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House of Representatives

The House met at 10:30 a.m.

MORNING-HOUR DEBATE

The SPEAKER. 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.

SUPERFUND REAUTHORIZATION

The SPEAKER. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, the budget that President Obama submitted to Congress last week calls for the reinstatement of the ''polluter pays'' principle for the Superfund program.

As someone who has been dealing with a Superfund site in my district for over 20 years, I am pleased that the President has added his important voice to this cause. I have introduced H.R. 564, the Superfund Reinvestment Act, which would implement his recommendations. I urge my colleagues to cosponsor it.

The Superfund program was created in 1980 to provide money to clean up the Nation's worst hazard sites where the party responsible for polluting was out of business or could not be identified. Superfund sites contain toxic contaminants that have been detected in drinking water wells, creeks and rivers, backyards and playgrounds all across America. Indeed, about 1 in 4 Americans lives within 4 miles of a Superfund site.

Communities impacted by these sites can face restrictions on water use and recreational activities as well as economic losses as property values decline due to contaminated land. In the worst cases, residents of the community can face serious health problems such as cardiac impact, infertility, low birth rates, birth defects, leukemia, and other cancers and respiratory difficulties.

Approximately 30 percent of these sites are considered ''orphan'' sites where a responsible party cannot be found, cannot pay or refuses to pay. In these cases, the Superfund trust fund is tapped to help pay for the cleanup. That Superfund program has contributed to the cleanup of over 1,000 sites across America.

Before the tax expired in 1995, the money for the Superfund trust fund came mainly from taxes on the polluters, themselves—the oil and chemical companies—that profited from the sale or use of the chemicals being cleaned up. Because Congress in the past has not reauthorized the taxes, the rate of cleanup for Superfund sites has declined, and the burden for funding the cleanup of these toxic waste sites now falls on the shoulders of all tax-paying Americans, not those who were responsible for it.

By 2003, the balance in the Superfund trust fund had dwindled to zero, delaying 29 sites around the country. Today, the Superfund relies heavily on scarce general fund revenues, increasing the burden on American taxpayers at a time when cleanup costs are increasing. The lack of funding also reduces the EPA's leverage in forcing companies to clean up after their own sites. The delay has resulted in greater health risks to people living near Superfund sites. It has resulted in increased damage to local communities as sites remain a drain on the local tax base, and in the long run, it results in higher ultimate cleanup costs.

One of the sites that has experienced delay due to the EPA's lack of funding is the Portland Harbor Superfund site in my district, officially a Superfund site in December of 2000 but a source of concern for years. The sources of contamination include former and current industrial operations and, indeed, the Federal Government, itself, because of World War II shipbuilding.

While a number of potentially responsible parties, such as the Port of Portland and the Northwest Natural Gas Company, have stepped forward to begin the cleanup process, it is expected that much of the pollution at the Portland Harbor site will be unaccounted for. Normally, this orphan share would be paid by the Superfund. Since there is no money in the fund, the EPA may decide to distribute the liability to those already identified responsible parties, significantly increasing their cleanup costs and serving as a disincentive for people to come forward and help voluntarily. This may be one of the largest and costliest in the program's history, but it is but one example around the country.

Many of the responsible parties are eager to clean up actions on the site, but the EPA has not even issued a record of decision to clean it up. The EPA tells us this record of decision is about 3 to 5 years away, which basically has been the same story for the past 9 years, in part, because we don't have the resources. In the meantime, contamination is negatively impacting navigation and redevelopment activities around the region, not to mention threatening the health and safety of those who live around the river.

Portland Harbor is one of many examples of sites around the country that will benefit from reinstating the Superfund taxes. Until it expired in 1995, the Superfund tax generated about $1.7 billion a year to clean up these hazardous areas.

I hope that my colleagues will work with me to ensure that the polluters, not the general fund taxpayers, clean up our country's most hazardous waste sites by cosponsoring the Superfund Reinvestment Act, H.R. 564.

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BIG GOVERNMENT IS BACK

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

Ms. FOXX. Madam Speaker, the era of big government is back. President Obama's proposal last week on the budget raises the deficit to $1.75 trillion. That is 12.3 percent of GDP. Even while rolling back the 2001 and 2003 tax cuts, the Democrats' budget stills grows the deficit, and we've been told over the years that it was those tax cuts that created the deficit.

The national debt will double to $20 trillion in just 8 years. Think of that, ladies and gentlemen, $20 trillion. In the last 8 years, the budget rose only by $4.9 trillion in comparison. The Obama administration will exceed that within their first 3 years. Beginning in 2012 and every year thereafter, the government will spend more than $1 billion a day in net interest. Just think what we could do with that kind of money.

I've just been visited by representatives of School Food Service in the Fifth District of North Carolina. They tell me, unless the Federal Government increases its commitment to School Food Service, children in our country are going to go hungry. Think what we could do with $1 billion a day.

By 2019, the government will spend $1.7 billion per day on interest. Total spending is going to equal $3.9 trillion in 2009. That's 27 percent of GDP, a record level and the highest level as a share of GDP since World War II. This spending is going to expand net entitlement spending by $1 trillion over 10 years, and it includes a $634 billion down payment on socialized medicine.

Medicaid spending will double in less than a decade, growing from $201 billion in 2008 to $403 billion by 2017, and there are no provisions for rooting out waste, fraud and abuse in this program. It's going to increase domestic—non-defense, non-veterans, non-homeland security—discretionary spending by at least 10 percent next year on top of the 8.7 percent increase this year.

Ladies and gentlemen, the American people can not stand this debt and can not stand this kind of spending.

The proposed budget also raises taxes by $1.4 trillion during a recession. This includes tax increases on American business, small businesses and individuals. Furthermore, all Americans who use energy will be penalized with a new carbon tax. This energy tax negates the so-called ''tax cut'' for 95 percent of Americans, because 100 percent of Americans who use any form of energy are going to pay this tax.

It reinstates the death tax. This onerous tax punishes families for building up savings to pass on to their heirs, and it imposes an especially heavy burden on small businesses and family farms. It will penalize Americans for contributing to charities by increasing taxes by $179.8 billion over 10 years.

The budget repeals seven different tax provisions for oil and gas producers, including a manufacturing deduction and the expensing of drilling costs, which would effectively raise taxes on the industry by $60 billion.

The new policy of Cap and Tax, or Cap and Trade, would impose a $79 billion annual cost to the economy, or $646 billion over 10 years. This is going to raise energy prices by an average of $516 per year for each household.

We heard the President talk about responsibility and accountability. By my account, he mentioned ''responsibility'' seven times last week in his speech to Congress, and he mentioned ''accountability'' six times. Ladies and gentlemen, it is time that Congress lives up to its responsibility and becomes accountable for its spending and stops passing these spending costs along to future generations.

HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

Mr. PALLONE. Madam Speaker, I wanted to talk about health care reform and start off by mentioning that, in my opinion, in the last month or so since President Barack Obama has taken office, more has been done under his auspices in terms of health care reform than probably has been done in the last 10 years. I specifically would mention the SCHIP—children's health care expansion—and those health initiatives, those health care reform initiatives that are in the economic recovery package. They are significant for many reasons.

First of all, if you look at the SCHIP, or the children's health care initiative, we have on the books or we had before this initiative for about 10 years a program that allowed working parents who did not receive health care on the job through their employers to be able to receive it through the State. These were people who were working but who were not poor enough to qualify for Medicaid. Yet, if they went out and tried to buy private insurance for their children and for themselves, they essentially were not able to because the private market is too expensive.

□ 1045

And so about 12 years ago, Democrats and Republicans, on a bipartisan basis, got together and set up the SCHIP children's health initiative, the Federal Government giving the States money to cover these kids in certain categories, maybe 200 percent of poverty or, in some cases, even as high as 300 percent of poverty. It worked.

About 7 million children who did not have health insurance were covered, and we decided as Democrats—and we tried to get some Republicans and actually did get some Republicans to support us—that we needed to expand it by another 4 or 5 million kids who were eligible for the program but were not receiving the benefits, either because the States didn't have the money or because they couldn't reach them through their outreach programs.

So one of the first things that was done by this new Congress was to pass an SCHIP expansion bill. Actually, it had a two-thirds majority vote here in the House of Representatives—over 40 Republicans joined with Democrats—and President Obama signed the bill just a few weeks ago.

We know it's going to work. We know it's going to do a lot to expand health insurance for kids who do not have it, and that makes sense because the bottom line is that if people have health insurance, then they go to a doctor more frequently. They get preventive care. They don't have to go in an emergency room. They don't get sicker, which ultimately causes the Federal Government and the State government more money.

Let me talk about the economic recovery package. In the economic recovery package, there are a number of health care reform initiatives. First of all, there's money that goes back to the States, about $80- to $90 billion, to help them enroll people on Medicaid. Because of the recession, because more people now do not have a job and, therefore, lose their health insurance, the Medicaid rolls have expanded, but States can't afford to expand the Medicaid rolls and, in many cases, were already starting to limit who would be eligible for Medicaid. But now, the Federal Government is giving the States essentially about $80- to $90 billion to help them defray that cost so that anyone who's eligible for Medicaid would be able to receive it.

In addition to that, if you were employed and you lost your job, we have a system now called COBRA, which is an acronym, where if you do lose your job, you can pay the full cost of the health insurance that your employer was providing you and continue to have your existing health insurance that you had on the job for another 18 months. But the problem is you have to pay out of pocket 100 percent, actually 102 percent because of the administrative costs, because your employer is not contributing anymore. So, with the economic recovery package, the Federal Government now will pay 65 percent of the cost of COBRA which makes it a lot more affordable for those who are eligible for COBRA.

But beyond that, there are major reforms in the economic recovery package in health care, in many significant ways, not just the money. For example, there is a major initiative on preventive care. There's a major initiative on wellness, to basically teach people about staying healthy so they don't get sick and cost the system a lot of money. There's also $20 billion for health information technology, so that hospitals and doctors can upgrade their systems and, rather than using paper, have all their records done electronically. This saves the system money.

What President Obama is trying to do in the economic recovery package is

basically lay the groundwork, if you will, for doing health care differently. If the emphasis is on prevention, if the emphasis is on wellness, if the emphasis is on new technologies that bring costs down because you can do things more effectively, then not only do you have less mistakes and a more efficient system, but you have a system that ultimately costs less money.

ECONOMIC STIMULUS II—MORE DEBT

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

Mr. STEARNS. Madam Speaker, with America facing an almost 8 percent unemployment rate, record low consumer confidence, and this country's worst economic downturn since the beginning of World War II, our Nation needs a real economic stimulus package that will give tax relief to hurting American businesses, create long-term sustainable job growth, and provide real permanent tax relief to American families. What this country does not need is the Federal Government increasing our national debt to record levels, burying our children and our grandchildren under a mountain of debt.

This Democrat spending plan is simply not stimulative. According to CBO, the plan includes over $600 billion in new spending. There are some tax cuts, but of the $816 billion in the program, the majority is for new spending, from 2009 to 2019. While this plan is aimed at quickly injecting government cash into the economy, only 15 percent of the spending will occur during this fiscal year, and only 37 percent of the spending will occur in fiscal year 2010. This means that over half of the plan's spending will occur starting in the year 2011, hardly a quick injection into the lagging economy as promised by the Democrat authors.

Many have looked to our economic history to provide guidance for us today during this difficult time. Particularly, they've looked at the New Deal under President Roosevelt. Unfortunately, what many economists have found is that the New Deal principles are stale ideas that do not translate into economic stimulus for our economy in the 21st century.

First, the Great Depression began in 1929 and did not end until 1940. And the stock market did not return to the level of September 3, 1929, until 1954. If today's economy were to go through a similar recovery, we would not fully escape the current recession until the year 2018, and the Dow would not reach its high of 2007 until the year 2032.

Secondly, many economists note that during the Great Depression the United States did not actually have much of an expansionary fiscal policy. As Tyler Cowen stated in the New York Times article, The New Deal Didn't Always Work, Either, ''Under President Herbert Hoover and continuing with Roosevelt, the Federal Government increased income taxes, excise taxes, inheritance taxes, corporate income tax, holding company taxes and 'excess profits' taxes. When all of these tax increases are taken into account, the New Deal fiscal policy didn't do much to promote recovery.''

This legislation is also an unprecedented expansion of the nation's debt burden. The U.S. is projected to have a $1.2 trillion deficit in FY 2009 even without the enactment of any stimulus legislation. As a percentage of GDP, the projected FY 2009 deficit (8.3% of GDP) is considerably larger than any deficit during the Great Depression (the highest was 5.4% of GDP in 1934).

The year 2008 could easily be defined as the year of the bailout. The months have passed in a torrent of troubling government "rescues" of private sector financial firms. Those bailouts have come at a great price and have exposed American taxpayers to vast financial risk. And in a financial crisis, such as the one we are now facing, bailout after bailout is quite simply not a good strategy for recovery.

Since October of 2008, the U.S. Treasury has committed $350 billion in public funds to private financial institutions, many of which have utilized reckless investment strategies, through the Troubled Asset Relief Program (TARP).

Specifically, insurance giant AIG has received $40 billion, Citigroup—which just tried to spend $50 billion on a luxury corporate jet—has received $20 billion, an additional $20 billion has been given to the Federal Reserve, and $250 billion has gone to large national banks in the form of direct capital injections. Even more troubling is the $23 billion of these TARP funds, which has been allocated to bail out automobile manufacturers such as General Motors and Chrysler. This type of government intervention in the private sector is unprecedented and has put us on a precarious path to socialism.

Given the massive amount of money the Federal Government has spent on bailouts since March of 2008, along with the ever-increasing debt level, it is unconscionable to continue committing good money after bad. This money belongs to the American taxpayer, and now, more than ever, we must rein in this out-of-control government spending for our future generations who will have to pay back this irresponsible debt accumulation.

Madam Speaker, we need to turn off the government spigot of Federal funding into non-stimulative debt spending. It is time for Congress to pass a real economic stimulus package that will give tax relief to hurting American businesses, create long-term sustainable growth, and provide real permanent tax relief to American families.

