle of this project will occur at a secure military installation in upstate New York. A significant partner in this effort is Clarkson University through its complex networks group, its biometrics group, critical electric power/large scale systems faculty, and cryptographic protocol analysis researchers, who will provide subject matter expertise and project research. The results of the CASE effort will help form a strategic partnership between AFRL Rome and Air Force's Global Cyberspace Integration Center (GCIC) located on LAFB, VA. The addition of $5M in FY10 for CASE will demonstrate the technologies necessary to systematically coordinate, plan, and execute offensive cyber campaigns while maintaining defensive continuity.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Navy

Legal Name of Requesting Entity: Trudeau Institute

Address of Requesting Entity: Trudeau Institute (154 Algonquin Avenue Saranac Lake, NY 12983)

Provide an earmark of $8,000,000 for the U.S. Navy Pandemic Influenza Vaccine Program: Enhancement of Influenza Vaccine Efficacy. Prevention of seasonal and pandemic influenza remains a significant unmet need for the U.S. armed forces. Influenza in active duty personnel and dependents compromises force readiness and impacts training. The funding for the proposed project will help advance the development of novel techniques for enhancing vaccine efficacy to promote Force Readiness and general health of the members of the Armed Services and their dependents.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Army

Legal Name of Requesting Entity: Syracuse Research Corporation

Address of Requesting Entity: 7502 Round Pond Road North Syracuse, NY 13212

Provide an earmark of $5,000,000 for the Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar (FORESTER). U.S. Forces currently have no radar capability to detect and track activity under foliage. FORESTER is an airborne sensor system that provides standoff and persistent wide-area surveillance of dismounted troops and vehicles moving through foliage. The Phase II funding will help transition FORESTER to the User community, and apply the technology to additional platforms and U.S. border security applications, providing U.S. forces a critical new capability to detect and track activity under foliage.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Army

Legal Name of Requesting Entity: Legend Technologies

Address of Requesting Entity: 1541 Front Street, Keeseville, New York 12944

Provide an earmark of $2,000,000 for the Remote Sighting System. Currently available optical technologies are not optimal for the

various "Robotic" platforms currently being fielded. These platforms are only as good as their ability to "See." The final funding installment will allow for the outfitting of production facility in Keeseville, New York, for manufacture of the Remote Sighting System from a domestic source. Consistent with current Department of Defense mandates and overall goals, the RSS can be used across platforms, which results in future savings, increased troop security and safety.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Army

Legal Name of Requesting Entity: Welch Allyn, Inc.

Address of Requesting Entity: 4341 State Street Road, Skaneateles Falls, New York 13152

Provide an earmark of $5,000,000 for the Personal Status Monitor (Nightengale). Welch Allyn is actively working on a project to monitor the health status of a soldier, remotely communicating the data to obtain the most appropriate level of care in a forward combat environment, which is essential for medical and military strategic decision-making. The Research and Development funding for this project will allow Welch Allyn to further develop its smart sensing technologies. These technologies provide on-body sensing of physiologic parameters that can be relayed to a remote server by means of a series of wireless relay devices for notification in the case of a critical or life threatening event. Specifically, the technology consists of wearable sensors with RF communication to observation stations, doctor's offices, electronic patient records, and hospital information systems, providing anywhere, anytime access to real-time or archived patient information. Applications include deployment on individuals or groups of individuals who are subject to catastrophic physiologic events such as military personnel, public safety personnel and those with cardiovascular disease.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Aircraft Procurement, Army

Legal Name of Requesting Entity: Rockwell Collins, Inc.

Address of Requesting Entity: Rockwell Collins, Address: 33 Lewis Road, Binghamton, NY 13905 (Hqs: 400 Collins Rd., Cedar Rapids, IA 52498)

Provide an earmark of $2,000,000 for the Common Avionics Architecture System (CAAS–PVI) CH–47F. The funding for the project will help reduce pilot workload to assist Army pilots and crewmembers as they prosecute the war on terror. This proposal is to make timely long lasting changes to the CAAS cockpit of the CH–47F aircraft through an effective Pilot Vehicle Interface program. The results of such activity will reduce aircrew workload and deliver a safer more usable system to the field. Once completed, the CAAS cockpit will be suitably aligned for future integration into all conventional Army rotary wing aircraft.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Operations and Maintenance, Army

Legal Name of Requesting Entity: John Deere

Address of Requesting Entity: 2000 John Deere Run, Cary, NC 27513

Provide for an earmark of $2,000,000 for the M-Gator. The M-Gator is a proven asset to our troops around the globe in support of the Global War on Terror and provides a unique capability that does not exist in the Army equipment inventory. M-Gators fill critical equipment shortages in Infantry, Aviation, Military Police, Combat and Field Service Hospitals, Special Operations, and other Combat Support and Combat Service Support units. The M-Gator enjoys an enviable reputation because of its ruggedness, load-carrying capability, and reliability. It has proven to be a key asset to our troops around the globe in support of the Global War on Terror and provides a unique capability that does not exist in the Army equipment inventory. Army units, including the 10th Mountain Division, have never had sufficient operational funds to replace their war-torn M-Gator fleet. The funding is to provide M-Gators to the 10th Mountain Division.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Navy

Legal Name of Requesting Entity: Lockheed Martin

Address of Requesting Entity: 497 Electronics Parkway, Syracuse, NY 13088

Provide an earmark of $4,700,000 for the Future Generation Thinline Towed Array (TB–29A). Towed arrays are the primary long range ASW sensor systems for search, acoustic intelligence collection, and self-defense on today's submarines. The Thinline TB–29 series Submarine Towed Array is the premier sensor in the submarine fleet today. The TB–29A delivers enhanced performance at half the acquisition and life cycle support costs of its predecessors. It also uses a lightweight tow cable allowing operation of the array in a littoral environment. The design of the TB–29A has not achieved the desired reliability for optimum fleet operations. Telemetry components and connectors are primary failure points after frequent reeling in and out of the submarine. The funding will help develop a modernized design, resulting in a new, low risk thinline submarine towed array that provides significant reliability improvements, equal performance and lower life cycle cost compared to current arrays.

Requesting Member: JOHN M. MCHUGH

Bill Number: H.R. 2647

Account: Research and Development, Defense-Wide

Legal Name of Requesting Entity: Sensis Corporation

Address of Requesting Entity: 85 Collamer Crossings, East Syracuse, NY 13057

Provide an earmark of $2,000,000 for the SOF Craft Integrated Backbone. Most SOF craft vehicles have limited space available for hardware but continue to require additional systems to complete their missions. The SOF Craft Integrated Backbone will provide an integrated data processing system in order to consolidate the number of computer processors on the vehicle, thus resulting in a reduction of size, weight, and power (SWAP) requirements for the craft. The program will significantly reduce the physical footprint of the data processing system on the craft while maintaining the critical flexibility needed to provide for future technology upgrades. FY2010 funding will help leverage current sensor technology and open architecture COTS processing with vast experience integrating dispirit sensor systems to command and control stations. The SOF Craft Integrated Backbone will provide SOCOM with a solution prototype for full scale testing within 12 months.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding a congressionally directed project in H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Agency/Account: Research and Development, Army

Amount: $8,500,000

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409

This funding will focus on developing compact electromagnetic generators for integration into standard weapons systems for defense applications that require the destruction of electronic hardware while minimizing collateral damage. Examples of applications include placement on HUMVEES, in cruise missiles and attached to unmanned aerial vehicles (UAVs). A key target of this technology is the disruption of remote detonation electronics used in improvised roadside bombs and inner-city car-bombs.

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 National Defense Authorization Act and the FY2010 Department of the Interior, Environment, and Related Agencies Appropriations Act.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 2647, the National Defense Authorization Act of Fiscal Year 2010

Account: Army

Legal Name of Requesting Entity: Ft. Campbell, KY

Address of Requesting Entity: Fort Campbell, 39 Normandy Ave, Ft. Campbell, KY 42223

Description of Request: The money ($900,000) will be used to construct a standard design Medium Physical Fitness Complex. The Physical Fitness Facility is composed of multipurpose physical training and equipment center. Additionally, the money will be used to construct a standard design lighted multipurpose athletics field. Sustainable Design and Development (SDD) and Energy Policy Act of 2005 (EPAct05) features will be provided. Supporting facilities include site development, utilities and connections, lighting, paving, parking, walks, curbs and gutters, storm drainage, information systems, demolition, landscaping and signage. An upgrade to an existing transformer station is required. Measures in accordance with the Department of Defense (DoD)

Minimum Antiterrorism for Buildings standards will be provided. Access for individuals with disabilities will be available. Comprehensive building and furnishings related interior design services are required.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 2647, the National Defense Authorization Act of Fiscal Year 2010

Account: Army

Legal Name of Requesting Entity: Ft. Campbell, KY

Address of Requesting Entity: Fort Campbell, 39 Normandy Ave, Ft. Campbell, KY 42223

Description of Request: The money ($14,400.00) will be used to construct a 1,200-seat (32,900 SF) chapel/family life multi-purpose facility which includes a worship center, activity/fellowship center, chaplain family life and pastoral care center, resource center, multimedia center, multi-purpose education classrooms, kitchen, storage areas, restrooms, and circulation area.