THE LAW OF UNINTENDED CONSEQUENCES

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

Mr. MCCLINTOCK. Madam Speaker, I'd like to offer a word of caution about the law of unintended consequences.

Last week, this House passed the administration's proposal to allow homeowners to force banks to reduce the size of their mortgages and their interest payments.

Well, there are millions of families, including my own I might add, who now owe more on our mortgages than our homes are worth, and yet more than 90 percent of homeowners continue to make our mortgage payments in hopes of better days to come.

Question: How many of these people who have been faithfully making their mortgage payments will now take advantage of this new law to reduce their mortgage debt by tens or even hundreds of thousands of dollars?

And while we're at it, here's another question. As these borrowers decide to cash in on this windfall, how many additional banks will fold as the value of these otherwise perfectly sound mortgages is crammed down by this new law?

And a final question: How high will the surviving banks raise their interest rates and down payment requirements to protect themselves against future governmental interventions?

I'm afraid that all we will have done is to create a society where fewer banks will be able to make loans and fewer home buyers will be able to access loans and produce an additional downward spiral in home values.

Madam Speaker, the law of unintended consequences is beyond Congress' jurisdiction, and we would do well to heed it.

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 55 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. PASTOR of Arizona) at noon.

PRAYER

Reverend Lawrence L. Vollink offered the following prayer:

Always, Lord God, You have been our help in days past. You have been our hope for the days ahead. We are so overwhelmed that out of Your love, You lead us, You protect us, You sustain us, and You bring comfort to Your people, sometimes miraculously, and at other times, from a distance. And to us has been given that sacred trust to bring honor and goodness to all people.

We again ask for Your wisdom to be given to our Representatives as they

uphold what is right and true. May You always be near to guide in their decisions, to comfort them in their failures, and to keep them humble in their successes. Give us faith, Lord, that we can see in every difficulty there is an opportunity, and in every blessing there is a responsibility, and in every purpose a task.

Lord, we ask for Your watchful eye to be upon our troops wherever they are serving. And be with their families that love them dearly and for those who are grieving their loss at this time. We give thanks for all of the organizations who have given support to make our troops return safe and sure.

Wherever we are serving, help us to accomplish great and good things for our States and for our Nation, now and forever. We pray for Thy glory.

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 gentlewoman from Maryland (Ms. EDWARDS) come forward and lead the House in the Pledge of Allegiance.

Ms. EDWARDS of Maryland 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 agreed to a concurrent resolution and a joint resolution of the following titles in which the concurrence of the House is requested:

S. Con. Res. 9. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week.

S.J. Res. 12. Joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

WELCOMING REV. LAWRENCE L. VOLLINK

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. ROGERS) is recognized for 1 minute.

There was no objection.

Mr. ROGERS of Michigan. I'm very honored to be here to welcome Chaplain Larry Vollink and his wife, Susie, who was also in the counterintelligence field in the United States military during her day. They're in Washington, D.C. for the annual Washington American Legion Conference. The chaplain is the national chaplain for the American Legion. He lives in Ypsilanti, Michigan, a graduate of South High School, the very same high school that Gerald Ford attended.

He's retired from the Army after 20 years of service to his country. He was stationed in Germany, Fort Campbell, Fort Carson and Selfridge Air Base in Michigan.

He has pastored churches in Ohio and Illinois and Michigan. He has served as a pastor and continues to serve as a pastor in hospitals and Hospice around the mid-Michigan area.

He has committed and dedicated his life to the military families that he loves and respects and is a part of. He has nourished their souls and strengthened their faith. We are honored to have him today lead us in prayer and through the challenging days that lie ahead of this great Nation. And we welcome not only his wife, Susie, but the entire Michigan delegation that has joined him. He's got one heck of a cavalry in his reserve.

BLUEPRINT FOR THE FUTURE

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. The President has presented his budget, and it really is a blueprint for the future. It's time to end the responsibility that's been created over the last decade and return us back to some honest accounting principles; to making certain that we put everything in the pot, examine line by line the budget, and make the kind of investments in the future that will strengthen our economy and grow our economy for our children.

And what does that mean? Investments in clean energy, so that we're no longer dependent on fossil fuels and foreign oil; investments in renewable energy, wind and solar, and biofuels.

We'll make sure that we have a health care system that really works for every American, making sure that we have quality affordable access to health care. This is an investment that the President has put before us in his budget, and it's an investment whose time is overdue.

Investments in education that make certain that from pre-Kindergarten through high school and then on-going learning we are preparing a workforce for the future, a workforce for the 21st century economy. And then, of course, making sure that we invest in our infrastructure, in water and sewer and transportation and broadband, in an electrical grid for the future, being certain that we've made the kinds of investments. The President has presented a budget that makes the kind of investments that will restore us to a strengthened economy in the 21st century.

WHAT'S A TRILLION DOLLARS?

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

Mr. POE of Texas. Mr. Speaker, in February this House passed two bills that are well over $1 trillion: the illusive Stimulus Bill that rewards special interest groups, and the Omnibus Appropriations Bill. Both were passed.

There are even more high-dollar government programs being planned in back rooms of this Capitol.

So how much is $1 trillion? Well, it's 1 with 12 zeros behind it. It will buy you 36 million Chevrolet Malibus. It's spending $1,000 a day at the mall for 2.5 million years. Or it will pay the college education for every high school graduate for the next 10 years.

Mr. Speaker, the problem with this spending is we don't have the money, so we're going have to borrow it or raise taxes. Both of those are bad ideas. This big government spending spree agenda is not helping our economy. The stock market keeps going down. Congress is forcibly taking money from Americans to spend on programs that don't work, and also acquiring debt that Americans yet to be born will have to pay for.

And that's just the way it is.

A CLEAR, VISIONARY BLUEPRINT FOR AMERICA'S FUTURE

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

Mr. MORAN of Virginia. Mr. Speaker, last Thursday, we were given the most honest, visionary and fair budget that we have gotten in 8 years. It includes the cost of the wars and the cost of patching the Alternative Minimum Tax which the Bush budgets were never willing to do. It invests in an education and energy future that will sustain a strong prosperous economy. And the fact is that it is fair.

Now, that's going to be the talking point, that it does allow taxes to be restored on those who have seen the highest income growth over the last 8 years, the wealthiest 2 percent of our society. This issue has historically been a defining feature of America, that people who benefit the most from our economic prosperity should pay for the cost of the military that defends that wealth, should pay for the cost of the roads and the rails that transport that wealth, and, in fact, should pay for the cost of educating the workforce that produces that wealth.

This budget, for the first time in 8 years, is not dead on arrival. This is a clear visionary blueprint for America's future, and we should support it.

SAVE TOURS OF THE CAPITOL

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

Mr. KIRK. JIM MORAN worked to save tours of the Capitol, and Congressman LOEBSACK and I have now authored a bipartisan letter to the Architect of

the Capitol urging him to restore the rights of Members and staff to offer tours to our constituents.

The red coats of the CVC do not own the Capitol. Members of Congress do not own the Capitol. The American people bought and paid for it, but the CVC red coats now block Americans from seeing the Capitol with their Congressmen or staff.

We are headed to a train wreck when CVC red coats turn away thousands of American families from the Capitol over spring break. They say, sure, we'll handle your constituents, no problem. Actually, they're going to block the access of the American people to the Capitol.

Now, a recent Facebook posting by a CVC red coat reflected a stunning arrogance that should not be tolerated towards American citizens.

I urge Members to sign the bipartisan Loebsack-Kirk letter to ensure that your constituents can see the Capitol when they want, with their Member of Congress, and not be blocked by the CVC red coats.

PRESIDENT OBAMA LOOKS TO BRING HONESTY AND ACCOUNTABILITY TO THE BUDGET PROCESS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, last week President Obama continued to bring real change to Washington by announcing his plan to bring honesty and accountability to the budget process.

For the last 8 years, the Bush administration and Washington Republicans masked the true costs of their budget by refusing to include funding for the wars in Iraq and Afghanistan and refusing to include any funding for natural disasters, even though we all knew they would happen. These accounting gimmicks were used to make deficit projections look smaller than they actually were.

These tricks will soon be a thing of the past, as President Obama wants the American people to have facts so they can hold us all accountable. That's the way government should work, and thanks to President Obama's commitment to honesty in government, it will be instituted as part of his budget outline later this week.

Mr. Speaker, for years, congressional Democrats criticized the Bush administration for using these gimmicks, and so we commend President Obama for this very welcome change.

EARMARKS

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

Mr. PITTS. Mr. Speaker, the President is expected to sign the omnibus appropriations bill this week, once the Senate acts on the bill.

Since the President made numerous promises to reduce earmarks during his campaign, the American people should know what is in the bill that he will be signing, another 1,100-plus page bill. This is a $410 billion spending bill which contains 8,500 earmarks, including $300,000 for migrating loons in Nevada, $900,000 for planetarium equipment in Chicago, $190,000 for trolleys in Puerto Rico, $3 million for a foot bridge in St. Louis, $380,000 for a lighthouse in Maine, $1 million for red snappers in Florida, $7 million for sea turtles in Hawaii, and on and on.

Migratory loons in Nevada? Red snappers in Florida? Trolleys in Puerto Rico? In a time of trillion dollar deficits, enough is enough!

92ND ANNIVERSARY OF U.S. CITIZENSHIP

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

Mr. PIERLUISI. Mr. Speaker, 92 years ago, President Wilson signed a bill and the people of Puerto Rico became U.S. citizens.

Puerto Rico's relationship with the United States is as close as it is complex. In some instances, promises of equal treatment took too long to redeem, and there are aspects of the relationship that should trouble men and women of conscience.

But like so many American stories, this is a chronicle of progress and a determined march towards a more perfect union. For me, as for millions of my constituents, the pride we feel in being Puerto Rican is matched by the pride we feel in being American citizens. To those who express concern that any further strengthening of the bond between Puerto Rico and the U.S. will result in a weakening of Puerto Rico's identity, I submit that history and experience demonstrate otherwise.

The people of Puerto Rico have been fighting for our country ever since they became citizens. American soldiers from Puerto Rico, fiercely proud of their country and their island roots, provide powerful testimony that these feelings complement, rather than contradict, one another.

Mr. Speaker, on this anniversary, I salute the 4 million U.S. citizens of Puerto Rico.

GOVERNMENT MEDDLING IN MARKETS

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

Mr. FLEMING. Mr. Speaker, last week, the Pilgrim's Pride Poultry Company announced the closing of three chicken processing operations throughout the southeastern United States.

In and around my district in North Louisiana, 1,300 jobs were lost. It is important for the American public to know why and how these jobs were lost. In addition to the decline in consumer protein demand, Pilgrim's Pride was most affected by high feed prices causing a loss in the last year of over $1 billion, forcing them into bankruptcy.

The main cause of these high prices was Federal mandates to increase the use of ethanol. This large spike in corn prices is being felt throughout the country by consumers and producers alike. Is this a foreshadowing of more disasters to come because of the governmental manipulation of the energy markets?

Just like the mortgage debacle, governmental meddling in markets continues hurting the working family, both directly and indirectly.

FAIRNESS IN TAXES

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

Mr. COHEN. Mr. Speaker, President Obama offered his first budget to this House last week, and it calls for fairness that hasn't been seen in this American government for a long time, fairness in taxes between the most wealthy and the least fortunate, people who need help and people who need to provide help, a budget that provides for health care, for energy, for veterans, most of all, for the issues that are most important to the American public. Investments in our infrastructure, which will spur this economy and stimulate the economy.

I would ask my colleagues on the other side of the aisle to join with the Democrats in supporting our President who was elected with overwhelming numbers and still has overwhelming support. Confidence and support for this President is what's necessary to give people the confidence to invest in our economy and get us out of this recession.

□ 1215

BUDGET

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

Mr. CHAFFETZ. Mr. Speaker, in the President's address to the joint session of Congress, he said unequivocally he was opposed to bigger government. Yet the President's budget does exactly the opposite. Big government is back and is bigger than before. Under the President's plan, the national debt will double to $20 trillion. We cannot sustain this; we cannot afford this, and we simply must say, ''No.''

The President said, ''If your family earns less than $250,000 a year, you will not see your taxes increase a single dime. I repeat: not a single dime.''

Yet the President's budget calls for significant tax increases that will be paid by every American, by 100 percent of us. Let us remember it is not the

government's money we talk about and spend. It is the American people's money. We cannot afford to continue to run this government on a credit card. We are going to have to do more with less, and that means finding ways to cut government spending.

THE PASSING OF REV. MICHAEL ''THE SOWER'' GUIDO

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

Mr. BARROW. Mr. Speaker, I rise today in sadness to pay tribute to the life of a constituent of mine, Dr. Michael Guido. Rev. Guido, known to millions as ''the Sower,'' died at the age of 94 last Saturday.

Michael Guido came to Metter, Georgia in 1943 for a preaching trip. After he met the woman who would later become his wife, he decided to stay. Sixty-six years later, he leaves behind his bride, Audrey, and a ministry that is broadcast on over 100 television stations and 400 radio stations around the world. He also wrote a column, ''Seeds from the Sower,'' which was published in over 1,300 newspapers across our land.

Rev. Guido built an impressive ministry, but his goal was not fortune or fame; it was just to live his life like the sower in Christ's parable—sowing the word of God on sometimes stony ground and keeping faith in his God and with his fellow man. His brother, Larry, carries on Rev. Guido's work, and his memory will live on in the souls he helped lead to God during his long life.

The Bible says, ''A good name is rather to be chosen than great riches and loving favor rather than silver or gold.'' Michael Guido made a good name for himself, which lives on in the loving favor of literally millions of souls, which is worth more than all the silver and gold in all the world.

SIERRA PACIFIC INDUSTRIES

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

Mr. McCLINTOCK. Mr. Speaker, Sierra Pacific Industries just announced the closure of its sawmill in the little town of Quincy, California, in my district, throwing another 150 families out of work. They made it very clear that the recession was not the cause; it was merely the catalyst. The real cause is that the regulatory costs and litigation, because of regulation, now exceed their profit margin. In fact, two-thirds of their timber harvest this year is tied up as a result of government actions.