Requesting Member: Congressman ED WHITFIELD

Bill Number: Interior, Environment, and Related Agencies Appropriations Act

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Tompkinsville

Address of Requesting Entity: 206 North Magnolia Street, Tompkinsville, KY 42167

Description of Request: The Project will install a backwash lagoon at the Tompkinsville Water Treatment Plant. The existing lagoons are undersized and do not provide enough detention time for the solids to settle out. These funds will help the citizens of Tompkinsville abide by the environmental requirements of the Kentucky Division of Water. The amount the City will be receiving is $189,000 and will serve over 2500 households in the town protecting citizens' health, the environment, and allowing for community growth.

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2892, the Department of Homeland Security Appropriations Act of 2010.

Title III: Protection, Preparedness, Response, and Recovery

The 11th Congressional District was directly impacted by the events of 9/11 and it is critical to continue to make direct investments to improve first responder and law enforcement communications and for like technology and equipment upgrades.

Bill Number: H.R. 2892

Account: Federal Emergency Management Agency, Emergency Operations Centers

Legal Name of Entity: Morris County, New Jersey Office of Emergency Management

Address of Requesting Entity: P.O. Box 900, Morristown, New Jersey 07960

Funding Level: $1,000,000

Description of Request: It is my understanding that the funding will be used to design and construct a state-of-the-art, environmentally sound, emergency operations center to consolidate the interoperable security across the entire county.

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act, 2010:

Congressman SAM GRAVES (MO–6)

Department of Homeland Security, FEMA/Pre-disaster Mitigation Account—$175,000 to the City of Maryville, MO, for Storm Siren Replacement (City of Maryville, MO, Department of Public Safety, 222 East Third Street, Maryville, MO 64468)

The federal funding I obtained for the City of Maryville in my congressional district will be used to upgrade their emergency storm siren system. The City of Maryville is the largest community in northwest Missouri, having a population of over 10,500. The community is home to Northwest Missouri State University and houses nearly all of the manufacturing industry in the region.

In recent years, Maryville has experienced a number of natural disasters, including flooding and tornadoes. The current warning system in place for the residents of the community is made up of five Civil Defense Sirens, which are extremely old and deteriorated. The city has also grown in size, which has created some ''dead spots'' where citizens cannot hear the warning sirens.

As such, the city will use the federal funds obtained to purchase five storm sirens. Four of the existing sirens throughout the city will be replaced, as well as one siren to be located at Mozingo Lake, a recreation and fishing destination in the region. The new sirens will be multi-directional sirens, which will double the current sound projection radius and address the community's concern with ''dead spots''. An up-to-date warning system is imperative to notify all the families and individuals in the region to ensure their safety.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. LATHAM. Madam Speaker, pursuant to the new House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 2892, the Department of Homeland Security Appropriations Act for Fiscal Year 2010

Project Name: Emergency Operations Center

Amount: $600,000

Account: State and Local Programs

Recipient: City of Ames, Iowa

Recipient's Street Address: 515 Clark Avenue, Ames, IA 50010

Description: This project is a renovation of the current Emergency Operations Center in Ames, IA. It is necessary to accommodate updated incident command facility needs—in cases of both natural disasters and man-made incidents. Local emergency operations centers are critical components in the nation's emergency network. The Ames, IA Center is particularly important as it is located in an important agricultural production region that is crucial to the nation's food supply; the Ames Emergency Operations Center is also located near the National Animal Disease Center, an important player in any agro-terrorism incident. Given the significance of the threat of agro-terrorism, it is important that this Center be as-up-to-date as possible in its operating capacity.

EARMARK DECLARATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CULBERSON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the FY2010 Department of Homeland Security Appropriations bill:

Requesting Member: Congressman JOHN CULBERSON.

Bill Number: H.R. 2892

Account: Department of Homeland Security, Federal Emergency Management Agency, Predisaster Mitigation account.

Legal Name and Address of Requesting Entity: Harris County Flood Control District, 99000 Northwest Freeway, Suite 220, Houston, Texas 77092.

Description of Request: Provide $1,000,000 to the Harris County Flood Control District for the voluntary acquisition and demolition of approximately 38 homes located deep in the floodway and floodplain of the White Oak Watershed of Harris County, Texas. The Harris County Flood Control District is charged with devising the flood damage reduction plans for the county, implementing the plans, and maintaining the infrastructure covering a 1,756 square mile area.

EXPRESSING CONDOLENCES TO THE CITIZENS OF ITALY AND SUPPORT FOR THE GOVERNMENT OF ITALY IN THE AFTERMATH OF THE DEVASTATING EARTHQUAKE THAT STRUCK THE ABRUZZO REGION OF CENTRAL ITALY.

SPEECH OF

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 2009

Mr. TIBERI. Mr. Speaker, as co-chair of the Italian-American delegation it is my pleasure to offer my support of H. Res. 430—Expressing condolences to the citizens of Italy and support for the Government of Italy in the aftermath of the devastating earthquake that struck the Abruzzo region of central Italy.

As the son of Italian immigrants from Abruzzo, I am pleased my colleagues agreed that we should stand behind Italians as they begin the process of rebuilding areas damaged by the earthquake. H. Res. 430 serves

to reaffirm the deep ties between the United States and Italy, and show the Italian people our nation's support in their time of need.

I hope the reconstruction efforts will be completed quickly so the region's cultural and artistic heritage will be restored, while homes, businesses, and schools can be rebuilt. Abruzzo is truly a beautiful region and I look forward to its revival.

EARMARK DECLARATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Homeland Security Appropriations Act.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Homeland Security Appropriations Bill

Account: Federal Emergency Management Agency, State and Local Programs

Legal Name of Requesting Entity: New Orleans Emergency Medical Services

Address of Requesting Entity: 1300 Perdido Street, Suite 4W07, New Orleans, LA 70112

Description of Request: I have secured $750,000 for the New Orleans Emergency Medical Services. The funding would be used to provide a permanent Emergency Operations Center and base of operation for the sole 9–1–1 emergency medical service provider for the city of New Orleans. Secure medication, equipment storage, and training areas are needed to better serve the citizens of New Orleans. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Homeland Security Appropriations Bill

Account: Federal Emergency Management Agency, State and Local Programs

Legal Name of Requesting Entity: Washington Parish Government

Address of Requesting Entity: 909 Pearl Street, Franklinton, LA 70438

Description of Request: I have secured $350,000 for the Washington Parish Government. The funding would be used to provide for an Emergency Operations/9–1–1 Multi-Agency Communications Center to coordinate electronic, telephone, satellite and radio communications between law enforcement, fire, EMS, hospitals, and Emergency Management Agencies. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. JONES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, National Defense Authorization Act for Fiscal Year 2010.

Rep. WALTER B. JONES

Project: U.S. Navy Cancer Vaccine Program

Recipient: OncBioMune, LLC, 17050 Medical Drive, 4th Floor, Baton Rouge, LA 70816

Account: Research & Development, Navy

Amount: $4,000,000

Explanation: The U.S. Navy Cancer Vaccine Program was initiated in 2005 and was the first cancer vaccine program conducted at the Naval Health Research Center. It has received congressional appropriations beginning in FY06. Currently, U.S. military health authorities estimate that in the past year alone, $42 million was spent on direct health care costs in the military healthcare system related to prostate cancer. Continued development of the vaccine through this project will save the lives of military personnel suffering from cancer as well as reduce health care costs in the military healthcare system.

Rep. WALTER B. JONES

Project: Radar Approach Control (RAPCON) Complex at Seymour Johnson Air Force Base Phase 1

Recipient: Seymour Johnson Air Force Base, 1510 Wright Brothers Ave., Seymour Johnson AFB, NC 27531

Account: Military Construction, Air Force

Amount: $6,900,000

Explanation: The existing Radar Approach Control (RAPCON) Complex and Ground to Air Transmitter/Receiver (GATR) at Seymour Johnson Air Force Base are inadequately configured for today's mission and high-tech equipment. Replacing these facilities would improve Air Force operations and safety and save money by sharply reducing the cost of maintaining the existing outdated infrastructure.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: University of South Carolina

Address of Requesting Entity: 208 Osborne Building—Pendleton Street, Columbia, SC 29208

Description of Request: I have secured $6,000,000 for the Brain Injury Recovery Clinic at the University of South Carolina. Soldiers returning home from Iraq and Afghanistan are experiencing an increased number of head injuries related to blasts and explosions compared to soldiers of previous conflicts. It is therefore important for us to understand blast injury, its pathophysiology, methods for detecting traumatic brain injury, and how these soldiers can be best treated. Mechanisms of brain injury in war are unlike those of most injuries encountered in civilian life. The University of South Carolina has established a priority focus area on the study of brain injury and developed novel treatment possibilities to treat head injuries. This funding will establish a brain injury recovery clinic for returning soldiers at the University of South Carolina and study better and more efficient ways to treat blast-related head injuries. This research clinic will also provide jobs for the economically depressed Columbia, SC region. Matching funding ($6M) from the State of South Carolina is available by housing this Brain Injury Recovery Clinic in the newly constructed Discovery 1 research building. This new research building is located in the Innovista portion of the University of South Carolina campus. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Other Procurement, Air Force

Legal Name of Requesting Entity: South Carolina Air National Guard

Address of Requesting Entity: McEntire JNGB, 1325 South Carolina Rd., Eastover, SC 29044

Description of Request: I have secured $2,000,000 for the South Carolina Air National Guard Eagle Vision Upgrade. Eagle Vision (EV) is a USAF mobile satellite imagery collection and processing system assigned to the SC ANG that will be used as a wartime resource in the war on terrorism as well as a counter drug and Homeland Security asset in the United States. Funding would upgrade the EV system at McEntire JNGB to include a 1 meter infrared capability. Emergency planners and responders would be able to look through clouds and smoke with infrared enabling them to plan responses during an emergency instead of reacting afterward. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Other Procurement, Army

Legal Name of Requesting Entity: Trenton Plastics

Address of Requesting Entity: 601 E Wise Street, Trenton, SC 29847

Description of Request: I have secured $5,000,000 for Trenton Plastics for the High Mobility Multi-Purpose Wheeled Vehicle (HMMWV). The appropriation of $5,000,000 for fire suppression kits (fuel tank fire suppression FIRE Panels) will be applied to existing HMMWVs and new production HMMWVs or ECV2s. The FIRE Panel product is applied to fuel tanks and mitigates the fire and secondary explosions that occur when unprotected fuel tanks are attacked by Improvised Explosive Devices, Rocket Propelled Grenades or Explosively Formed Penetrators. FIRE Panels consist of a hard, durable plastic shell (blow molded by Trenton Plastics) that are then filled with ''Black Widow'', a highly effective dry chemical fire suppression agent. These FIRE Panels can be formed/blow molded to fit any style of fuel tank. Insurgents, over

the past several years, consistently target fuel tanks on vehicles because of the large secondary fires and explosions that they cause. These fires and secondary explosions have increased the number of solider and marine related deaths due to the fires, increased the number of soldiers and marines with severe burn injuries and cause the destruction and total loss of vehicles. By installing FIRE Panels on HMMWVs the Army will experience fewer losses of lives, reduce medical costs for transport, acute care and long term care related to burn injuries and save vehicles. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: South Carolina Research Authority

Address of Requesting Entity: 1330 Lady Street, No. 503, Columbia, SC 29201

Description of Request: I have secured $8,200,000 for the South Carolina Research Authority's Highly Integrated Production for Expediting Reset (HIPER). The funding will drive downstream efficiencies in manufacturing and quality inspection by enabling the utilization of laser scanning technology to significantly shorten the time and lower the cost for resetting and modernizing the military's small arms and crew-served weapons. HIPER will implement a program which ensures the provision of the best and safest weaponry to the warfighter and in the quickest and most efficient way, by replacing parts and resetting weapons more quickly and at reduced cost. This will help keep our troops safe and fully equipped with the optimum defense mechanisms they need to effectively complete their missions, while using cutting-edge technology to reduce costs and lower wait times. To achieve this goal SCRA will be relying on industry and government partners in numerous states, resulting in employment sustained and created via manufacturing and research requirements. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: Lifeblood Medical

Address of Requesting Entity: 10120 Two Notch Road, Suite 2, Columbia, South Carolina 29223

Description of Request: I have secured $3,000,000 for the Lifeblood Medical's Human Organ and Tissue Preservation Technology (HOTPT). Funding will be used to continue and advance studies for Oxygen Therapeutics and Extending Room Temperature Organ Preservation so that the technology can be brought to FDA for approval. The use of funds is justified due to the potential of finding the first approved oxygen therapeutics which will solve the world issue of a lack of donated blood for trauma, military and casualty use. The use of funds is justified so that the supply of organs for transplantation can adequately meet the demand through extending the preservation time at room temperature. Large animal studies have proven successful in both oxygen therapeutics and organ preservation. Prior DoD funds have also proven that the Lifeblood technology can reverse cell damage and render organs that are labeled untransplantable into an acceptable organ for donation and transplantation. Matching funds will be provided by cash on hand, licensing fee revenues, and product sales. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Military Construction, Air National Guard

Legal Name of Requesting Entity: South Carolina Air National Guard, McEntire JNGB

Address of Requesting Entity: McEntire JNGB, 1325 South Carolina Rd., Eastover, SC 29044

Description of Request: I have secured $1,300,000 for the Joint Use Headquarters Building at McEntire Joint National Guard Base. This is the SC Air National Guard portion of the construction money for the SCNG Joint Use Headquarters Building currently funded as part of the FY10 FYDP. Number One on the Chief of the National Guard Bureau's ''Essential 10'' capabilities list, the Joint Forces Headquarters is the most critical transformation the National Guard has undergone since 2001. What used to be the State Area Command (STARC) and Air Guard State Headquarters, administrative organizations for peacetime control of units, has developed into a sophisticated headquarters and communications node capable of assuming command and control of units from all services and components when responding to a domestic emergency. Tested and proven during multiple National Security Events in 2004, these headquarters were further validated by hurricanes Katrina and Rita. However, the ANG and ARNG state headquarters functions and the TAG Joint Staff are inefficiently dispersed currently. Consolidation in one location will optimize operations and ensure critical Operational and Communications Security. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: AGY Holding Corporation

Address of Requesting Entity: 2556 Wagener Rd., Aiken, SC 29801

Description of Request: I have secured $3,300,000 for the AGY Holding Corporation's Next Generation High Strength Glass Fibers for Ballistic Armor Applications. This program accelerates the development of next generation high strength glass fibers used in composite armoring materials. This means lighter, stronger composite vehicle armor without sacrificing the ballistic protection needed to maximize soldier survivability. Additionally, this program supports the domestic industrial base for armor materials production. Some of the glass fiber used in composite vehicle armors is manufactured outside the U.S. Developing the next generation high strength glass fibers at AGY will reduce dependency on foreign sources for a critical material, and also save U.S. jobs. Next generation high strength glass fibers can also be utilized by the commercial sector to lighten and improve armoring used on law enforcement vehicles and armored bank cars, resulting in better protection for personnel, improved fuel economy, and reduced emissions. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: EngenuitySC

Address of Requesting Entity: 1201 Main Street, Suite 250, Columbia, SC 29201

Description of Request: I have secured $3,550,000 for EngenuitySC's Fort Jackson Renewable Energy Project. The Fort Jackson Renewable Energy Project will create a ''mini-grid'' for providing renewable power to mission-critical electrical loads at Fort Jackson, South Carolina, using large stationary fuel cells operating on biogas generated from solid waste streams indigenous to the Fort. The project will assist the Army in meeting its on-site renewable energy generation goals, as well as meeting the security goal of segregating critical power requirements from non-critical power requirements, and producing a substantial portion of the critical power requirements on-site. The project will also provide a model for the Department of Defense to use at other installations to achieve these same goals. Finally, it will provide the Army with access to major renewable and alternative energy technology providers and partners through the Columbia region's existing hydrogen and fuel cell partnerships, as well as access to other fuel cell researchers and applied research programs underway in the region. EngenuitySC will contribute non-federal matching funds to the project. Specific match funding for the requested project is pending receipt of federal funding. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Operations and Maintenance, Defense Wide

Legal Name of Requesting Entity: Celebrate Freedom Foundation

Address of Requesting Entity: 455 St. Andrews Road, C–1, Columbia, SC 29210

Description of Request: I have secured $3,400,000 for Celebrate Freedom Foundation's SOaR Recruiting Initiative. The Department of Defense provided the Celebrate Freedom Foundation with over $30 million of high technology resources to support education and recruiting. One time funding is necessary to permit the utilization of this technology to further our national interests and to significantly help generate the military recruit's and civilian workforce that our nation needs now and in the future. The program focuses on a broad range of high skilled military occupational vacancies, workforce training, and it provides innovative educational outreach programs in unconventional settings, with a focus

on science, technology, engineering, and mathematics. Special emphasis on gender and minority role models, both within the military and in the corresponding civilian world are part of the program design to boost aspirations for students who, without this program, would never have access to such modern technology and as a result they are better equipped to make training and educational plans for civilian and military careers. Matching funds will be provided by the project sponsor. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Procurement, Defense Wide

Legal Name of Requesting Entity: FN Manufacturing, LLC

Address of Requesting Entity: 797 Old Clemson Road, Columbia, SC 29229–4203

Description of Request: I have secured $4,300,000 for FN Manufacturing to continue production of the Special Operations Combat Assault Rifle (SCAR). The SCAR was selected after a full and open competition. It meets validated U.S. SOCOM requirements for a 21st Century modular battle rifle available in 5.56 mm and 7.62 mm, and with Close Quarter Battle, Long-Range, and Sniper variants. Federal/taxpayer funding of the SCAR program will provide U.S. Special Operations Forces with a far more effective and reliable combat rifle than the current M–4/M–16 family of rifles. In its various modular configurations, the SCAR will replace five different rifles now in use, greatly reducing the need for maintenance and logistics support and associated costs. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: Advanced Technology Institute