Sierra Pacific constructed this small log mill when Congress passed legislation promoting tree thinning in the surrounding forests to prevent forest fires, but that law has not been implemented because of endless litigation by environmental groups who are using an impenetrable web of environmental laws.

In their press release, Sierra Pacific notes, ''Nearly two-thirds of the current year's timber sale program is enjoined or withheld from sale pending the outcome of litigation.''

So, Mr. Speaker, today, another 150 families in the little town of Quincy are out of work, direct casualties of this retrograde, Luddite ideology.

HONORING TANYA LOMBARDI

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

Mr. McNERNEY. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the importance of National Kidney Month and in honoring Tanya Lombardi, a courageous kidney donor.

Four years ago, Tanya joined a local book club in Danville, California. There she met Maxine Moir. Maxine needed a new kidney, but couldn't find a donor. In response, Tanya offered her kidney to Maxine, displaying great compassion and courage. This past December, Tanya provided Maxine with a miraculous holiday gift. Since the successful transplant, Tanya and Maxine take weekly walks and remain close friends, a friendship extending from a unique and incredible relationship that began at the book club.

Selfless donors like Tanya gave more than 13,000 kidneys in 2008, but many more people need help. Brave acts of kindness like those by Tanya Lombardi continue to bring hope to thousands of people and show that each of us can make a difference.

I urge my colleagues to join me during National Kidney Month in recognizing the selfless acts of kidney donors across America.

HONORING THE AMERICAN LEGION

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

Mr. WALZ. Mr. Speaker, today, I rise to express my appreciation for the great work the American Legion does for our Nation's veterans.

As a proud Legionnaire myself, this morning, I had the great honor of addressing the Commander's Call. This afternoon, I will meet with fellow Minnesotan Legionnaires Brad Lindsay, Bill Goede and Marie Goede, Floyd Kumerow, Robert Hirmer, and Chuck Kruger.

As a member of the House Veterans' Affairs Committee, I look to the American Legion for guidance on the priorities of our Nation's veterans. It is because, every day, the Legion is out there, working with our veterans. They understand what is needed.

I see it as this Congress' responsibility to work with the VA budgets that are not just sufficient but timely to make sure that they're predictable and that we serve our veterans the way we should. We have an absolute responsibility to knock down the backlog of claims that our veterans are facing, and we need to ensure that the recently enacted GI Bill is put to use as it should be. In all of this, the American Legion is a crucial partner.

There is another side to the Legion that doesn't get mentioned that much. It is the daily activities serving our veterans and their communities. From their great civic education programs, Boys and Girls State, to youth baseball and other programs, this is the truly great work the Legion does, and I want to commend them. We are all better for it. Our Nation's veterans are better for the work the Legion does.

ANNIVERSARY OF UNITED STATES CITIZENSHIP FOR THE PEOPLE OF PUERTO RICO

(Ms. BORDALLO asked and was given permission to address the House for 1 minute.)

Ms. BORDALLO. Mr. Speaker, as chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife, I rise today to join my colleagues in marking the 92nd anniversary of President Woodrow Wilson's signing of an Act of Congress, conferring United States citizenship upon the people of Puerto Rico. This act marked an important advancement in the United States-Puerto Rico relationship, and although it is still an unfinished journey, it brought our brothers and sisters in Puerto Rico into the American family.

The people of Puerto Rico have a rich and a beautiful culture. Their work to preserve and to celebrate their culture and their contributions to our democracy and defense of our Nation are unmatched by any State.

Today, we recognize the act that conferred them citizenship, and we commemorate this event with them as we look forward to their continuing political progress. The people of Guam join our fellow Americans in congratulating Puerto Rico.

JOB CREATION

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

Mr. INSLEE. Mr. Speaker, we are looking for job creation opportunities during these tough economic times.

This morning, I heard ideas from an unexpected source. I was at a bipartisan symposium with Senators, Governors, former Prime Minister Tony Blair, and business leaders. What I heard from the business leaders is that one of the best sources of job creation we have is in creating new green collar, clean energy jobs to respond to our climate crisis, which will also help us in our economic crisis.

Jeff Immelt of GE told us about the need for a smart grid so we can create green-collar jobs. Mr. Hayes from Florida Power and Light told us about the great technologies in solar power. We

heard from Vinod Khosla about ways to sequester carbon dioxide in building material.

At this moment of economic stress, we should not forget that responding to climate change is a potential way to get over our economic doldrums. Let's keep this clean energy ball rolling.

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 is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HONORING DR. WILLIAM SPOELHOF

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 91) honoring the life and service of Dr. William Spoelhof, president emeritus of Calvin College in Grand Rapids, Michigan, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 91

Whereas Dr. William Spoelhof was born on December 8, 1909, in Paterson, New Jersey, and passed away on December 3, 2008, at the age of 98;

Whereas in 1931, Dr. Spoelhof graduated from Calvin College in Grand Rapids, Michigan, and began teaching social studies at the middle school level;

Whereas in 1937, Dr. Spoelhof received a Master of Arts degree and began his doctoral studies at the University of Michigan;

Whereas during World War II, Dr. Spoelhof served our country by joining the Office of Strategic Services in 1942 and enlisting in the Navy in 1943;

Whereas following the war, Dr. Spoelhof completed his doctoral work at the University of Michigan, and, in 1946, returned to Calvin College to teach history and political science;

Whereas in 1956, 5 years after becoming president of Calvin College, Dr. Spoelhof oversaw the process of moving Calvin College from its original Franklin Street campus located near downtown Grand Rapids to its current Knollcrest campus in southeast Grand Rapids;

Whereas Dr. Spoelhof carefully balanced Calvin College's vision for excellence in academics with its relationship with the Christian Reformed Church, as he effectively steered the College through church conflicts and the tumultuous, nationwide student protests of the 1960s;

Whereas in 1976, after 25 years of service as an administrator, Dr. Spoelhof became the longest-serving president in Calvin College's history to date and announced his retirement;

Whereas after his formal retirement, Dr. Spoelhof was named president emeritus and maintained an office and steady presence at the College, offering continued support and goodwill whenever needed;

Whereas Dr. Spoelhof was a Christian role model and mentor to many faculty members, staff, and students, as he provided wisdom and counsel to thousands of individuals during his more than 6 decades of service to Calvin College;

Whereas Dr. Spoelhof is fondly remembered for his contributions to daily discussions with retired faculty and students at the ''Emeritorium'' and for his kind words to passersby around the campus;

Whereas on December 3, 2004, Calvin College physics and astronomy professor, Larry Molnar, discovered an asteroid, and named it Asteroid 129099 Spoelhof in honor of Dr. Spoelhof;

Whereas Dr. Spoelhof was a respected leader in the Christian Reformed Church denomination, an educator of generations of teachers and ministers through programs at Calvin College, a faithful presence at the denominational Synod meetings, and a loyal member of the Neland Avenue Christian Reformed Church;

Whereas Dr. Spoelhof was awarded the Bronze Star Medal by the Navy for his service in World War II;

Whereas, for his contributions in liaison with the Dutch Resistance Movement, Dr. Spoelhof was honored by Queen Wilhelmina of the Netherlands with the Order of Orange-Nassau with swords and a laurel wreath;

Whereas in 1935, Dr. Spoelhof married Miss Angeline Nydam, and they had three children, Robert Spoelhof, Elsa Scherphorn, and Peter Spoelhof;

Whereas Ange, as Dr. Spoelhof lovingly called his wife, passed away in 1994; and

Whereas Dr. Spoelhof lived a life of gratitude and desired to bring God's glory in all he did, and, on December 3, 2008, the Calvin College community lost a visionary leader and wise friend: Now, therefore, be it

Resolved, That the House of Representatives honors the life of Dr. William Spoelhof and his outstanding devotion and service as a member of the military, teacher, and professor, president, and friend of Calvin College in Grand Rapids, Michigan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous materials into the RECORD on House Resolution 91.

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

There was no objection.

Mr. POLIS. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 91, which honors the life and achievements of Dr. William Spoelhof, a long-time president of Calvin College in Grand Rapids, Michigan. Dr. Spoelhof, a decorated war hero, a dedicated member of the Christian Reformed Church and father of three, passed away at the age of 98 on December 3, 2008.

Born in Paterson, New Jersey in 1909, Dr. Spoelhof graduated from Calvin College in 1931 and began teaching social studies in a local middle school. He left to pursue a Master of Arts degree, first at Columbia University, then transferring to the University of Michigan where he received his degree in 1937, beginning his doctoral studies immediately afterwards.

He deferred his studies during World War II, serving our Nation in the Office of Strategic Services, then enlisting in the Navy. The Navy recognized his service by awarding him a Bronze Star Medal, and for his efforts with the Dutch Resistance Movement, Dr. Spoelhof was honored by Queen Wilhelmina of the Netherlands with the order of Orange-Nassau.

After receiving his doctorate from the University of Michigan in 1946, Spoelhof returned to Calvin College to begin his long and distinguished career there. He began teaching history and political science at the college, and became president in 1951. Dr. Spoelhof was a dedicated member of the Neland Avenue Christian Reformed Church, which had a very close relationship with Calvin College. Dr. Spoelhof effectively led the college through church conflicts and student protests of the turbulent 1960s as well as oversaw Calvin College's move from its Franklin Street location to its current Knollcrest campus. Today, one of the principal buildings in this 400-acre campus is the William Spoelhof College Center.

After 25 years of service to Calvin College, Dr. Spoelhof retired in 1976 as the longest serving president in the college's history. After his formal retirement, Dr. Spoelhof was named president emeritus, maintaining an office and continuing to act as a mentor for countless faculty members, staff and students. He was also honored by a Calvin College professor, Larry Molnar, who discovered an asteroid in 2004 and named it ''Spoelhof.''

Dr. Spoelhof and his wife, Angeline Nydam, who passed away in 1994, had three children together: Robert, Peter and Elsa Scherphorn.

A committed servant and role model in his community, William Spoelhof's dedication to his college, his church and his country sets a prime example for our Nation to follow. I would like to have this opportunity to recognize his life and accomplishments.

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

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

Mr. Speaker, I rise today in support of House Resolution 91, offered by the gentleman from Michigan (Mr. EHLERS). This resolution honors the life and service of William Spoelhof, president emeritus of Calvin College in Grand Rapids, Michigan.

Dr. Spoelhof was born in 1909 in Paterson, New Jersey, and passed away on December 3, 2008, at the age of 98. He graduated from Calvin College in 1931 and began teaching social studies at the middle school level. In 1937, he received his Master of Arts degree, and began his doctoral studies at the University of Michigan.

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During World War II, Dr. Spoelhof enlisted in the U.S. Navy and served

our country in the Office of Strategic Services. He was awarded the Bronze Star Medal by the Navy for his service. Also, for his contributions in liaison with the Dutch Resistance Movement, Dr. Spoelhof was honored by Queen Wilhelmina of the Netherlands with the Order of Orange-Nassau with swords and a laurel wreath.

Following the war, in 1946, he completed his doctoral work and returned to Calvin College to teach history and political science. After becoming President of Calvin College, Dr. Spoelhof oversaw the process of moving Calvin College from its original Franklin Street campus, located in urban Grand Rapids, to its current campus in southeast Grand Rapids.

Dr. Spoelhof carefully balanced Calvin College's vision for excellent academics with its relationship with the Christian Reformed Church as he effectively steered the college through occasional church conflicts and the tumultuous, nationwide student protests of the 1960s.

In 1976, after 25 years of service as an administrator, Dr. Spoelhof became the longest-serving president in Calvin College's history to date. After his formal retirement, he was named president emeritus and maintained an office and steady presence at the college, offering continued support and goodwill whenever needed.

Dr. Spoelhof was a Christian role model and mentor to many faculty members, staff and students as he provided wisdom and counsel to thousands during his more than six decades of service to Calvin College. Dr. Spoelhof lived a life of gratitude and desired to give glory to God in all that he did.

On December 3, 2008, Calvin College lost a visionary leader and wise friend. He is to be honored and recognized for his outstanding devotion and service as a member of the military, a Calvin College professor, and president and friend.

Again, I commend the gentleman from Michigan for introducing this resolution and urge my colleagues to support it.

Mr. EHLERS. Mr. Speaker, I rise today in support of House Resolution 91, to honor the life and service of William Spoelhof, president emeritus of Calvin College in Grand Rapids, Michigan. I am honored to represent Calvin College and am very thankful for its excellent education efforts. I am also proud to say that I attended Calvin College, and served as a professor of Physics at Calvin College.

Dr. William Spoelhof was born in 1909 in Paterson, New Jersey, and passed away on December 3, 2008, at the age of 98.

William Spoelhof graduated from Calvin College in 1931, and began teaching social studies at the middle school level. In 1937, he received his Masters of Arts degree, and began his doctoral studies at the University of Michigan.

During World War II, Dr. Spoelhof enlisted in the U.S. Navy, and served our country in the Office of Strategic Services. He was awarded the Bronze Star Medal by the Navy for this service. Also, for his contributions in liaison with the Dutch Resistance Movement, Dr. Spoelhof was honored by Queen Wilhelmina of the Netherlands with the Order of Orange-Nassau with swords and a laurel wreath.

Following the war, in 1946, he completed his doctoral work, and returned to Calvin College to teach history and political science. After becoming president of Calvin College, Dr. Spoelhof oversaw the process of moving Calvin College from its original Franklin Street campus, located in urban Grand Rapids, to its current campus in southeast Grand Rapids.

Dr. Spoelhof carefully balanced Calvin College's vision for excellent academics with its relationship with the Christian Reformed Church, as he effectively steered the college through occasional church conflicts and the tumultuous, nationwide student protests of the 1960s.

In 1976, after 25 years of service as an administrator, Dr. Spoelhof became the longest-serving president in Calvin College's history to date and announced his retirement.

After his formal retirement, he was named president emeritus and maintained an office and steady presence at the College, offering continued support and goodwill whenever needed.

William Spoelhof was married to Miss Angeline Nydam in 1935, and they had three children, Robert Spoelhof, Elsa Scherphorn, and Peter Spoelhof. Ange, as Dr. Spoelhof lovingly called his wife, passed away in 1994, after almost 60 years of marriage.