Address of Requesting Entity: 5300 International Blvd., North Charleston, SC 29418

Description of Request: I have secured $4,000,000 for Advanced Technology Institute to continue the Vanadium Technology Program. The Vanadium Technology Program funds the research, development and prototype-testing necessary to implement vanadium alloyed steel into warfighter protection and mobility. This funding builds on successes accomplished previously which include: reductions in weight, fabrication cost, and welding costs of 21 percent, 10 percent, and 53 percent respectively, leading to a smaller, higher-performing vanadium steel trailer design for the Army/Marine Joint Light Tactical Vehicle System; a longer span temporary bridge, designed by the Army Corps of Engineers and the University of South Carolina, to bridge road gaps in combat regions like Iraq; and, a new class of lighter, longer span trusses and joists, based on vanadium hot rolled steel angle shapes, have been developed and laboratory tested. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Aircraft Procurement, Army

Legal Name of Requesting Entity: South Carolina Army National Guard

Address of Requesting Entity: 1 National Guard Rd., Columbia, SC 29201

Description of Request: I have secured $4,000,000 for the South Carolina Army National Guard Vibration Management Enhancement Program (VMEP). This funding will continue fielding this proven capability on the Army National Guard's AH–64, CH–47, and UH–60 helicopter fleets. VMEP collects and utilizes information derived from onboard sensors to indicate the state and health of the helicopter drive system and rotational components. VMEP enabled the SCARNG to realize a total savings in parts costs over a 12-month period of $1.4 million, as well as an increase in mission capable rates. These funds would ensure that the South Carolina Army National Guard aviation program stays in the forefront of embedded technology doctrine. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 2647—National Defense Authorization Act for Fiscal Year 2010

Account: Other Procurement, Army

Legal Name of Requesting Entity: Dynamic Animation Systems, Inc.

Address of Requesting Entity: 12015 Lee Jackson Memorial Hwy, #200, Fairfax, VA 22033

Description of Request: I have secured $4,800,000 for Dynamic Animation Systems to procure the Virtual Interactive Combat Environment (V.I.C.E.) for the Basic Combat Training Center of Excellence at Fort Jackson. V.I.C.E. is a rapidly deployable turnkey solution that provides maintainable, adaptable systems which the Course Manager will use to more effectively train Soldiers of the Basic Combat Training Center of Excellence in their Warrior Tasks and Battle Drills, including IED Detect and Defeat. V.I.C.E. offers easily reconfigurable solutions that facilitate individual, fire team, and squad level training. Within this framework, V.I.C.E. provides the capability to support rapidly evolving rules of engagement (ROE) and strategic objectives associated with full-spectrum operations. V.I.C.E. allows instructors to efficiently train doctrinal tasks, as well as, tactics, techniques and procedures (TTPs) for combat, peacekeeping, and humanitarian missions. V.I.C.E. also supports the interoperability standards required to leverage the capabilities of existing systems. The funds will procure Virtual Interactive Combat Environment (V.I.C.E.) systems (including hardware, software, installation, support) for Fort Jackson, thereby keeping Fort Jackson on the cutting edge of military training capability. The Course Manager of the Basic Combat Training Center of Excellence at Fort Jackson requires federal assistance in obtaining funding for the immediate fielding of the V.I.C.E. as a needed training capability exemplar for Basic Combat Training. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. REICHERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication regarding earmarks I received as part of H.R. 2892, the Fiscal Year 2010 Department of Homeland Security Appropriations Act.

1) $750,000 for the North Bend Area Residential Flood Mitigation

Requesting Entity: King County, WA

Address: King County Courthouse, 516 Third Ave, Rm 1200, Seattle, WA 98104

Agency: FEMA

Account: Pre-disaster Mitigation

Funding Requested by: Rep. DAVE REICHERT

Deep and repetitive floods have struck parts of the North Bend area. The Shamrock Park neighborhood, for example, includes several repetitive loss properties as identified by the National Flood Insurance Program. The neighborhood has been repeatedly flooded at different times from different sources including the South Fork Snoqualmie, Ribary Creek, and Clough Creek. The flooding cannot be prevented unless all sources are addressed. A more reliable, cost-effective solution would be to make each home less susceptible to high water.

Although a system of levees protects most homes in the North Bend area from damage during minor floods, the capacity of the levee system is limited. Flows in excess of 20-year highs overtop portions of the levee system and cause damage to neighboring properties. Raising and extending levees is cost-prohibitive, requires demolition of many homes, is incompatible with regulatory protection of floodway conveyance capacity, and fails to address all known flood hazards. Hazards are associated with the Middle Fork Snoqualmie River and the South Fork Snoqualmie River, as well as several smaller tributary streams. Levees along these river channels cannot prevent flooding from other sources.

The proposed project will protect public safety and private property by reducing flood hazards to residential areas of the City of North Bend. In addition to these benefits, the project will result in reduced flood insurance claims and reduced need for federal disaster assistance.

The project will result in approximately 80 jobs. These jobs would be in the fields of real estate transactions and contracting jobs to demolish or elevate structures.

This office conducted site visits to meet with representatives from King County to examine the need for this funding.

North Bend Residential Flood Mitigation. The estimated total project cost is $5,800,000 in FY 2010, with an immediate need of $1,000,000 to sustain the project by elevating the first 10 homes in the highest risk area. The full project includes elevation of 50 homes, with costs allocated as follows:

Unit Costs for Home Elevations (1):

Estimated Construction Costs $100,000.00

Elevation Certificates $1,250

Elevation Cost Estimates $200.00

Geotechnical Analysis $315

Structural Design $3,200
Septic "As Built" $200
Health Dept. Review $300
Building Permits $3,385
Recording fees $100
Project Management $10,000
TOTAL $118,950

Estimated Project Costs (assumes minimum request for 9 homes) (10):
Estimated Construction Costs $1,000,000.00
Elevation Certificates $12,500.00
Elevation Cost Estimates $2,000.00
Geotechnical Analysis $3,150.00
Structural Design $32,000.00
Septic "As Built" $2,000.00
Health Dept. Review $3,000.00
Building Permits $33,850.00
Recording fees $1,000.00
Project Management $100,000
TOTAL $1,189,500

Estimated Project Costs (full request for 9 homes) (50):
Estimated Construction Costs $5,000,000.00
Elevation Certificates $62,500.00
Elevation Cost Estimates $10,000.00
Geotechnical Analysis $15,750.00
Structural Design $160,000.00
Septic "As Built" $10,000.00
Health Dept. Review $15,000.00
Building Permits $169,250.00
Recording fees $5,000.00
Project Management $400,000
TOTAL $5,847,500

TRIBUTE TO FLOYD AND ALMA BOSTICK ON THE CELEBRATION OF THEIR 60TH WEDDING ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to congratulate Mr. and Mrs. Floyd and Alma Bostick on their 60th wedding anniversary. A celebration in their honor is being held on Sunday, June 21, 2009 at the Pines Manor in Edison, New Jersey.

Floyd Bostick, Jr. and the former Alma Lorraine Webb were married in Atlanta, Georgia on March 28, 1949. This blessed union produced three children, nine grandchildren and ten great-grandchildren. The Bosticks made their home in Newark before moving to Westfield, New Jersey in 1966. Mr. Bostick retired from the Newark Police Department where he was the founder of the Bronze Shields. Mrs. Bostick retired from the United States Immigrations Department as a Special Agent. They still work as entrepreneurs with a specialty in exquisitely designed jewelry.

Mr. and Mrs. Bostick are wonderful, loving people and they celebrate their faith at the St. John's Baptist Church in Scotch Plains where Mrs. Bostick is the President of the Women's Guild Ministry. This couple embodies the spirit of matrimony and serves as role models for younger couples who are striving to have long successful marriages.

Madam Speaker, I know my colleagues join me in letting Mr. and Mrs. Fred and Alma Bostick's family, friends and congregation know that their 60th anniversary is indeed a cause for celebration.

IN HONOR OF FAY KANIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WAXMAN. Madam Speaker, it is my pleasure to recognize the extraordinary leadership of Fay Kanin, Chair of the Library of Congress National Film Preservation Board. On June 24, 2009 the Library of Congress will honor Fay for her leadership and assistance to Congress and the Library in their efforts to promote public awareness of the need to preserve America's unparalleled film heritage.

Since 1989, Fay Kanin has served with distinction as the Chair of the National Film Preservation Board, a congressionally-mandated advisory body to the Librarian of Congress. The Board, under her leadership, has assisted the Librarian of Congress in educating Americans about the diversity of our nation's film heritage and highlighted the importance of preservation and the intensive efforts required to safeguard our irreplaceable movie heritage.

During her illustrious career as a writer, playwright and producer on the Broadway stage, in television and in Hollywood, Fay Kanin has earned acclaim for works as diverse as Goodbye My Fancy, Teacher's Pet, Tell Me Where It Hurts, Friendly Fire, Heat of Anger, and Heartsounds. She has received an Academy Award nomination, two Emmy Awards, additional Emmy nominations, the Edmund H. North Award from the Writers Guild of America, a Golden Globe nomination, the Humanitas Prize Kieser Award, the Crystal Award of Women in Film, the Peabody Award, and a Tony nomination.

Ms. Kanin has been a leader and a pioneer in the Hollywood community, serving four terms from 1979 to 1983 as the second female president in the history of the Academy of Motion Picture Arts and Sciences. She has given years of service to the Hollywood community as a member of the Academy's Board of Governors, President of the Academy Foundation, and President of the Screen Branch of the Writers Guild of America.

I ask my colleagues to join me in recognizing Fay Kanin for her twenty years of service to the film preservation efforts of the Library of Congress, and her decades of contributions to the Hollywood community and the nation.

SUPPORTING THE NATIONAL BIO- AND AGRO-DEFENSE FACILITY

HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Ms. JENKINS. Madam Speaker, I rise today in support of the National Bio- and Agro-Defense Facility, also known as the NBAF. After September 11, former-President Bush issued a security directive to increase our nation's capacity for animal disease research to protect our food supply as well as defend our agriculture and public health against disease outbreaks.

This directive could not come too soon, as the H1N1 pandemic is testament to the need for such high-level disease research and the impacts such outbreaks have on individuals in the United States and also around the world. The current facility at Plum Island is aging and cannot keep pace with today's needs.

DHS conducted an exhaustive, three-year search for the best site to relocate the facility. In January, the Department completed its search and finalized Kansas State University in Manhattan, Kansas as the site selection.

The so-called animal health corridor, stretching from Manhattan to Columbia, Missouri, is home to more than one-third of the animal health industry, involving more than 120 companies. Additionally, Kansas State has an internationally recognized animal health research expertise and with existing research infrastructure, including the Biosecurity Research Institute and the National Agricultural Biosecurity Center. DHS chose the right place for NBAF, and now, we must work to complete the construction process.

This project is critical to the protection of our food supply and public health which is why we cannot afford to delay it. Madam Speaker, I urge my colleagues to join me in supporting the construction of NBAF in Kansas.

IN MEMORY OF WARREN H. ABERNATHY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WILSON of South Carolina. Yesterday, South Carolina lost a longtime friend and leader of our state, Colonel Warren H. Abernathy. A native of Spartanburg, South Carolina, Mr. Abernathy will always be revered as the right-hand confidant of the late Senator Strom Thurmond. I learned firsthand as a Thurmond intern in 1967 of his devotion and loyalty to Senator Thurmond.

The eulogy below was thoughtfully written by JasonSpencer in today's Spartanburg Herald-Journal:

THURMOND'S RIGHT-HAND MAN DIES IN SPARTANBURG

South Carolina lost a keen mind, public servant and power broker in state and national politics early Monday with the death of Warren H. Abernathy. He was 85.

Abernathy, of 111 Hillbrook Drive, is often described as the late Sen. Strom Thurmond's right-hand man, someone who worked tirelessly behind the scenes.

The dynamic between the two was that they were of one mind. Thurmond was the public face; Abernathy, the private man. He stood in the background almost any time a newspaper photographer was around. He turned down offers to write books, or to be the subject of one.

"He was the man in the shadow. And he liked that," said daughter Marcia Duncan of Gaffney. "He never wanted to run for political office. He said he liked what he was doing, and that he was supporting someone who could make a difference in South Carolina."

Thurmond, while governor in the 1940s, hired a young Abernathy after the late S.C. Supreme Court Chief Justice Bruce Littlejohn introduced them. He would later serve as Thurmond's state manager, overseeing four offices, and as secretary-treasurer of the Strom Thurmond Foundation.

He worked with Thurmond for nearly half a century.

Thurmond, in 1997, described Abernathy as having ''excellent leadership skills and a quick intellect.''

But up until his death, Abernathy never referred to Thurmond by his first name. He always called him ''the senator,'' Duncan said.

Abernathy was one of nine children who grew up during the Depression in the family's home on Edwards Avenue, where they would walk to Southside Baptist Church each Sunday. The Spartanburg High graduate attended several area colleges, and was drafted into the Army during World War II. He would later join the Army Reserves and retire a colonel.

Attorney John B. White Jr., whose family has been long-time friends with the Abernathys, called Warren, ''a distinct individual who was gifted at approaching people, reading people and dealing with people. And he dealt with them with wisdom, kindness, humor, passion and encouragement.''

He added: ''One of the most important lessons I learned from Mr. Abernathy was loyalty. He was an individual who . . . I don't want to say he demanded loyalty, but he certainly expected loyalty from the people who were lucky enough to say they were friends of his. His word was his bond.''

Abernathy died early Monday at Spartanburg Regional Medical Center, after battling pneumonia and a heart attack on June 15.

A VERY SELF-EFFACING INDIVIDUAL

Abernathy developed a talent and a reputation for being politically savvy and offering sound judgment.

''Many people who were seeking higher office over the years asked his opinion about their chances,'' said former S.C. Republican Party Chairman Barry Wynn of Spartanburg. ''The General Assembly, when legislation was being considered, trusted his judgment and considered his opinions . . . His influence was making sure people considered the facts and looked at the consequences of what they were doing, whether it was legislative or judicial appointments.''

But Abernathy never overestimated his political power—he once told his daughter he didn't have power, ''just a few good friends''—and, by all accounts, always remained wholly loyal to Thurmond. The number listed in the phone book for the senator's office in Spartanburg was Abernathy's home.

''The reason Strom Thurmond was so popular was because of constituent services, and Warren was the key constituent person in this part of the state,'' said former Congresswoman Liz Patterson, whose father, Olin Johnson, defeated Thurmond in a 1950 Senate race.

Several people interviewed for this article said Abernathy was able to recognize opportunities for South Carolina, form a consensus about how to approach them, and then, with the help of Thurmond's seniority, get things done.

Wynn said Abernathy shares in Thurmond's legacy.

Thurmond ran unsuccessfully for president on a segregationist platform in 1948, but later changed his view on race—though he never publicly apologized for it. Thurmond was the first Southern senator to hire a senior black aide—Thomas Moss of Orangeburg—and he eventually would support making Martin Luther King Jr. Day a federal holiday.

''There's two chapters in Strom Thurmond's life, and in that second chapter, Senator Thurmond really reached out to the minority community and did everything he could to repair any ill will—and I think Warren Abernathy was a big part of that second chapter,'' Wynn said.

Former U.S. Commerce Secretary Fred Dent of Spartanburg added, ''I don't know that any outsider knew how he contributed to the senator. He was not the kind to brag that he had done this or that. He gave advice to the senator, and that was it. He was a very self-effacing individual and was extremely well versed in political issues.''

A STROM THURMOND INDEPENDENT

Thurmond, Abernathy and Moss together determined that they would make amends for the past, Duncan said.

''Daddy encouraged him (Thurmond). That was his way of trying to help the senator bring the state together,'' she said. ''They probably decided it together, because they did everything together. They were each other's confidant.''

Abernathy, however, was more than just the man behind the senator.

Ernest Finney, the first black chief justice of the S.C. Supreme Court, said Abernathy was one of the people he met with when seeking that position. He called Abernathy the ''doorkeeper'' for Thurmond.

''He was straightforward. He looked you in the eye. He talked to you,'' Finney said. ''He didn't give you a song and dance.''

State Sen. John Courson, a Richland County Republican who will be pallbearer at Abernathy's funeral, met Abernathy in 1972. Over time, their relationship grew to the point where they'd meet weekly over lunch or dinner.

''He talked in riddles,'' Courson said. ''I remember, when Lee Atwater had gone to work for President Reagan, we were having these lunches and dinners and (Abernathy) would say things like, 'the pool-hall crowd says this.' I thought, this guy is a devout Southern Baptist. Why is he talking about the pool-hall crowd? Lee explained that was a euphemism for the man-on-the-street. It took me awhile to learn the nuances of his English.''

Courson said he last talked with Abernathy less than two weeks ago. Abernathy always liked to hear the latest Columbia gossip, and the two mused on the upcoming gubernatorial and Senate races. Courson said Abernathy was ''like a second father.''

''Honestly, I still don't know whether he was a Democrat or Republican,'' he said. ''I think Warren Abernathy was a Strom Thurmond Independent.''

NEVER CHEAT THE WORLD

Despite the politics, the people who knew Abernathy best concentrated Monday on his spirit of camaraderie, his devotion to his church and his words of wisdom.

For more than 50 years, the Whites and Abernathys have held annual Christmas breakfasts. In 2007, the firm sponsoring the event sent out just more than 3,000 invitations.

Abernathy enjoyed spending Saturday mornings at Ike's Korner Grille. When he got too old to drive, friends would come by and pick him up.

And throughout his life, he made financial contributions to churches, schools and other organizations often, if not exclusively, to be used to help those less fortunate.

''He always said to me, whenever he gave me money, 'Never cheat the world.' How about that? And he always told me, 'The world is round . . . anything you do will come back around,' '' Duncan said.

Funeral services are scheduled for 2 p.m. Wednesday at Southside Baptist Church, and burial with military honors will follow in Greenlawn Memorial Gardens.