Dr. Spoelhof was a Christian role model and mentor to many faculty members, staff and students, as he provided wisdom and counsel to thousands during his more than six decades of service to Calvin College.

On a personal note, Dr. Spoelhof recruited me from the University of California at Berkley to teach Physics at Calvin College. I am deeply grateful for his guidance and for leading me to teach at a wonderful, Christian liberal arts college.

Dr. Spoelhof lived a life of gratitude, and desired to bring God glory in all he did. On December 3, 2008, the Calvin College community lost a visionary leader and wise friend. He is to be honored and recognized for his outstanding devotion and service as a member of the military, a Calvin College professor and president and friend.

It is with sincere admiration to him, and gratitude to God, that I pay my respects to Dr. Spoelhof on a life well lived, and I urge my colleagues to join me in doing so.

Mr. CASSIDY. I yield back my remaining time.

Mr. POLIS. 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 Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 91, as amended.

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

A motion to reconsider was laid on the table.

CONGRATULATING THE UNIVERSITY OF MARY WASHINGTON ON ITS 100TH ANNIVERSARY

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 77) congratulating the University of Mary Washington in Fredericksburg, Virginia, for more than 100 years of service and leadership to the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 77

Whereas, on March 14, 1908, Virginia Governor Claude A. Swanson signed into law legislation for the establishment of the new State Normal and Industrial School for Women at Fredericksburg, Virginia;

Whereas in 1938, the institution was renamed Mary Washington College in honor of Mary Ball Washington, the mother of President George Washington;

Whereas in 1970, the Virginia General Assembly approved full coeducational status for Mary Washington College, and men were enrolled as resident students for the first time;

Whereas in 2004, the Virginia General Assembly approved university status to the institution, changing its name to the University of Mary Washington;

Whereas the University of Mary Washington enrolls over 5,000 students and employs over 1,000 full-time and part-time faculty and staff;

Whereas in 2008, U.S. News and World Report ranked the University of Mary Washington as third among public, southern, master's degree-granting schools;

Whereas the University of Mary Washington has been led by eight presidents: Edward H. Russell (1908–1919), Algernon B. Chandler, Jr. (1919–1928), Morgan L. Combs (1929–1955), Grellet C. Simpson (1956–1974), Prince B. Woodard (1974–1982), William M. Anderson, Jr. (1983–2006), William J. Frawley (2006–2007), and Judy G. Hample (2008–);

Whereas the University of Mary Washington offers 43 degree programs, including 32 undergraduate programs, 4 graduate programs, 7 education specialist programs;

Whereas in its centennial year, the University of Mary Washington conferred more than 1,200 master's and bachelor's degrees;

Whereas the University of Mary Washington Intercollegiate Athletic Program sponsors 23 NCAA Varsity Teams, and the student-athletes on these teams have won five Individual and Team National Championships, produced 245 All-America Selections and more than 100 Academic All-Americans, and won more Conference Championships than any other school in the Capital Athletic Conference; and

Whereas in 2009, the University of Mary Washington begins a new century of academic excellence, service to the Commonwealth of Virginia, and leadership to the world in producing people of insight, wisdom, character, and accomplishment: Now, therefore, be it

Resolved, That the House of Representatives congratulates the University of Mary Washington in Fredericksburg, Virginia, for more than 100 years of leadership and service to the Fredericksburg area, the Commonwealth of Virginia, and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members

may revise and extend and insert extraneous material on House Resolution 77 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 77, which celebrates the University of Mary Washington's 100 years of service and leadership.

Founded in 1908, the State Normal and Industrial School for Women at Fredericksburg eventually became what is now known as the University of Mary Washington. Beginning with just 110 students, the school has grown into a prestigious university worthy of its namesake.

Long-standing traditions, combined with rigorous scholarship, enable the University of Mary Washington to provide one of the finest liberal arts educations in the Nation. Offering more than 40 undergraduate majors, four graduate programs and seven education specialist programs, UMW is highly ranked in every publication. The university is committed to academic excellence, and according to the ''Fiske Guide to Colleges,'' UMW is described as ''one of the premium or premiere public liberal arts colleges in the country.'' During its centennial year alone, UMW conferred more than 1,200 degrees.

With more than 5,000 enrolled students, the University of Mary Washington turns out students capable of extending their classroom knowledge into their communities and the world. UMW has a strong reputation of service, with 20 alumni currently serving in the Peace Corps. In fact, for the sixth year in a row, the Peace Corps has named the university to its annual list of ''Top Producing Colleges and Universities.'' The spirit of service has benefited the community and the students well as they prepare to tackle the challenges of our increasingly globalized world.

When the university community came together to celebrate its century of existence and achievement last year, it renewed its commitment to excellence and success. As the university looks ahead to its future, may it continue to link its students and its community to the great tradition of its past and promise of its future.

Mr. Speaker, I, again, congratulate the University of Mary Washington and urge my colleagues to support this resolution.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of House Resolution 77, congratulating the University of Mary Washington in Fredericksburg, Virginia, for more than 100 years of service and leadership to the United States.

The University of Mary Washington was founded in 1908 and has become an institution of higher education that links traditions of the republic to innovations at the leading edge of pedagogy and research. Mary Washington has one of the leading public liberal arts colleges in the country, as well as a graduate and professional school.

The University of Mary Washington was originally founded as a women's college and was designated as the women's college for the University of Virginia in 1944. In 1970, Mary Washington College transitioned to a co-educational college and was designated ''University of Mary Washington'' in 2004 to reflect the inclusion of its growing graduate programs.

Located in Fredericksburg, Virginia, approximately 4,000 undergraduate students are enrolled at Mary Washington's main campus, located on Marye's Heights, which played an important role in the 1862 Battle of Fredericksburg.

In addition, approximately 1,000 students and adults attend the graduate and professional school located in nearby Stafford County. Students from 43 different countries are enrolled in 40 different majors and programs of study at Mary Washington.

The University of Mary Washington is ranked in every major selective guide publication. It was ranked fourth in its class by U.S. News and World Report, in the top ten nationally in Peace Corps alumni, and has a Pulitzer Prize-winning poet on the faculty. It was listed among Kiplinger's magazine ''100 Best Values in Public Colleges in 2009.'' Mary Washington was also named as one of the Nation's best colleges and universities by the ''Fiske Guide to Colleges'' and is said to have ''gained a reputation as one of the premium public liberal arts colleges in the country.''

Last year, the University of Mary Washington celebrated their centennial anniversary. For over 100 years, the university has provided America's students with a quality education and opportunity. The institution's link to both history and innovation has provided students with the unique and irreplaceable learning environment.

I am happy to join my good friend and colleague, Representative WITTMAN, in congratulating the University of Mary Washington and ask my colleagues to support this resolution.

Mr. MCKEON. Mr. Speaker, I'm happy to yield to the gentleman who represents the First District of Virginia, who represents the University of Mary Washington, Mr. WITTMAN, for as much time as he may consume.

Mr. WITTMAN. I would like to thank the gentleman for yielding.

Mr. Speaker, I rise today in support of House Resolution 77, honoring the University of Mary Washington on the occasion of its 100th anniversary.

On March 14, 1908, Virginia Governor Claude A. Swanson signed legislation that established what eventually became the University of Mary Washington. I would like to take this opportunity to congratulate the University of Mary Washington on its achievements over the past century.

Initially a small teaching college for women, the institution was renamed the University of Mary Washington in honor of Mary Ball Washington, the mother of President George Washington and a resident of the First District of Virginia. Currently, the University of Mary Washington has an enrollment of over 5,000 students, offers 43 degree programs, and consists of two campuses. The main campus is located in historic Fredericksburg, and the College of Graduate and Professional Studies is located in Stafford, Virginia.

The University of Mary Washington has been recognized nationally as a leading liberal arts college, and the U.S. News and World Report ranked its masters programs fourth among southern public schools.

The University of Mary Washington combines rich traditions with state-of-the-art technology to provide one of the best undergraduate liberal arts educations in the country. It also offers a variety of internships and study abroad programs that connect students locally, regionally, nationally and internationally.

I am pleased to recognize the important contributions made by the University of Mary Washington to the Fredericksburg region, the Commonwealth, and the Nation. I congratulate the University of Mary Washington as it celebrates its 100th anniversary, and I wish the university continued success in providing an outstanding education to the students of the Commonwealth and the Nation.

I urge my colleagues to join me in congratulating the University of Mary Washington by supporting House Resolution 77.

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

Mr. POLIS. 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 Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 77.

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. POLIS. 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.

READ ACROSS AMERICA DAY

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 146) designating March 2, 2009, as ''Read Across America Day.''

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 146

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2 to celebrate reading and the birth of Theodor Geisel, also known as Dr. Seuss: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(2) honors the 12th anniversary of Read Across America Day;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the House of Representatives to building a Nation of readers; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 146 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 146, which recognizes March 2, 2009, as Read Across America Day and encourages parents to read to their children for at least 30 minutes in support of building a Nation of readers.

Read Across America Day was initiated in May of 1998 by the National Education Association as a way to celebrate reading. The NEA provides support to parents and teachers to keep their children reading all year long through activities such as the Cat-A-Van. The Cat-A-Van travels across the country bringing the gift of reading to school children. The Cat-A-Van donates 20,000 books to children in need.

The NEA celebrates Read Across America Day on Dr. Seuss' birthday every year to honor a man who contributed tremendously to children's literacy. Theodor Geisel, better known as Dr. Seuss by millions of children and parents around the world, began writing children's books in 1936 and has since inspired millions of children to embrace the joys of reading through such favorites as ''The Cat in the Hat, ''Green Eggs and Ham,'' and ''Oh the Places You'll Go.''

We know from the research that children exposed to the nature and purpose of reading before kindergarten become more successful readers. We also know that a child who fails at reading is more likely to drop out of school.

If the United States is to stay competitive in a global economy, we must possess these basic requirements for a quality education and professional success. Encouraging children to read is one of the best tools we can equip our children with to help them become successful contributors to the United States.

I want to thank Representatives MARKEY and EHLERS for bringing this resolution forward, and I encourage my colleagues to support this resolution.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of House Resolution 146 designating March 2, 2009, as Read Across America Day. This celebration is held each year on the birthday of author Dr. Seuss. This year, Read Across America celebrates its 10th anniversary, and is also the 50th anniversary of Dr. Seuss' most recognizable work, ''The Cat in the Hat.''

Theodor Geisel, more famously known as Dr. Seuss, is the most beloved children's book author of all time. His use of rhyme makes his books an effective tool for teaching young children the basic skills they need to be successful and develop a lifelong love of reading. Celebrating Dr. Seuss and reading sends a clear message to our children that reading is both fun and important.

In 2001, Congress and President Bush highlighted the importance of reading by passing the No Child Left Behind Act. Through programs authorized under the act, the Federal Government demonstrated the importance of reading intervention in providing additional resources for reading assistance; most notable was its commitment to the Reading First Program. Once the program was implemented, the data quickly showed that Reading First works. On average, the 26 States with early baseline data on reading achievement increased the percentage of students meeting or exceeding proficiency on fluency outcome measures. Among Wisconsin first graders, reading fluency proficiency increased by nearly 28 percent for economically disadvantaged students, more than 30 percent for limited English proficient students, nearly 22 percent for students with disabilities, more than 22 percent for African American students, and nearly 23 percent for Hispanic students.

States saw this improvement and made Reading First an integral opponent of their reform efforts. Reports by the Government Accountability Office, the Inspector General and the Center on Education Policy have all found widespread support for the program among the States. In one Center on Education Policy report, 97 percent of Reading First school districts said that the program was an important or very important cause for increases in students' reading scores.

Despite these positive results, the new majority has, over the course of 2 years, decreased funding levels by $600 million in 2008 and completely eliminated funding for 2009. Individual States are beginning to voice their concern over the impact of lost Reading First funding. In fact, these cuts have led to such efforts as the Colorado State Board of Education passing a resolution expressing its support for Reading First model and its concern over the appropriations cut.

□ 1245

As we rightfully recognize another Read Across America Day, this Congress should begin the work of immediately restoring funding for this program that provides this Nation's most disadvantaged students the reading intervention and additional resources for reading assistance they so desperately need.

I thank my colleague from Colorado (Ms. MARKEY) for sponsoring this resolution. And I ask that all of my colleagues support its passage.

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

Mr. POLIS. Mr. Speaker, I am pleased to recognize the gentlelady from my neighboring district in Colorado (Ms. MARKEY) for 5 minutes.

Ms. MARKEY of Colorado. I would like to thank the gentleman from Colorado.

Mr. Speaker, I rise today as an original cosponsor of House Resolution 146, which designates March 2, 2009, as ''Read Across America Day,'' and to urge my colleagues to vote in support of this legislation.

Yesterday was the 105th anniversary of the birth of Theodor Seuss Geisel—or ''Dr. Seuss,'' as he is better known to generations of children. Between 1937 and 1991, Dr. Seuss published more than 40 books. In fact, one in four American children receive Dr. Seuss as their first book.

It's hard to quantify the powerful investment in a child's future the simple act of reading can be. And as any parent will tell you, our most treasured memories of our children lie in the precious moments before bedtime, carefully making our way through books that we hope will capture our son or daughter's imagination and attention. In fact, reading together can serve as childhood's best mile marker as simple lessons of ''Green Eggs and Ham'' give way to the more complicated worlds of Nancy Drew and Harry Potter. It is as if a parent can see the very foundation of a child's mind take root and grow.

Dr. Seuss was one of the first to understand how a small spark of imagination early in life can lend itself in later years to great discovery and politics. ''The Cat in the Hat'' was originally commissioned in 1955 after it was found that children were being held back by boring books. Theodor Geisel introduced our kids to Marvin K. Mooney, to the Grinch, and to Cindy Lou Who, to Sam, who would not eat green eggs and ham, to the Yooks and the Zooks, who battled over which side of bread the butter is properly applied.

It is easy, in these times that we find ourselves in, to forget how important it is that simple lessons endure. Even in the midst of these times, parents must remember to read to their children. And we must remember that it is often the lessons found in children's literature that mean the most later in life. After all, C.S. Lewis told us in the Chronicles of Narnia, ''For this is what it means to be king: to be the first in every desperate attack and last in every desperate retreat. And when there is hunger in the land (as must be now and then in bad years) to wear finer cloths and laugh louder over a scantier meal than any man in your land.'' And Dumbledore told us: ''There are all kinds of courage. It takes a great deal of courage to stand up to our enemies, but just as much to stand up to our friends.''

Behind all those who struggle to achieve and endure lies a parent or a teacher who took the time to attend to a child's earliest education. Some of the happiest moments in my life were spent cuddled up with Katie, Erin and Al—my three kids, who seem to be racing towards adulthood with uncommon speed—reading our favorite books. They are moments I would not trade for anything in the world.

So please vote ''yes'' on House Resolution 146 and remember the words of Dr. Seuss: ''You have brains in your head. You have feet in your shoes. And you can steer yourself in any direction you choose. You're on your own. You know what you know. You're the guy who'll decide where you go.''

Mr. MCKEON. Mr. Speaker, I yield myself the balance of my time.

I am in strong support of Resolution 146. I urge all of my colleagues to support it. It's saddening to me, though, that at this time, when we are talking about reading and the importance of reading, how an administration that is spending so freely will continue to cut funds from a program that works very well for our young people to give them the reading first opportunity that they so deserve.

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

Mr. POLIS. 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 Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 146.

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. POLIS. 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.

COMMENDING THE UNIVERSITY OF SOUTHERN CALIFORNIA ON ITS 2009 ROSE BOWL VICTORY

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 153) commending the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 153

Whereas the University of Southern California (USC) Trojan football team achieved many historic accomplishments during the 2008 regular season;

Whereas the USC Trojan football team has now won more Rose Bowls than any other team in the Nation;

Whereas USC has achieved its seventh straight top 5 finish;

Whereas USC achieved an unprecedented seventh consecutive season of at least 11 or more victories;

Whereas USC was invited to make an unprecedented seventh consecutive Bowl Championship Series appearance;

Whereas USC won an unprecedented seventh consecutive Pacific–10 (Pac–10) Conference championship;

Whereas USC has become the first school to win 3 consecutive Rose Bowls;

Whereas USC has appeared in a record-tying fourth consecutive Rose Bowl;

Whereas USC is now tied with the record for most bowl victories of all time;

Whereas USC has won 86 of its last 96 games;

Whereas with USC's 2009 Rose Bowl victory, the Pac–10 Conference finished a perfect 5 and 0 in post-season bowl appearances;

Whereas, during the 2008 season, USC's defense was ranked number one in the Nation, holding opponents to just over 221 yards per game;

Whereas, during the 2008 season, USC featured 3 All-American first team players (linebackers Rey Maualuga, Brian Cushing, and safety Taylor Mays);

Whereas USC will feature 5 players in the Under Armour Senior Bowl game held in Mobile, Alabama (linebackers Rey Maualuga, Brian Cushing, and Clay Matthews, and defensive linemen Fili Moala and Kyle Moore);

Whereas USC head football coach Pete Carroll is 88 and 15 (85.4 percent) in 8 years (2001 to 2008) as a college head coach at USC, his record is the best winning percentage of any current NCAA Division I coach with at least 5 years of experience;

Whereas Coach Pete Carroll was featured on CBS's ''60 Minutes'', not only for his football accomplishments but for his work with ''A Better L.A.'', a nonprofit group consisting of a consortium of local agencies and organizations working to reduce gang violence by empowering change in individuals and communities;

Whereas, in the fall of 2008, Coach Pete Carroll helped organize ''LA Live Peace 08'', a march and rally at the Coliseum to promote gang intervention and non-violence in Los Angeles;

Whereas the annual Rose Bowl is the oldest of all college bowl games, and its history and prestige have earned it the title ''The Granddaddy of Them All'';

Whereas USC has played in the Rose Bowl on 33 occasions and won 24 times, both records exceeding any other collegiate football program;

Whereas, during the 2009 Rose Bowl game, quarterback Mark Sanchez passed for a game second-best 413 yards, a game record-tying 4 touchdown passes, and ran for a touchdown;

Whereas Sanchez's efforts resulted in him being named the Offensive Most Valuable Player of the game;

Whereas, during the 2009 Rose Bowl game, linebacker Kaluka Maiava made 4 tackles and 2 pass breakups, and he was named the Defensive Most Valuable Player of the game;

Whereas with linebacker Kaluka Maiava taking home Defensive MVP honors, each linebacker in USC's starting lineup has now been named defensive MVP of the Rose Bowl (Kaluka Maiava in 2009, Rey Maualuga in 2008, and Brian Cushing in 2007); and

Whereas, under the leadership of USC's 10th president, Steven B. Sample, USC has established itself as a world-class research university, known for its leadership in the fields of communication, media, public diplomacy, the sciences, and the arts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Southern California (USC) Trojan football team and USC President Steven B. Sample for USC's victory in the 2009 Rose Bowl;

(2) applauds Coach Pete Carroll for his leadership not only on the football field, but also in the community; and

(3) recognizes the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the University of Southern California win the Rose Bowl.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 153 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today to congratulate the University of Southern California Trojan football team for their victory in the 2009 NCAA Rose Bowl game.

On January 1, the USC Trojans and the Penn State Lions squared off for an intense Rose Bowl football game. Defeating the tough Lions team by a score of 38–24, the USC Trojans won their third consecutive championship.

USC has played in a record-tying four consecutive Rose Bowls. And now, USC is tied for the most Bowl victories of all time at 31 victories. They have been to the Rose Bowl on 33 occasions and won 24 of those games.

Winning 86 of its last 96 games and finishing the season with an impressive 12–1 record, USC stands out as a premiere academic and athletic institution. They have won seven consecutive Pac-10 conference championships. With all the amazing teams across the country, USC sets themselves apart with their athletic success.

Congratulations are in order for Mark Sanchez, the game's Offensive Most Valuable Player. He threw for 413 yards and four touchdowns, and he still found a way to rush for one touchdown. He ran the offense flawlessly, with no interceptions, while posting 24 unanswered points in the second quarter, leading to a 38–24 victory.

Congratulations are also in order for Kaluka Maiava, the game's Defensive Most Valuable Player. Mr. Maiava made four tackles and two pass breakups. As one of the three elite USC linebackers, Kaluka Maiava has led USC's number one ranked defense this entire season.

I want to extend my congratulations to head coach Pete Carroll. He has only brought success to this program; he took over 8 years ago. Coach Carroll has established an 88–15 win-loss record at USC—the best winning percentage of any current NCAA Division I coach with at least 5 years experience.

Besides coaching, Coach Carroll works with non-profit organizations to reduce gang violence in Los Angeles, California. His leadership and commitment to his team and city have brought him fame and a place in college football history.

The extraordinary achievement this year is a tribute to the skill and dedication of the many players, coaches, students, alumni, families and fans that have helped make the University of California a great football program. I know the fans of the University will revel in this accomplishment as they look forward to the 2009 season.

Mr. Speaker, once again, I congratulate the University of Southern California football team for their success. And I thank Congresswoman WATSON for bringing this resolution forward.

Mr. Speaker, I am pleased to recognize the gentlelady from California (Ms. WATSON) for 5 minutes.

Ms. WATSON. Mr. Speaker, I thank my two colleagues for allowing me this time, and I rise in strong support of H. Res. 153. This is the resolution that is honoring the University of Southern California—''USC,'' as we call it in my district—Trojan football team for their historic 2009 Rose Bowl victory.

During the 2008–2009 season, USC achieved several historic feats, with seven being the magic number. The Trojan football team finished the season with an unmatched seventh consecutive season with 11 or more victories. They appeared in an unprecedented seventh consecutive Bowl championship series game. Then the team won an unparalleled seventh consecutive Pac-10 title, and achieved a seven straight Top 5 finish.

USC defeated Penn State by a score of 38–24 in the 2009 Rose Bowl game, and I was there to witness it. With the win, USC became the first team to win three consecutive Rose Bowls. Also, USC has won now more Rose Bowls than any other collegiate football team in the Nation. They are now tied for the record for the most Bowl victories of all time.

USC's coach, Pete Carroll, completed yet another successful season. Since becoming head football coach in 2001, Carroll is 88 and 15, an average 85.4 percent win. Coach Carroll's winning percentage is the best among any NCAA Division I coach with at least 5 years of experience.

USC's quarterback, Mark Sanchez, threw for 413 yards and a record-tying four touchdown passes. For his performance, Sanchez was named the Offensive Most Valuable Player of the game.

USC's linebacker, Kaluka Maiava, made four tackles and two pass breakups. For his performance, Maiava was named the Defensive Most Valuable Player of the game.

Mr. Speaker, I urge my colleagues to support H. Res. 153. Let's recognize the achievements of the players, the coaches, the students, the alumni and staff who were instrumental in helping USC win the 2009 Rose Bowl.

□ 1300

I would like to thank my colleague for yielding to me.

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

Mr. Speaker, I rise today in support of House Resolution 153, commending the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl.

The USC Trojan football team achieved many historic accomplishments during the 2008 regular season but few as meaningful as its victory in the 2009 Rose Bowl. With this victory the USC Trojans have now won more Rose Bowls than any other team in the Nation.

Known as ''The Granddaddy of Them All,'' the Rose Bowl game kicked off a myriad of college football legacies in 1902. Since then the game has showcased 18 Heisman Trophy winners, produced 28 national champions, featured 197 consensus All-Americans, and honored 95 college football legends by inducting them into the Rose Bowl Hall of Fame.

At the conclusion of the 2008 season, USC's football team has won seven straight conference championships and played in seven consecutive BCS bowls, both NCAA records. They are 6–1 in those big games, 5–0 against Big Ten teams such as Penn State, and 82–9 since the beginning of the 2002 season. They have also won 11 or more games in seven straight seasons, another record, and have played in four straight Rose Bowls, winning three.

The success of this team can be directly attributed to the vision of its head coach, Pete Carroll. Coach Carroll brought big doses of experience, enthusiasm, and leadership in his quest to revive the USC football program when he was named the Trojans' head football coach on December 15, 2000. The 56-year-old Carroll has 33 years of NFL and college experience, including 15 on the college level. Under Carroll USC is the first school to have three Heisman Trophy winners in a 4-year span. In addition, Coach Carroll has produced 30 All-American first teamers and 42 NFL draft picks, and his last six recruiting classes have been ranked in the top 10 nationally.

While the tradition of excellence certainly presents itself on the gridiron, the University of Southern California's commitment to academic excellence is equally abundant. Located in Los Angeles, Ms. WATSON's district, a global center for arts, technology, and international trade, the University of Southern California is one of the world's leading private research universities. USC enrolls more international students than any other U.S. university and offers extensive opportunities for internships and study abroad. With a strong tradition of integrating liberal and professional education, USC fosters a vibrant culture of public service and encourages students to cross academic and geographic boundaries in their pursuit of knowledge.

I extend my congratulations to Head Coach Pete Carroll, all of the hard-working players, the fans, and to the University of Southern California. I'm happy to join my good friend and colleague Representative DIANE WATSON in honoring this exceptional team for all its accomplishments and wish all involved continued success.

I ask my colleagues to support this resolution.

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

Mr. POLIS. 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 Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 153.

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. POLIS. 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.

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 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1531

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas) at 3 o'clock and 31 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:

H.R. 146, de novo;

H.R. 548, de novo;

H. Res. 77, by the yeas and nays.

Proceedings will resume on H. Res. 146 and H. Res. 153 tomorrow.

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

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 146, 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 New Jersey (Mr. HOLT) that the House suspend the rules and pass the bill, H.R. 146, 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. PERLMUTTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 13, not voting 24, as follows:

[Roll No. 91]

YEAS—394

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
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
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
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
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
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)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—13

Broun (GA)
Chaffetz
Duncan
Flake
Franks (AZ)
Jenkins
Lummis
Manzullo
Paul
Rohrabacher
Royce
Shadegg
Tiahrt

NOT VOTING—24

Baca
Brown, Corrine
Buchanan
Campbell
Clarke
Edwards (MD)
Ehlers
Ellison
Fudge
Johnson (GA)
Kaptur
King (IA)
Lee (CA)
Lewis (GA)
Miller, Gary
Perriello
Putnam
Richardson
Ros-Lehtinen
Snyder
Speier
Stark
Waters
Young (FL)

□ 1559

Ms. JENKINS and Messrs. TIAHRT, DUNCAN, FRANKS of Arizona, ROYCE, and ROHRABACHER changed their vote from "yea" to "nay."

Mr. SHUSTER changed his vote from "nay" to "yea."

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 of the bill was amended so as to read: "A bill to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. KING of Iowa. Madam Speaker, on roll-call No. 91, I was not present because of the birth of my grandson. Had I been present, I would have voted "yea."

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 548, 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 New Jersey (Mr. HOLT) that the House suspend the rules and pass the bill, H.R. 548, 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. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 13, not voting 16, as follows:

[Roll No. 92]

YEAS—402

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
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
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
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
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
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)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
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
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—13

Broun (GA)
Chaffetz
Duncan
Flake
Franks (AZ)
Jenkins
Lummis
Manzullo
Paul
Rohrabacher
Royce
Shadegg
Tiahrt

NOT VOTING—16

Baca
Brown, Corrine
Buchanan
Campbell
Ehlers
Ellison
King (IA)
Miller, Gary
Perlmutter
Perriello
Putnam
Ros-Lehtinen
Snyder
Speier
Stark
Young (FL)

□ 1609

Mrs. MALONEY changed her vote from ''nay'' to ''yea.''

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. KING of Iowa. Madam Speaker, on rollcall No. 92, I was not present because of the birth of my grandson. Had I been present, I would have voted "yea."

Mr. PERLMUTTER. Madam Speaker, on rollcall No. 92, I was unavoidably detained; otherwise I would have voted "yes" on the Civil War Battlefield Preservation Act.

CONGRATULATING THE UNIVERSITY OF MARY WASHINGTON ON ITS 100TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 77, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 77.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 93]

YEAS—414

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
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
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
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)
Conyers
Cooper
Costa
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)
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
Gutierrez
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
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
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, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
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
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
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
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
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 (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—17

Baca
Brown, Corrine
Buchanan
Campbell
Ehlers
Ellison
King (IA)
McHenry
Miller, Gary
Perriello
Putnam
Ros-Lehtinen
Snyder
Speier
Stark
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to record their votes.