Former state Supreme Court Justice E.C. Burnett, a Spartanburg native, said he learned the value of patience and to not take things at face value from Abernathy.

''He was a man who loved South Carolina and loved this country like few in today's politics. That's a very brazen thing to say. But I say it unreservedly. There will never be another Warren Abernathy. He will be greatly missed.''

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. WESTMORELAND. Madam Speaker, on June 19, 2009 I attended the grand opening of the National Infantry Museum located on Fort Benning Army Installation, Georgia. As a result, I missed a number of votes. Had I been present, I would have voted the following:

''No'' on providing for consideration of H.R. 2918, making appropriations for the Legislative Branch FY 2010. (rollcall No. 409)

''No'' on Agreeing to the Resolution providing for consideration of H.R. 2918, making appropriations for the Legislative Branch FY 2010. (rollcall No. 410)

''Aye'' on Motion to Suspend the Rules and Agree to expressing support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law, and for other purposes. (rollcall No. 411)

''Aye'' on Motion to Recommit with Instructions Making appropriations for the Legislative Branch FY 2010. (rollcall No. 412)

''No'' on Passage making appropriations for the Legislative Branch FY 2010. (rollcall No. 413)

''Present'' on Quorum Call of the House. (rollcall No. 414)

''Aye'' on Article I impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors. (rollcall No. 415)

''Aye'' on Article II impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors. (rollcall No. 416)

''Aye'' on Article III impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors. (rollcall No. 417)

''Aye'' on Article IV impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors. (rollcall No. 418)

TRIBUTE TO UNITED STATES COAST GUARD AUXILIARY 70TH ANIVERSARY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. CAMP. Madam Speaker, I rise today to pay tribute to the United States Coast Guard Auxiliary to commemorate the 70th anniversary since its establishment on June 23, 1939.

On June 23, 1939, Congress established the Coast Guard Reserve, later known as the Coast Guard Auxiliary, to promote boating safety and to facilitate Coast Guard operations. Beginning in 1942, they became the core of the Temporary Reserve and over 50,000 Auxiliarists performed coastal defense and search rescue duties and patrolled

bridges, factories, docks and beaches. Since its inception, the Auxiliary has been expanding its integration with the Coast Guard to allow for further assistance in any Coast Guard mission authorized by the Commandant. It is an organization of pride, bravery, and patriotism that works closely with the Coast Guard to ensure the safety and protection of the United States of America.

The United States Coast Guard Auxiliary is especially honored in a state such as Michigan. With five Great Lakes surrounding the borders of this state, maritime activity is a critical transportation method. Assistance from the United States Coast Guard Auxiliary is essential to ensuring the safety of not only our tourists and residents, but also to all commercial traffic that use the lakes regularly. The men and women who serve with the United States Coast Guard Auxiliary in Michigan are not only revered for their service to the country, but also to the wellbeing and protection of all who venture in our Great Lakes.

On behalf of the Fourth Congressional District of Michigan, it is with great honor that I commemorate this 70th anniversary of the United States Coast Guard Auxiliary for its continued years of successful assistance to the United States Coast Guard and to our wonderful state. Thank you, Auxiliarists for all that you have done and all that you will continue to do in the future.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 2892, ''Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.''

Requesting Member: Congressman JOHN DUNCAN

Account: TSA, Aviation Security

Project Amount: $1,250,000.00

Legal Name of Requesting Entity: National Safe Skies Alliance, 110 McGhee Tyson Boulevard, Suite 201, Alcoa, Tennessee 37701

Description of Request: This funding will be used to create a research and training center that will provide critical improvised explosives recognition training to TSA Transportation Security Officers, law enforcement personnel, fire fighters, emergency services personnel, first responders and others.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Friday, June 19, 2009.

Had I been present, I would have voted ''nay'' on rollcall vote No. 409 (On ordering the previous question to H. Res. 559), ''nay'' on rollcall vote No. 410 (On agreeing to H. Res. 559), ''yea'' on rollcall vote No. 411 (On agreeing to H. Res. 560), ''yea'' on rollcall vote No. 412 (On motion to recommit with instructions to H.R. 2918), ''nay'' on rollcall vote No. 413 (On passage to H.R. 2918), ''yea'' on rollcall vote No. 415 (On agreeing to article I of H. Res. 520), ''yea'' on rollcall vote No. 416 (On agreeing to article II of H. Res. 520), ''yea'' on rollcall vote No. 417 (On agreeing to article III of H. Res. 520), ''yea'' on rollcall vote No. 418 (on agreeing to article IV of H. Res. 520).

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. GINGREY of Georgia. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, I submit the following member request. Funding for this request was authorized in H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 2647

Account: Army, RDTE

Legal Name of Requesting Entity: Georgia Institute of Technology

Address of Requesting Entity: Institute of Bioengineering and Bioscience, 315 Ferst Drive, NW Atlanta, Georgia 30332–0363

Description of Request: The $3,000,000 authorized for the Center for Advanced Bioengineering and Solider Survivability (CABSS) will focus on research in advanced tissue and bone regeneration and wound care and treatment issues relevant to military trauma care. Fundamental research advances in these areas can lead to technologies and techniques for better immediate clinical combat care as well as address long term care issues involving limb loss, tissue and organ damage, facial and dental injuries, and reconstruction. The funding will be paid out at pre-negotiated rates in accordance with Department of Defense policy. Specifically, funds will be used to: establish a seed grant program to identify novel technologies for treatment of musculoskeletal defects following trauma, develop oriented nano-fiber meshes for treatment of neurologic defects following injury to the extremities, develop biodegradable shape memory polymers for treatment of large bone defects, develop biodegradable shape memory polymers for craniofacial reconstruction, and test the effects of sustained delivery of osteoinductive proteins in tubular nanofiber mesh scaffolds on functional repair of large segmental bone defects. Georgia Tech will continue to leverage this request to obtain funding from other sources. The Georgia Research Alliance has pledged additional money to the project for infrastructure and equipment, and past Congressional funding has been leveraged to successfully obtain funding from DoD's Orthopaedic Trauma Research Program and its Armed Forces Institute of Regenerative Medicine, as well as funding from the Musculoskeletal Transplant Foundation.

HONORING DAVID VON DOHLEN FOR TWO DECADES OF SERVICE THE GREEN HILLS ROTARY CLUB

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 2009

Mr. COOPER. Madam Speaker, today I rise to honor David von Dohlen, an upstanding member of the Nashville community, on the occasion of his retirement as treasurer of the Green Hills Rotary Foundation, a position he has held since 1989.

A charter member of the Green Hills Rotary Club, Mr. von Dohlen has freely contributed his time and efforts to the organization. He and his wife Betsy have participated in every club event and fundraising activity since the club's founding: the ''Trees to Trails'' Christmas tree recycling event, the Swing Dance dinner and auction, the Million-Dollar Shootout competition and the mini-car races in Centennial Park. He also volunteered his accounting skills as Club treasurer and treasurer of the Green Hills Rotary Foundation since its creation in 1989.

It should come as no surprise that Mr. von Dohlen has previously been recognized as the Green Hills Rotary Club's Man of the Year. Nor should it surprise anyone that, after twenty years of service, Mr. von Dohlen has elected to take a richly deserved break.

And so, Madam Speaker, it is my privilege to stand before this House today as a representative of David von Dohlen, a man who exemplifies the Rotary motto of ''Service above Self.'' It is people like Mr. von Dohlen who strengthen our communities and show the way for future generations—not through grand deeds or gestures, but through a life lived in service to others.

Today I ask my colleagues to join me in saluting David von Dohlen for two decades of service to the Green Hills Rotary Club, the Green Hills Rotary Foundation and to the people of Nashville, Tennessee. We celebrate his many contributions to our community and to our country. And in a week in which the President launched a national ''Summer of Service,'' we commend Mr. von Dohlen to our fellow Americans as a model of what citizenship and service can be.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6899–S6957

Measures Introduced: Eleven bills and three resolutions were introduced, as follows: S. 1321–1331, S. Res. 200–201, and S. Con. Res. 30. **Page S6938**

Measures Reported:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2010". (S. Rept. No. 111–32)

S. 962, to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, with amendments. (S. Rept. No. 111–33) **Page S6938**

Measures Passed:

Higher Education Act Technical Corrections: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 1777, to make technical corrections to the Higher Education Act of 1965, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S6899**

Reid (for Kennedy/Enzi) Amendment No. 1364, in the nature of a substitute. **Page S6899**

Bureau of Labor Statistics 125th Anniversary: Senate agreed to S. Con. Res. 30, commending the Bureau of Labor Statistics on the occasion of its 125th anniversary. **Pages S6954–55**

Olmstead v. L.C., Supreme Court Decision 10th Anniversary: Senate agreed to S. Res. 201, recognizing and honoring the tenth anniversary of the United States Supreme Court decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999). **Pages S6955–56**

Appointments:

Board of Visitors of the United States Naval Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appointed the following Senators to the Board of Visitors of the United States Naval Academy: Senator Murkowski, from the Committee on Appropriation, and Senator McCain, designated by the Chairman of the Committee on Armed Services. **Page S6956**