□ 1616

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KING of Iowa. Madam Speaker, on rollcall No. 93, I was not present because of the birth of my grandson. Had I been present, I would have voted "yea."

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas The Hill reported on February 10, 2009, that "a top defense-lobbying firm" that "specializes in obtaining earmarks in the defense budget for a long list of clients" was "recently raided by the FBI.";

Whereas Roll Call reported on February 11, 2009, that "the defense-appropriations-focused lobbying shop" had in recent years "spread millions of dollars of campaign contributions to lawmakers.";

Whereas Politico reported on February 13, 2009, that "federal investigators are asking about thousands of dollars in campaign contributions to lawmakers as part of an effort to determine whether they were illegal 'straw man' donations.";

Whereas Roll Call reported on February 20, 2009, that they have "located tens of thousands of dollars worth of [the raided firm]-linked donations that are improperly reported in the FEC database.";

Whereas Roll Call also reported that "tracking Federal Election Commission records of campaign donations attributed to [the firm] is a comedy of errors, misinformation and mysteries, providing more questions than answers about how much money the lobbying firm actually raised for Congressional campaigns.";

Whereas CQ Today reported on February 19, 2009, that "104 House members got earmarks for projects sought by [clients of the firm] in the 2008 defense appropriations bills," and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm;

Whereas The Hill reported on February 10, 2009, that in 2008 clients of this firm had "received $299 million worth of earmarks, according to Taxpayers for Common Sense.";

Whereas The Hill reported on February 23, 2009, that "clients of a defense lobby shop under investigation are continuing to score earmarks from their patrons in Congress, despite the firm being on the verge of shutting its doors permanently" and that several of the firm's clients "are slated to receive earmarks worth at least $8 million in the omnibus spending bill funding the federal government through the rest of fiscal 2009 . . .";

Whereas the Washington Post reported on June 13, 2008, in a story describing increased earmark spending in the House version of the fiscal year 2009 defense authorization bill that "many of the earmarks serve as no-bid contracts for the recipients.";

Whereas the Associated Press reported on February 25, 2009, that "the Justice Department's fraud section is overseeing an investigation into whether [the firm] reimbursed some employees for campaign contributions to members of Congress who requested the projects.";

Whereas Politico reported on February 12, 2009, that "several sources said FBI agents have spent months laying the groundwork for their current investigation, including conducting research on earmarks and campaign contributions.";

Whereas the reportedly fraudulent nature of campaign contributions originating from the raided firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of the institution; and

Whereas the fact that cases are being investigated by the Justice Department does not preclude the Committee on Standards of Official Conduct from taking investigative steps: Now, therefore, be it

Resolved, That (a) the Committee on Standards of Official Conduct, or an investigative subcommittee of the committee established jointly by the chair and ranking minority member shall immediately begin an investigation into the relationship between earmark requests on behalf of clients of the raided firm already made by Members and the source and timing of past campaign contributions related to such requests.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of this resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NAMING MEMBERS TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of January 6, 2009, the Chair announces the Speaker named the following Members of the House to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 111th Congress:

Ms. BALDWIN, Wisconsin
Mr. CARNAHAN, Missouri
Mr. CLEAVER, Missouri
Mrs. DAVIS, California
Mr. ELLISON, Minnesota
Mr. GONZALEZ, Texas
Ms. HIRONO, Hawaii
Mr. MILLER, North Carolina

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to clause 5(a)(4)(A) of rule X of the Rules of the House of Representatives, I designate the following Members to be available for service on the investigative subcommittees of the Committee on Standards of Official Conduct during the 111th Congress:

The Honorable Rob Bishop of Utah.

The Honorable Marsha Blackburn of Tennessee.

The Honorable Ander Crenshaw of Florida.
The Honorable Lincoln Diaz-Balart of Florida.
The Honorable Tom Latham of Iowa.
The Honorable Frank Lucas of Oklahoma.
The Honorable Sue Myrick of North Carolina.
The Honorable Mike Simpson of Idaho.
The Honorable Greg Walden of Oregon.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

COMMEMORATING TEXAS' INDEPENDENCE AND WELCOMING A NEW TEXAN

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

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to mark two important occasions.

One hundred seventy-three years ago yesterday, March, 2, 1836, Texas declared its independence from Mexico. We celebrate this declaration of freedom from tyranny knowing that during the same time in 1836 the Alamo was under attack by the Army of Mexico's dictator, Santa Anna, and would fall after 13 days of resistance. As Texans and Americans, we honor freedom and those who protect it.

I also want to celebrate the birth of a new Texan, our fourth grandchild, Tristan Michael Green, born February 11, 2009 to our son and our daughter-in-law, Chris and Brandy Green. Tristan was born at 10:37 a.m. at 18¾ inches and weighing 6 pounds, 4 ounces. He is healthy and eating constantly.

We welcome another Texan to join his big brother, Dylan. God bless Texas and the United States of America.

FEDERAL BUREAUCRATS WILL BENEFIT THE MOST FROM SO-CALLED STIMULUS PACKAGE

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

Mr. DUNCAN. Madam Speaker, a few days ago, just before we voted on the so-called stimulus package, The Washington Post said in a story that it would mean a ''massive financial windfall for Federal agencies.'' The Post was for the bill, but those were the words the paper used, ''massive financial windfall for Federal agencies.''

Then on the front page of today's Washington Post is a story saying, ''Tens of thousands could be added to Federal payroll'' under the President's budget. The story says, ''President Obama's budget is so ambitious with vast new spending that experts say he will need to hire tens of thousands of new Federal Government workers.''

All over the country, people think they are going to get stimulus money or checks from all this spending, yet the ones who will benefit the most are those who need it the least—Federal bureaucrats. Very little, Madam Speaker, is going to trickle down to the rest of the country.

□ 1630

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.

PUBLICATION OF THE RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ZOE LOFGREN) is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Madam Speaker, I submit for publication the attached copy o the Rules of the Committee on Standards of Official Conduct the U.S. House of Representatives for the 111th Congress. The Committee on Standards of Official Conduct adopted these rules pursuant to House Rule XI, clause 2(a)(1) on February 10, 2009. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2). The Committee is reviewing its rules and will make revisions to conform with House rules pertaining to the Office of Congressional Ethics. The revised rules will be submitted for publication after they are adopted by the Committee.

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help ensure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

RULE 1. GENERAL PROVISIONS

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 111th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chair and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

RULE 2. DEFINITIONS

(a) ''Committee'' means the Committee on Standards of Official Conduct.

(b) ''Complaint'' means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) ''Inquiry'' means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) ''Investigative Subcommittee'' means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(e) ''Statement of Alleged Violation'' means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) ''Adjudicatory Subcommittee'' means a subcommittee designated pursuant to Rule 23(a) that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) ''Sanction Hearing'' means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) ''Respondent'' means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) ''Office of Advice and Education'' refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(j) ''Member'' means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

RULE 3. ADVISORY OPINIONS AND WAIVERS

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chair of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer, or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chair and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chair or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(1), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(i) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.

(j) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(k) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(l) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(n) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

RULE 4. FINANCIAL DISCLOSURE

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chair and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the Statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chair and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chair and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(h) The Chair and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(0(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(p) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

RULE 5. MEETINGS

(a) The regular meeting day of the Committee shall be the second Tuesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chair determines that there is sufficient reason, meetings may be called on additional days. A regularly scheduled meeting need not be held when the Chair determines there is no business to be considered.

(b) The Chair shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting or hearing to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chair.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chair of the Committee or subcommittee may waive such time period for good cause.

RULE 6. COMMITTEE STAFF

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which the individual is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the employment or duties with the Committee of such individual without specific prior approval from the Chair and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the

members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chair and Ranking Minority Member each may appoint one individual as a shared staff member from the respective personal staff of the Chair or Ranking Minority Member to perform service for the Committee. Such shared staff may assist the Chair or Ranking Minority Member on any subcommittee on which the Chair or Ranking Minority Member serves. Only paragraphs (c) and (e) of this Rule and Rule 7(b) shall apply to shared staff.

RULE 7. CONFIDENTIALITY

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

''I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.''

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee.

(d) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee of the House.

(e) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee, the name of any witness subpoenaed to testify or to produce evidence.

(f) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 22. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(g) Unless otherwise determined by a vote of the Committee, only the Chair or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(h) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

RULE 8. SUBCOMMITTEES—GENERAL POLICY AND STRUCTURE

(a) Notwithstanding any other provision of these Rules, the Chair and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chair and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chair may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

RULE 9. QUORUMS AND MEMBER DISQUALIFICATION

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which such Member is the respondent.

(e) A member of the Committee may seek disqualification from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 17(e) or Rule 23(a), the Chair shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

RULE 10. VOTE REQUIREMENTS

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adopting or amending of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adopting a recommendation to the House of Representatives that a sanction be imposed.

(7) Adopting a report relating to the conduct of a Member, officer, or employee.

(8) Issuing an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

RULE 11. COMMITTEE RECORDS

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

RULE 12. BROADCASTS OF COMMITTEE AND SUBCOMMITTEE PROCEEDINGS

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) No witness shall be required against the witness' will to be photographed or otherwise to have a graphic reproduction of the witness' image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and the making of a graphic

reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

RULE 13. HOUSE RESOLUTION

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

RULE 14. COMMITTEE AUTHORITY TO INVESTIGATE—GENERAL POLICY

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

(1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, establishes an investigative subcommittee;

(4) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony;

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5); or

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5).

RULE 15. COMPLAINTS

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, ''Signed and sworn to (or affirmed) before me on (date) by (the name of the person)'' setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the ''complainant'');

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unSworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

RULE 16. DUTIES OF COMMITTEE CHAIR AND RANKING MINORITY MEMBER

(a) Whenever information offered as a complaint is submitted to the Committee, the Chair and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chair and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chair and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chair or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chair or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(e) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

RULE 17. PROCESSING OF COMPLAINTS

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within 5 days with notice that the complaint conforms to the applicable rules.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that the respondent has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information pertinent to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chair and Ranking Minority Member.

(d) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

(e) The respondent shall be notified of the membership of the investigative subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and must be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of any disqualification.

RULE 18. COMMITTEE-INITIATED INQUIRY

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any

information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. The Chair and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be considered in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee at any time prior to conviction or sentencing.

RULE 19. INVESTIGATIVE SUBCOMMITTEE

(a) Upon the establishment of an investigative subcommittee, the Chair and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives are eligible for appointment to an investigative subcommittee, as determined by the Chair and Ranking Minority Member of the Committee. At the time of appointment, the Chair shall designate one member of the subcommittee to serve as the Chair and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chair and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chair of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chair and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chair or subcommittee member designated by the Chair to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. A majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its investigation.

(e) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

RULE 20. AMENDMENTS TO STATEMENTS OF ALLEGED VIOLATION

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

RULE 21. COMMITTEE REPORTING REQUIREMENTS

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

RULE 22. RESPONDENT'S ANSWER

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the Committee or to the Chair and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chair of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chair of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chair of the investigative subcommittee to the Chair and Ranking Minority Member of the Committee.

RULE 23. ADJUDICATORY HEARINGS

(a) If a Statement of Alleged Violation is transmitted to the Chair and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chair shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chair and Ranking Minority Member of the Committee shall be the Chair and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of any disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and respondent's counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than 5 days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. A majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chair or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chair of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chair shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chair.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chair's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chair, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chair shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chair.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chair of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chair or Committee member designated by the Chair to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

RULE 24. SANCTION HEARING AND CONSIDERATION OF SANCTIONS OR OTHER RECOMMENDATIONS

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

RULE 25. DISCLOSURE OF EXCULPATORY INFORMATION TO RESPONDENT

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

RULE 26. RIGHTS OF RESPONDENTS AND WITNESSES

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at the respondent's own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor respondent's counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and respondent's counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and respondent's counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chair and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chair and Ranking Minority Member of the subcommittee, and outside counsel, if any.

(i) Statements or information derived solely from a respondent or respondent's counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing the respondent of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(m) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chair may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(n) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers and employees of the House, and, as the Chair considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(o) With the approval of the Committee, a witness, upon request, may be provided with a transcript of the witness' own deposition or other testimony taken in executive session, or, with the approval of the Chair and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

RULE 27. FRIVOLOUS FILINGS

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of a majority deems appropriate in the circumstances.

RULE 28. REFERRALS TO FEDERAL OR STATE AUTHORITIES

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

(Ms. BERKLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

50,000 RESIDUAL TROOPS IS UNACCEPTABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, last Friday President Obama declared that he has ''begun the work of ending'' our Nation's occupation of Iraq. The American people have waited a long, long time to hear those words. I welcome the President's announcement that he will keep his promise to bring our troops home. The President also pledged to pursue sustained diplomacy with all nations of the Middle East, including Iran and Syria, and he promised to help resettle the millions of Iraqis who have been displaced by the conflict. I welcome these important steps as well.

But I am deeply troubled by other parts of the administration's withdrawal plan. It calls for an end to our combat mission in 19 months, but up to 50,000 troops will remain in Iraq after that time until the end of 2011, 3 more years from now, in fact. The administration is calling these troops a ''transitional force.'' Well, you can call it what you want, but such a large number of troops can only be viewed by the Iraqi people as an enduring occupation force.

Madam Speaker, leaving 50,000 residual troops is simply unacceptable. So long as the United States is viewed as an occupier, the Iraqi people will not be able to reclaim their full sovereignty and they will not be able to achieve the reconciliation and unification necessary for long-term stability and for democracy in their country.

That's why I believe the best approach is to bring all troops out of Iraq by 2010 and coordinate the removal with investments in reconciliation and reconstruction efforts. The faster we promote unification of the Iraqi people and help them to rebuild their country, the sooner we will be able to bring all of our troops home.