Board of Visitors of the United States Military Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appointed the following Senators, to the Board of Visitors of the United States Military Academy: Senator Hutchison, from the Committee on Appropriations, and Senator Burr. **Page S6956**

Board of Visitors of the United States Air Force Academy: The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appointed the following Senators to the Board of Visitors of the United States Air Force Academy: Senator Bennett, from the Committee on Appropriations, and Senator Inhofe. **Page S6956**

Board of Visitors of the United States Coast Guard Academy: The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appointed the following Senators to the Board of Visitors of the United States Coast Guard Academy: Senator Wicker, from the Committee on Commerce, Science and Transportation, and Senator Vitter. **Page S6956**

Board of Visitors of the United States Merchant Marine Academy: The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appointed the following Senators to the Board of Visitors of the United States Merchant Marine Academy: Senator Isakson, from the Committee on Commerce, Science and Transportation, and Senator Graham. **Page S6956**

Impeachment of Judge Samuel B. Kent—Agreement: A unanimous-consent agreement was reached providing that the Secretary of the Senate inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, agreeably to the notice communicated by the Senate,

and that at 10 a.m., on Wednesday, June 24, 2009, Senate will receive the honorable managers on the part of the House of Representatives in order that they may present and exhibit the articles of impeachment against the said Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas. **Page S6954**

Floor Privileges—Agreement: A unanimous-consent agreement was reached providing that that the following counsel and staff of the House of Representatives be permitted the privileges of the floor during the proceedings of Wednesday, June 24, 2009, with respect to the trial of impeachment of Judge Samuel B. Kent: Alan Baron, Philip Tahtakran, Branden Ritchie, Mark Dubester, Harry Hamelin, Ryan Clough, Elisabeth Stein, and Michael Lenn. **Page S6954**

Koh Nomination—Agreement: A unanimous-consent agreement was reached providing that at the conclusion of the impeachment proceedings, on Wednesday, June 24, 2009, Senate resume consideration of the nomination of Harold Koh, to be Legal Advisor of the Department of State, and after a period of debate, vote on the motion to invoke cloture thereon at 11:00 a.m. **Page S6957**

Nominations Received: Senate received the following nominations:

Joan M. Evans, of Oregon, to be an Assistant Secretary of Veterans Affairs (Congressional and Legislative Affairs).

2 Navy nominations in the rank of admiral.

Page S6957

Executive Communications: **Pages S6937–38**

Additional Cosponsors: **Pages S6938–41**

Statements on Introduced Bills/Resolutions: **Pages S6941–48**

Additional Statements: **Pages S6936–37**

Amendments Submitted: **Pages S6948–54**

Authorities for Committees to Meet: **Page S6954**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:11 p.m., until 9:55 a.m. on Wednesday, June 24, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6957.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies approved for full committee consideration an original bill making appropriations for the Interior, Environment, and Related Agencies for the fiscal year 2010.

AUTHORIZATION: DEFENSE

Committee on Armed Services: Subcommittee on Personnel met in a closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2010.

AUTHORIZATION: DEFENSE

Committee on Armed Services: Subcommittee on Airland met in a closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2010.

AUTHORIZATION: DEFENSE

Committee on Armed Services: Subcommittee on Strategic Forces met in a closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2010.

AUTHORIZATION: DEFENSE

Committee on Armed Services: Subcommittee on Readiness and Management Support met in a closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2010.

AUTHORIZATION: DEFENSE

Committee on Armed Services: Subcommittee on SeaPower met in a closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2010.

HIGH–SPEED PASSENGER RAIL

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded a hearing to examine high-speed passenger rail, after receiving testimony from Joseph C. Szabo, Administrator, Federal Railroad Administration, Department of Transportation; Susan A. Flemming, Director, Physical Infrastructure Issues, Government Accountability Office; Pennsylvania Governor Edward G. Rendell, Harrisburg; Joseph H. Boardman, Amtrak, Washington, DC; Robert Eckels, Texas High Speed Rail and Transportation Corporation, Dallas; and Tom R. Skancke, National

Surface Transportation Policy and Revenue Study Commission, Las Vegas, Nevada.

DRUG TRAFFICKING IN WEST AFRICA

Committee on Foreign Relations: Committee concluded a hearing to examine drug trafficking in West Africa, after receiving testimony from Johnnie Carson, Assistant Secretary of State for African Affairs; William Wechsler, Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats; Thomas M. Harrigan, Assistant Administrator and Chief of Operations, Operations Division, Drug Enforcement Administration, Department of Justice; Douglas Farah, International Assessment and Strategy Center, Takoma Park, Maryland; Michael A. Braun, Spectre Group International, LLC., Alexandria, Virginia; and Mike McGovern, Yale University, New Haven, Connecticut.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee continued consideration of Affordable Health Choices Act, but did not complete action thereon, and will meet again Wednesday, June 24, 2009.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 2989–2995, H.R. 2998–3010; and 5 resolutions, H.J. Res. 57; and H. Res. 574–577 were introduced. **Pages H7144–45**

Additional Cosponsors: **Pages H7146–47**

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 2647, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2010 (H. Rept. 111–66, Pt. 2);

Report on the Revised Suballocation of Budget Allocations For Fiscal Year 2010 (H. Rept. 111–174);

H.R. 556, to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter, with an amendment (H. Rept. 111–175);

H.R. 934, to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands, with an amendment (H. Rept. 111–176);

H.R. 1018, to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, with an amendment (H. Rept. 111–177);

H.R. 762, to validate final patent number 27–2005–0081 (H. Rept. 111–178);

H.R. 1275, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, with an amendment (H. Rept. 111–179);

H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010 (H. Rept. 111–180);

H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010 (H. Rept. 111–181);

H. Res. 572, providing for consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes (H. Rept. 111–182); and

H. Res. 573, providing for consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes (H. Rept. 111–183). **Page H7144**

Speaker: Read a letter from the Speaker wherein she appointed Representative Jackson-Lee (TX) to act as Speaker Pro Tempore for today. **Page H7089**

Recess: The House recessed at 10:41 a.m. and reconvened at noon. **Page H7090**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Veterans' Compensation Cost-of-Living Adjustment Act of 2009: S. 407, to amend title 38,

United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans and to codify increases in the rates of such compensation that were effective as of December 1, 2008, by a ⅔ yea-and-nay vote of 403 yeas with none voting "nay", Roll No. 419; **Pages H7091–93, H7108–09**

Directing the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors: H.R. 1172, amended, to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors, by a ⅔ yea-and-nay vote of 411 yeas with none voting "no", Roll No. 422; **Pages H7093–94, H7111**

Veterans Health Care Budget Reform and Transparency Act of 2009: H.R. 1016, amended, to amend title 38, United States Code, to provide advance appropriations authority for certain medical care accounts of the Department of Veterans Affairs, by a ⅔ recorded vote of 409 ayes to 1 no, Roll No. 420; **Pages H7094–97, H7109–10**

Agreed to amend the title so as to read: "To amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.". **Page H7110**

Women Veterans Health Care Improvement Act: H.R. 1211, amended, to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, by a ⅔ yea-and-nay vote of 408 yeas with none voting "nay", Roll No. 421; and **Pages H7097–H7101, H7110–11**

Making technical corrections to the Higher Education Act of 1965: Agreed to the Senate amendment to H.R. 1777, to make technical corrections to the Higher Education Act of 1965, by a ⅔ recorded vote of 411 ayes with none voting "no", Roll No. 423. **Pages H7101–08, H7111–12**

Supplemental Report: Agreed that the Committee on Armed Services be authorized to file a supplemental report on H.R. 2647, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2010. **Page H7108**

Recess: The House recessed at 1:13 p.m. and reconvened at 6:33 p.m. **Page H7108**

Moment of Silence: The House observed a moment of silence in honor of Paul A. Fino, former Member of Congress. **Page H7110**

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency declared with respect to the Western Balkans is to continue in effect beyond June 26, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–51). **Page H7091**

Senate Messages: Messages received from the Senate today appear on pages H7090, H7112.

Quorum Calls—Votes: Three yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H7108–09, H7109–10, H7110–11, H7111, H7111–12. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 11:30 p.m.

Committee Meetings

STATE, FOREIGN OPERATIONS/MILITARY CONSTRUCTION, VETERANS AFFAIRS, APPROPRIATIONS FY 2010

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2010: State, Foreign Operations and Related Programs; and Military Construction, Veterans Affairs and Related Agencies.

HEALTHCARE REFORM

Committee on Education and Labor: Held a hearing on The Tri-Committee Draft Proposal for Health Care Reform. Testimony was heard from Christina Romer, Chair, Council of Economic Advisers; and public witnesses.

Hearings continue tomorrow.

HEALTHCARE REFORM

Committee on Energy and Commerce: and the Subcommittee on Health held a hearing on draft health reform legislation. Testimony was heard from public witnesses.

Hearings continue tomorrow.