I'm also troubled with the administration's plan for several other reasons. First, although the residual force of 50,000 troops may not have a combat mission, they will still be in harm's way. Over 35,000 American troops, Madam Speaker, have already been killed or wounded in Iraq. We do not need to add to the casualty list.

Second, the President said that there will surely be difficult periods and tactical adjustments during the withdrawal of combat troops. I worry that this means the withdrawal could be delayed. It might even mean that the administration might ultimately seek to renegotiate the Status of Forces Agreement and keep troops in Iraq beyond 2011. That would lead to the worst possible result, an endless occupation of Iraq.

Third, the administration has abandoned its plan to withdraw a brigade a month, with only 10,000 troops withdrawn this year. The great majority of the troops will be withdrawn toward the end of the 19-month period. This means that the troop level will remain essentially the same for well over a year.

Fourth, the administration has not called for the withdrawal of American military contractors in Iraq. They must be withdrawn as well because the Iraqi people see them as part of the occupying force.

And, fifth, keeping a large force in Iraq will continue to drain our Treasury. We cannot continue to pour unnecessary billions of dollars into the occupation of Iraq when we need the money here at home to fight our recession.

Madam Speaker, the President has taken an important step toward developing a plan to leave Iraq, but the American people have waited long enough for our troops and military contractors to come home to their families. I urge the administration to produce a new plan, a plan that will end the occupation once and for all. That means withdrawing our troops and military contractors in 19 months, or even sooner if that could happen, without residual forces and without private contractors left behind.

BORDER WAR WITH DRUG CARTELS

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, I bring you news from the second front. As reported by Sara Carter, the enemy has more than 100,000 foot soldiers. And I'm not talking about al Qaeda and I'm not talking about the Taliban in Iraq or Afghanistan. I'm talking about the drug cartels south of the border in Mexico.

The Mexican army isn't much larger than 100,000; so the drug cartels have almost as many foot soldiers as the Mexican military. And the Mexican military, we understand, has been infiltrated by the drug cartels. And these drug cartels are violent.

There are two major ones. The Sinaloa cartel, also known as the Federation, and the Zetas cartel, which is known in America as the Gulf cartel. And they both operate down Mexico way.

There are four commodities that are being sold and traded across the U.S./Mexico border. Two commodities go north and two of them go south. Going north, operated by the drug cartels, of course, are drugs. Also, the drug cartels working with the coyotes are bringing people into the United States, both illegally done.

Going south are guns that the drug cartels end up using and, of course, that money, that filthy lucre that funds all of this process.

Right here, Madam Speaker, I have a photograph that was taken this past weekend in Juarez, Mexico, right across the border from El Paso, Texas. It's a population of about four times the size of El Paso. And the Mexican government has tried to do something about it. You see here federal police officers, a convoy, that goes for a mile, going into Juarez to try to control the drug cartels. Here you have peace officers or federal peace officers or military with M–16 rifles.

Madam Speaker, it's a war zone. It's a border war. And I commend the President of the Mexico for trying to

stop the violence on his side of the border. But we are naive to think it's not going to come to the United States because eventually it will. It is a national security issue, Madam Speaker.

Some say that Mexico will be a failed state because of the drug cartels' influence, and it's certainly a tough situation for Mexican nationals that live along the border. I've been on both sides of the border, and I've seen it's a tough situation for people who live there because they live in fear because the drug cartels are fearless and they would do anything to bring those drugs into the United States.

Our own State Department has issued a spring break advisory: Don't go to Mexico. It's not safe to go down there. There are beheadings of local and law enforcement officers. There are kidnappings of not only Mexican nationals but Americans that are being kidnapped now on our side of the border. It's a violent place, Madam Speaker. The United States now says that only Pakistan and Iran are more of a national security concern than Mexico. That's serious, and we should be concerned about it.

We now understand, of course, about the corruption in the Mexican Government. Even though President Calderon is trying to do what he can, you see, those drug cartels pay their criminals a whole lot more money than these federal peace officers get paid, and they switch sides and some of them even work for the federal government in Mexico. So he's put troops on the border. I'm talking about the President of the Mexico. He's put several thousands of troops on the border. Several thousand went into Juarez to try to stop the drug cartels from operating there.

More importantly, Madam Speaker, this is a national security issue for the United States. Both sides of the border are violent, and we need to do everything we can to deal with this problem.

The first thing we need to do is realize it's going on. In last year's election, neither person running for President ever mentioned the border problem. They didn't want to talk about that. It wasn't politically correct.

We have to deal with this issue. We have to help the Border Patrol. We need to change the rules of engagement. The Border Patrol, right now they can't shoot anybody unless they're shot at. They have got to take the first bullet; so they back off.

We need to help the sheriffs. One of the sheriffs down in Texas told me that the drug cartels outgun them, out-finance them and out-man them. They've got better equipment, more money, and more people. A deputy sheriff in South Texas makes about $12,000 a year. A guy running drugs or guns across the border will make that much in 2 weeks. It's important that we help them.

And, of course, I think that we ought to put our troops on the border. If we put our troops, the National Guard, on the border, people will quit crossing. Mexico is doing what it can with its military, but we won't do that because we might offend somebody.

Down the road the United States has to deal with the real problem, and that's the tremendous addiction Americans have for illicit drugs. We have to deal with that or this is all going to continue. But until we fix that problem, we need to stop the crime from coming into the United States.

It is time, Madam Speaker, that we realize the truth because the first duty of government is not building roads and bridges and sending money to museums and foreign aid. The first duty of government is to protect the people. That's the people of the United States. And our government needs to get with the program and send the National Guard to the border.

And that's just the way it is.

MARINE CORPS LEAGUE SUPPORT FOR REDESIGNATING THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS

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, the Navy and Marine Corps have operated as one entity for more than two centuries, and H.R. 24 would enable the name of their department to illustrate this fact.

For the past 7 years, the full House of Representatives has supported this change as part of the National Defense Authorization Act. This year I'm grateful to have the support of Senator PAT ROBERTS, a former Marine who recently introduced a companion bill in the Senate, S. 504. I hope that the Senate will support the House position and join in bringing proper respect to the fighting team of the Navy and Marine Corps. The Marines who are fighting today in Afghanistan and Iraq deserve this recognition.

Madam Speaker, last month I had the privilege of addressing more than 200 Marine Corps veterans and retirees at the Marine Corps League's mid-winter conference. The Marine Corps League has nearly 70,000 members nationwide, and their shared mission is preserving the traditions and promoting the interests of the United States Marine Corps.

As in years past, I spoke to their mid-winter conference about legislation introduced like H.R. 24 to designate the Department of the Navy as the Department of the Navy and Marine Corps. The Marine Corps League has proudly endorsed this legislation and has pledged to work with my office to secure its passage by the House and Senate. Over the years I have been encouraged by the overwhelming support I have received for this change from so many members and veterans of the United States Armed Forces.

I am honored to have the support of Michael Blum, the national executive director of the Marine Corps League. He's a highly decorated combat marine, who served honorably off the coast of Cuba during the Cuban Missile Crisis in 1962. He also served his country in the Philippines, Korea, and Vietnam. It is because of great marines like Michael Blum that I continue to champion this cause for the United States Marine Corps.

Madam Speaker, I want to also thank Senator PAT ROBERTS for joining me on the Senate side in this effort to rename the Department of Navy to the Department of the Navy and Marine Corps.

And before I close, I would like to point out the importance of this. There are many important reasons why this should take place. The history of both the Navy and Marine Corps, the fact that they are one fighting team. But, Madam Speaker, with our Marines and Army and other personnel dying in Afghanistan and Iraq, I want to show you exactly why and how this would be important to a Marine family who lost a loved one fighting for this great Nation.

I have a poster that is actually a letter from the current Secretary of the Navy. It's a condolence letter. Certainly I took the family's name out and the deceased's name. And I will read just one sentence, Madam Speaker: From the Secretary of the Navy, November 18, 2008: ''On behalf of the Department of the Navy, please accept my very sincere condolences on the loss of your son Captain Joseph A. Marine.'' Obviously we substituted that last name out of respect.

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Madam Speaker, if this should become the law of the land, and it is so, so justified that we would have the Department of Navy and Marine Corps as one, one fighting team, this is what the condolence letter would say, Madam Speaker. It would say the Secretary of the Navy and Marine Corps, Washington D.C., November 18 of 2008, and it would say, ''Dear Marine Corps Family: On behalf of the Department of Navy and Marine Corps, please accept my very sincere condolences.''

Madam Speaker, this is only right. I want to thank the House of Representatives, Congressman and former Chairman of the Armed Forces Committee, DUNCAN HUNTER, and present Chairman IKE SKELTON for always supporting this legislation, and my many colleagues who have done so. This year, with the help of Senator PAT ROBERTS, I think this can become a reality.

With that, Madam Speaker, I ask God to continue to bless our men and women in Afghanistan and Iraq, to bless their families, to bless the families who have given a loved one dying for freedom. And I ask God three times, please, God; please, God; please God, continue to bless America.

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WE HAVE SEVERE ECONOMIC PROBLEMS

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. Madam Speaker, we have got severe economic problems. People are losing their homes. People who are staying in their homes are having a very difficult time making their payments, and we really need to do everything we can to help them.

Now, the Obama administration has a budget that they proposed, and I wish everybody in America was paying attention. I can't talk to them directly, but if they were paying attention, I would like to tell them that President Obama's budget cuts their mortgage interest deduction. It reduces their mortgage interest deduction.

So if you have a house, Madam Speaker, and you are paying your mortgage, the interest on that mortgage is tax deductible, and he is going to reduce, get this, he is going to reduce the tax deductibility of part of your mortgage interest.

I am sure that's going to really stimulate the purchase of homes and help the economy. This is not what he promised. It's going to be, in effect, a tax increase. And we have got charitable institutions around this country, churches, the Salvation Army, all kinds of charitable institutions that do so much good for this country. And we really, we really admire them for that, and we give money to them, and we deduct that money from our taxes because it's a charitable contribution.

And, you know, President Obama's budget is going to reduce the amount that you can deduct from your taxes for charitable contributions. Now, I don't know, I don't know what the purpose of that is. I guess he is trying to raise more money in taxes.

But the fact of the matter is those charitable institutions are going to get less money because you can't deduct all of that money from your taxes, as you have in the past. They are reducing it dramatically.

And so where are the people going to go who depend on those charitable institutions if they don't have the money to help them? Well, you guessed it, the government. We will just raise your taxes and spend more money on bailouts and everything else to help those who are in need.

But right now, if a charity wants to help somebody, we can give them money and we could deduct it from our taxes. I wish everybody in America realized this. We were promised so much, we were promised everything was going to be better, that taxes were going to be lowered, that everybody is going to be living better, and everything has been going south.

We are spending money like it's going out of style, trillions and trillions of dollars, so much money that people can't even comprehend it and our kids and our grandkids are going to be paying for it with higher taxes and very high inflation. And, folks, let me just tell you, my colleagues, that inflation ain't too far off, because as fast as they are printing money, it's going to happen pretty fast.

So let me just say to my colleagues and everybody, we really need to take a hard look at that budget, and we should not allow charitable deductions and the taxes on it to be reduced, the tax deductibility reduced. And mortgage interest, we should not allow there to be a reduction in the tax deductibility of mortgage interest. It will hurt the economy.

I hope President Obama is listening.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REVENUE NEUTRAL CARBON TAX

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. Madam Speaker, the last couple of weeks I have been discussing opportunity and the danger that we confront with our energy insecurity. There is this enormous danger that was talked about over the last couple of weeks. There is also this incredible opportunity to create new jobs.

And to give you an idea of what that means in a district, the Fourth District of South Carolina, one of the six in South Carolina, has the wonderful fortune of having General Electric make gas turbines and wind turbines there. They have somewhere around 1,500 engineers and somewhere around 1,500 production employees, and at that facility they make wind turbines. They tell me that 1 percent of the world's electricity right now is made by the wind.

If it goes to 2 percent, it's $100 billion in sales. I am pretty excited about that because, presumably, a lot of that money would be attributed to the Greenville facility and jobs would be created there.

So the question is how do you get from here to there? By the way, Madam Speaker, the Department of Energy says that we can, in the United States, get to 20 percent of our electricity being made by the wind, and we consume 25 percent of the world's electricity. So it's a tremendous business opportunity.

So how do we get from here, the intention of having fuels of the future, to the reality of fuels of the future? Well, I think it's all about economics. It's all about whether there is a price signal and an internalizing of the externals associated with fossil fuels—and that's what I talked about last week here on the floor—is the need to internalize externals associated with some of our fossil fuels, especially coal in the case electricity; and in the case of the national security risk we are running with petroleum, the externalities associated with what comes out of our tail pipes and the national security risk associated with what we put in the gas tank.

So if you start attaching those externals to the price of the product, then some good things start happening and we start moving toward this incredible opportunity. So the opportunity at hand for us in a place like Greenville, South Carolina, is to create jobs by having a price signal sent through the marketplace that coal, for example, is no longer going to get the freebie that it has gotten. Right now, it's free good in the air. You can belch and burn all you want without any accountability for what's going up there.

That's a pretty good deal if you are the one belching and burning. But if you are the guy across the street who has got a better technology, a cleaner technology, a technology of the future, rather than of the past, then you are not going to take out that incumbent technology until a price signal is sent that could be sent by attaching the internals associated with the production of electricity by something like coal.

So what I am here to suggest, Madam Speaker, is that what we should be looking at is a revenue neutral carbon tax, revenue neutral in that you start with a tax reduction, reduce payroll taxes. In fact, I would like to eliminate them, but reducing payroll taxes is a first step.

Second step, apply a transparent tax to carbon. The result would be that no additional taxation would be coming to the U.S. government. The burden would not be greater on the American citizen, but we would send a price signal that would cause companies like General Electric to be able to see their way clear to make those wind turbines and electricity generators to buy those gas turbines because the freebie, the

free good in the air, would no longer be going to the coal-fired plants.

So it's an incredible opportunity for us, Madam Speaker, that we begin this move towards fuels of the future. It starts with sound economics, conservative principles of accountability and of attaching externals to internalize the externals associated with some fossil fuels.