CHEMICAL FACILITY ANTITERRORISM ACT OF 2009

Committee on Homeland Security: Ordered reported, as amended, H.R. 2868, Chemical Facility Anti-Terrorism Act of 2009.

V–22 OSPREY'S FUTURE

Committee on Oversight and Government Reform: Held an oversight hearing entitled "The Future of the V–22

Osprey: Costs, Capabilities, and Challenges.'' Testimony was heard from Mike Sullivan, Director, Acquisition and Sourcing Management, GAO; the following officials of the U.S. Marine Corps, Department of Defense: LTG George Trautman, USMC, Deputy Commandant, Aviation; and COL Karsten Heckl, USMC, Commander, Marine Medium Tiltrotor Squadron 162 (VMM–162); and public witnesses.

THE ''DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010''

Committee on Rules: Granted by a non-record vote, a structured rule providing for consideration of H.R. 2892, the Department of Homeland Security Appropriations Act, 2010. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule waives all points of order against provisions in the bill for failure to comply with clause 2 or 5 of rule XXI. The rule makes in order the following amendments: (1) the amendment printed in part A of the Rules Committee report; (2) the amendments printed in part B of the report; (3) not to exceed four of the amendments printed in part C of the report, if offered by Representative Flake of Arizona or his designee; and (4) not to exceed one of the amendments printed in part D of the report, if offered by Representative Campbell of California or his designee. The rule provides that each such amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. The rule also provides that the amendments printed in part B, C, or D of the report may be offered only at the appropriate point in the reading. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question. The rule provides one motion to recommit with or without instructions. The rule provides that after consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee and that the Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII). Finally, the rule provides that during consideration of H.R. 2892, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX. Testimony was heard from Representatives Thompson of Mississippi; Waters; Jackson-Lee of Texas; Loretta Sanchez of California; Bean; Altmire; Clarke; Minnick; Rogers of Kentucky; King of New York; King of Iowa; Neugebauer; Poe and Latta.

THE ''NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010''

Committee on Rules: Granted, by a record vote of 8 to 3, a structured rule providing for consideration of H.R. 2647, the ''National Defense Authorization Act for Fiscal Year 2010.'' The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule considers as an original bill for the purpose of amendment in the nature of a substitute recommended by the Committee on Armed Services. The committee amendment shall be considered as read. The rule waives all points of order against the committee amendment except those arising under clause 10 of rule XXI. The rule makes in order those amendments printed in the report of the Committee on Rules and amendments en bloc. The amendments made in order may be offered only in the order printed in the Rules Committee report except that the amendments may be offered out of order provided the chair of the Committee on Armed Services announces from the floor a request to that effect, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule also permits the chair of the Committee on Armed Services or his designee to offer amendments en bloc if those amendments have been printed in the Rules Committee report and not earlier disposed of. The Chair of the Committee of the Whole may recognize for consideration any amendment printed in the report out of the order printed but not sooner than 30 minutes after the chair of the Committee on Armed Services announces from the floor a request

to that effect. Proponents of amendments to be considered en bloc may submitted a statement in the Congressional Record immediately prior to the disposition of the amendments en bloc. The rule provides one motion to recommit with or without instructions. The rule provides for two minute voting during consideration of H.R. 2647. Finally, the rule provides that, in the engrossment of H.R. 2647, the text of H.R. 2990, as passed the House, shall be added as new matter at the end of H.R. 2647. H.R. 2990 shall be laid on the table upon addition of its text of H.R. 2647. Testimony was heard from Chairman Skelton, Representatives Taylor, Loretta Sanchez of California; Sestak; Bordallo; Frank of Massachusetts; Moran of Virginia; Cummings; Blumenauer; Lee; Schakowsky; Miller of North Carolina; Boren; Lipinski; Hall of New York; Walz; McKeon; LoBiondo; Conaway; Franks of Arizona; Sessions; Smith of New Jersey; Gallegly; Kirk; Gingrey; King of Iowa and Bilirakis.

Joint Meetings

RELIGIOUS LIBERTY IN RUSSIA

Commission on Security and Cooperation in Europe. Commission concluded a hearing to examine religious liberty, media freedom, and the rule of law in Russia, after receiving testimony from Sergey Cherepanov, Watch Tower Bible and Tract Society of Pennsylvania, St. Petersburg, Russia; Musa Klebnikov, The Paul Klebnikov Fund, New York, New York; William Browder, Hermitage Capital Management, London, United Kingdom; and Sarah Mendelson, Center for Strategic and International Studies, Washington, DC.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D742)*

H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products. Signed on June 22, 2009. (Public Law 111–31).

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 24, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies, business meeting to mark up proposed budget estimates for fiscal year 2010 for the Commerce, Justice, Science and Related Agencies, 2:30 p.m., SD–138.

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities, closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2010, 9:30 a.m., SR–232A.

Full Committee, closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2010, 2:30 p.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings to examine consumer choices and transparency in the health insurance industry, 2:30 p.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine the nominations of Colin Scott Cole Fulton, of Maryland, and Paul T. Anastas, of Connecticut, both to be an Assistant Administrator of the Environmental Protection Agency, 10:45 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine issues dealing with Iran, 11 a.m., SH–216.

Full Committee, to hold hearings to examine the nominations of Capricia Penavic Marshall, of the District of Columbia, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service, and Daniel M. Rooney, of Pennsylvania, to be Ambassador to Ireland, both of the Department of State, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to continue consideration of Affordable Health Choices Act, subcommittee assignments, and any pending nominations, 10 a.m., SR–325.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine type 1 diabetes research progress, 9 a.m., SD–106.

Committee on Veterans' Affairs: to hold an oversight hearing to examine the Department of Veterans Affairs quality management activities, 9:30 a.m., SR–418.

Special Committee on Aging: to hold hearings to examine emergency preparedness, aging and special needs, 10:30 a.m., SD–562.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review implementation of the Food, Conservation, and Energy Act of 2008, 10 a.m., 1300 Longworth.

Committee on Education and Labor, to mark up H.R. 2989, 401(k) Fair Disclosure and Pension Security Act of 2009, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, and the Subcommittee on Health, to continue hearings on draft health reform legislation, 9:30 a.m., 2123 Rayburn.

Subcommittee on Commerce, Trade and Consumer Protection, and the Subcommittee on Africa and Global Health of the Committee on Foreign Affairs, joint hearing on U.S.-Africa Trade Relations: Creating a Platform for Economic Growth, 2 p.m., 2322 Rayburn.

Committee on Financial Services, hearing entitled "Regulatory Restructuring: Enhancing Consumer Financial Products Regulation," 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on the July Summit and Beyond: Prospects for U.S.-Russia Nuclear Arms Reduction, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled ''FY2010 Budget for the Office of Intelligence and Analysis of the Department of Homeland Security,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, to mark up the following measures: H. Res. 537, Requesting that the President and directing that the Attorney General transmit to the House of Representative all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; H.R. 1478, Carmelo Rodriguez Military Medical Accountability Act of 2009; H.R. 1843, John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2009; and H.R. 984, State Secret Protection Act of 2009, 10:15 a.m., 2141 Rayburn.

Committee on Natural Resources, hearing on H.R. 2499, Puerto Rico Democracy Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, and the Subcommittee on National Security and Foreign Affairs, joint hearing entitled ''Afghanistan and Pakistan: Oversight of a New Interagency Strategy,'' 11 a.m., 2154 Rayburn.

Subcommittee on Federal Workforce, Postal Service and the District of Columbia, to mark up H.R. 22, To amend chapter 89, title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund, 9 a.m., and to hold hearing entitled ''FEHBP's Prescription Drug Benefits: Deal or No Deal?'' 2 p.m., 2154 Rayburn.

Committee on Science and Technology, to mark up the following bills: H.R. 2965, Enhancing Small Business Research and Innovation Act of 2009; H.R. 2729, To authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes; and H.R. 1622, To provide for a program of research, development, and demonstration on natural gas vehicles, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Health IT Adoption and the New Challenges Faced by Solo and Small Group Healthcare Practices,'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, to mark up the Surface Transportation Authorization Act of 2009, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, hearing on the following bills: H.R. 2379, Veterans/Group Life Insurance Improvement Act of 2009; H.R. 2713, Disabled Veterans Life Insurance Enhancement Act; H.R. 2774, Families of Veterans Financial Security Act; and H.R. 2968, to amend title 38, United States Code, to eliminate the required reduction in the amount of the acccelerated death benefit payable to certain terminally-ill persons insured under Servicemembers' Group Life Insurance or Veterans' Group Life Insurance, 2 p.m., 334 Cannon.

Committee on Ways and Means, to continue hearings on Health Reform in the 21st Century: Proposals to Reform the Health System, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:55 a.m., Wednesday, June 24

Senate Chamber

Program for Wednesday: Senate will begin consideration of the articles of impeachment against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas and conduct a live quorum call. Also, Senate will resume consideration of the nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State, and after a period of debate, vote on the motion to invoke cloture thereon at 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 24

House Chamber

Program for Wednesday: Consideration of H.R. 2892—Department of Homeland Security Appropriations Act, 2010 (Subject to a Rule).

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