If we do that, Madam Speaker, the future is very bright in creating jobs in America. I am very excited about that and look forward to talking about it more with my colleagues as we go forward to figure out a way we can break this addiction to foreign oil and to power our lives in cleaner and job-producing ways.

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

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INVESTIGATE THE RELATIONSHIP BETWEEN EARMARK AND CAMPAIGN CONTRIBUTIONS

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

Mr. FLAKE. Madam Speaker, last week I offered a privileged resolution which would have required the House Ethics Committee to investigate the relationship between earmarks and campaign contributions.

This resolution was prompted by the revelation that the Department of Justice is investigating a powerhouse lobbying firm, the PMA Group, for irregularities, including apparent strawman contributions to Members of Congress. Many Members of Congress receiving PMA contributions have gone on to secure earmarks for the firm's clients.

This is no small matter. The PMA Group had revenues of 18 million last year alone, made contributions to more than 100 Members of this body and secured some 300 million in earmarks for its clients in one bill alone, the 2008 Defense Appropriations bill. My resolution last week was tabled with a vote of 226–182 with 12 Members voting present.

Now during the course of last week I had numerous discussions with Members of this body who felt that the ''resolved'' clauses in the resolution were too broad, that the Ethics Committee did not have the time or resources to undertake such a task. Now, for the record, I disagree. I feel that with such a cloud as this over this House, we have an obligation to do whatever it takes to ensure that the dignity and the decorum of the House are maintained.

But with the failure of last week's privileged resolution, the cloud over the House remains, a cloud that will stay as long as we fail to take action. I have therefore narrowed the resolution.

I offered last week to address only the PMA Group. The new privileged resolution simply states that the House Ethics Committee will investigate the earmark company made on behalf of clients of the PMA Group. There are some who may believe that the announcement by the PMA Group that it will dissolve at the end of the month absolves us of our responsibility to take action. I would remind them that the omnibus spending bill that will likely go to the President later this week contains more than a dozen earmarks for clients of the PMA Group.

Let me put it in plain language. The legislation we will send to the President later this week contains no-bid contracts for clients of the PMA Group, an organization that is currently under investigation by the Department of Justice.

Further, there are Members of Congress who secured these no-bid contracts and received campaign contributions from the PMA Group, an organization that is currently under investigation by the U.S. Department of Justice. If this doesn't warrant an investigation by the House Ethics Committee, Madam Speaker, what does?

Again, Madam Speaker, let's be clear. This is not a partisan resolution. No Member of this body is referenced in the resolution, nor is there reference to a political party. The cloud that hangs over this institution rains on Republicans and Democrats alike. It is our responsibility, all of us, to let the sun shine on this institution once more.

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

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING ARMY FIRST LIEUTENANT NICOLAS ESLINGER

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

Mr. OLSON. Madam Speaker, I would like to take this opportunity to introduce my colleagues and the Nation to a constituent of the 22nd District and a true American hero.

His name is Army First Lieutenant Nicholas Eslinger, ''Nick,'' from the great town of Missouri City, Texas, and his actions on the battlefield of Iraq are nothing short of extraordinary. While serving as a platoon leader during Operation Iraqi Freedom in Samarra during a dismounted patrol, First Lieutenant Eslinger and his men were attacked. When the enemy threw a grenade at his men, Lieutenant Eslinger didn't dive for cover, he dove at the grenade, picked it up, and, like a Nolan Ryan fastball, threw it back at the enemy.

While his quick reaction saved the lives of his men, Lieutenant Eslinger wasn't finished. Like a true Texan, he took off after the enemy combatant, eventually leading to the enemy combatant's arrest and detention. For his quick thinking and courageous action, Lieutenant Eslinger was awarded our country's second highest combat award, the Silver Star.

This past Saturday I had the privilege and the opportunity to visit Nick, along with his mother Donna, his father Bruce, his brother Danny, and many neighbors and friends at their home in Missouri City. Before leaving, Lieutenant Eslinger gave me a unit medallion of the Charlie Company, 2nd Battalion, 327th Infantry Regiment of the 101st Airborne, commonly referred to as ''No Slack.'' It is something I am honored to have received and something I will carry with me with pride for the rest of my life.

Yesterday my State celebrated the 173rd anniversary of the Texas Declaration of Independence. Early in our fight for independence, at the Battle of Gonzalez, the Mexican army tried to seize the town's only cannon. The volunteers of Gonzalez, facing a much larger professional military force, might have been smart to hand over that cannon. Instead, they raised a flag that said ''Come and Take It.'' In Lieutenant Eslinger's brave actions, I see the same spirit of defiance in the face of violence and the refusal to be intimidated that helped my State to achieve its independence.

Among thousands of other men and women who make sacrifices and perform courageous deeds for their country, perhaps some at this very moment, Lieutenant Eslinger's actions are worthy of special recognition, and I am proud to do so today.

Nick, thank you for the coin. Thank you for your service. God bless you and your family.

□ 1700

BENEFITS OF THE ECONOMIC STIMULUS PACKAGE

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Let me thank the Speaker for her leadership and the opportunity to address my colleagues on what I think is a very important topic.

Of course, first I wish to wish my great State of Texas happy independence day, March 2, 2009, which was yesterday, and celebrate the courage of those fighters who declared their independence from Mexico. Texans are an independent bunch, but we are a patriotic bunch and we love this country,

and I believe it is important to address the leadership that sits just a few blocks away that is attempting to take this Nation to another level of economic empowerment and change.

It is important, Madam Speaker, to articulate more clearly the purposes of the economic stimulus package and the bankruptcy bill that will come to this floor in just a couple of days. Both of those bills respond to the needs of the average working American. It is important to note that the economic stimulus package has no earmarks and it is to generate jobs and those jobs are to be in the private sector.

Over the last 2 weeks, Madam Speaker, I have sat down in my school districts speaking to each superintendent asking them to establish an economic stimulus task force that would ensure that the dollars that would come through this stimulus package would be, first of all, used to educate our children; would be limited in its use for administrative costs; would be focusing on saving teachers' jobs or creating teachers' jobs; would focus on Title I; and would help modernize schools and hire contractors who would then hire people who are out of work in the private sector. School districts typically don't build or modernize their schools. Those are jobs, $10 billion in the stimulus package.

Recently I have walked through unemployment offices to focus on getting job training dollars so that people could alter their careers and be able to be prepared for the 21st century workplace, such as being prepared for the green jobs that are also part of the economic stimulus package. Weatherization, $5 billion for weatherization of our buildings and homes both in the cold weather and the hot weather. Those are jobs, Madam Speaker, that have not been created before. They are not jobs in the government. They are jobs in the private sector.

Madam Speaker, I went on to meet with the Texas Department of Transportation to ensure that contracts are shovel-ready; that new small businesses and minority businesses and women-owned businesses are being hired, that they are able to be proud of what they put on the Web site and that they actually do create jobs.

Just yesterday, I met with the mayor of Houston, the fourth largest city in the Nation, and the department heads, seeking creatively how we can enhance and beautify distressed areas, depressed areas, both in rural and urban areas, which was the purpose of the President's desire.

By the way, Madam Speaker, I can tell you that earmarks should not be labeled as being fraudulent. They should be transparent. They are not an added expenditure of dollars. They are simply allowing the people of the district, the State of Texas, the State of New York or Mississippi or Georgia or California to be able to assess where those moneys can be used more effectively. But we don't have any earmarks in the stimulus package.

The bankruptcy bill, which has been much maligned in certain areas, and I am very glad we are coming together to think together, is really a bill that responds to the little person, the person who was responsible, the person who really feels that bankruptcy may in fact be a shameful thing to do, but are working every day trying to make ends meet. They are making their payments, but they are falling behind as they try to make those payments.

What it does is it allows a judge to assess whether that person is able to more effectively keep their house if they are able to cram down the amount of the mortgage. But what happens, Madam Speaker, is that if that house is ultimately sold, any profit goes back to the lender. Where is the help for the little guy? Where is the help for the struggling homeowner and American who works every day? It is the bankruptcy court. That will not be a free ride.

In addition, I hope to offer legislation that indicates that if a buyer was manipulated with an adjustable rate or predatory lending, that their missteps in their mortgage, that their faltering, does not impact their credit score, which then ends their ability to be part of the economic resurgence that will come about over the next couple of months and years as we begin to see the economic stimulus package work.

This is not a tough task. I voted against the TARP originally. Money is being given to big banks. But what I believe is we have got to recapitalize our markets and restore our housing market.

Madam Speaker, we are on the right path. Let's do it in unity. Let's not forgets the hard-working Americans who now need to have their day by passing the bankruptcy bill and making sure the stimulus package works.

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

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LIFE ON THE DOWNSIDE OF THE LAFFER CURVE

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

Mr. MCCLINTOCK. Madam Speaker, the Laffer Curve is a simple but eloquent method of demonstrating how increasing taxes reduces economic productivity until a point of equilibrium is reached when further tax hikes actually reduce revenue. If the tax rate is zero, tax revenues are zero. But if the tax rate is 100 percent, tax revenues also reach zero, because there is no point in working. Thus, every increase in a tax rate produces a progressively smaller return of tax revenues as people adjust their behavior to reflect the reduced value of their work. When taxes exceed an economic tipping point, revenues begin to fall.

California vividly demonstrated this effect in 1991 when Governor Pete Wilson imposed the biggest State tax increase in American history. That $7 billion tax hike, a staggering combination of increases in sales and income and car taxes, broke the back of California's economy. While the rest of the Nation's economy expanded, the tax hike put California into a nosedive, including the biggest plunge in retail sales in 30 years. Those taxes brought in barely half of the new revenue that had been predicted and then produced two consecutive years of billion dollar a year declines in State revenues.

Well, Madam Speaker, California is about to get another very expensive lesson in the Laffer Curve, courtesy of a $13 billion tax increase just approved by Governor Arnold Schwarzenegger. That hike will sock an average family with more than $1,200 of new taxes.

We should watch California's experience very carefully in the days ahead, because it is going to be a harbinger of the impact that we can expect under President Obama's proposed tax increases. Although California already has the highest sales tax in the Nation, it is about to go up by 13 percent, or a penny on the dollar. Although California has the highest income tax in the Nation, it is about to go up another quarter percent. Although California's sales tax is the second biggest generator of revenue for the State and automobile sales comprise a fifth of all sales taxes, the State has also doubled the car tax and is lobbying for new regulations which will increase the price of a new car by as much as $5,000.

Benjamin Franklin said that ''experience keeps a dear school, but fools will learn in no other.'' Appropriately, the California tax increases will take effect on April Fool's Day, illustrating that some people don't even learn from experience.

But perhaps some good will come of it for the Nation. If California's experience with the Wilson tax increases is any indication, the impact of the Schwarzenegger tax hike is likely to be immediate and devastating. I believe it could serve as an invaluable lesson for the Obama administration, which last week announced a whopping tax increase of $1.4 trillion over the next 10 years, averaging about $1,800 per family per year.

Now, I know, the President promises these taxes will only fall on the ''very wealthy,'' those folks who earn $125,000 as individuals or $250,000 as couples. But the fact is that 65 percent of those folks aren't really folks at all. They are small businesses that are the very foundation of our economy, many of which are barely holding on as it is. The other tax will directly hammer families with higher energy and consumer prices through a $656 billion carbon tax.

Now, it is not that another example should be necessary. Herbert Hoover's response to the recession of 1929 was to increase the marginal tax rate from 25 percent to 65 percent and to burden international trade with steep tariffs.

The Obama taxes have yet to be enacted, and if passed this year they won't take effect until 2010. By then, California will have become a poster child for ''governments gone wild,'' a vivid warning of life on the downside of the Laffer Curve, and a lesson that the rest of the Nation should pay rapt attention to as we consider the impact of the administration's proposal for higher taxes nationally.

LOOKING FOR SOLUTIONS TO THE ECONOMIC PROBLEMS FACING AMERICA TODAY

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

Mr. PRICE of Georgia. Madam Speaker, we have talked a lot these past few weeks about the state of the economy and the challenges that Americans are facing. Certainly they are remarkable challenges that we face all across this Nation. The stock market was again down today.

So we look for solutions. The American people are demanding solutions on behalf of those folks that they sent to Washington, and rightly so. The ''solution'' I guess one could call it of the Obama administration is the budget that he proposed last week, and I would like to point out a few items on that budget.

The deficits from that budget will be $1.75 trillion in this year, 12.3 percent of our gross domestic product, more than triple the previous year. A solution? I don't think so.

How about national debt. This budget that the President proposed doubles the national debt in just 8 years. Do the American people think that is a solution? I don't think so.

Interest. Beginning in 2012, the interest that we pay on the debt will be $1 billion a day, Madam Speaker. $1 billion a day. That is not a solution.

Taxes. You have heard my colleagues discuss, Madam Speaker, that this budget raises taxes by $1.4 trillion, and it is on everybody, not just those that the President says can easily afford it.

And how about spending? Well, $3.9 trillion in 2009, 27 percent of our gross domestic product, a record level, the highest level since World War II. Solutions? I don't think so.

But, Madam Speaker, the good news is that there are solutions out there. They are wonderful solutions. Those of us who are members of the Republican Study Committee put on the table H.R. 476, the Economic Recovery Act, something that we believe would be a powerful solution that would allow Americans to keep more of their hard-earned money, decrease some of the incredible roadblocks in the face of businesses so that they can create jobs, and finally begin to decrease the amount of spending at the Federal level.

Other big thinkers across this Nation are providing solutions as well. One of them is the group American Solutions headed by former Speaker of this House, Newt Gingrich.

They recently came out with a proposal ''12 American Solutions for Jobs and Prosperity,'' talking about the Washington solutions currently being produced by this administration being more money for more government, more power for more politicians, more debt and more bureaucrats. That is not what will lead to real job growth and prosperity. Instead, there are 12 specific solutions that I would like to share with the House of Representatives.

First, payroll tax stimulus. A new tax credit to offset 50 percent of the payroll tax would immediately inject money into small businesses and allow for job creation.

Second, real middle income tax relief, proposing to decrease the marginal rate of 25 percent to 15 percent so that 9 out of 10 American workers have a flat tax of 15 percent. Real money in the pockets of real Americans. Real solutions.

□ 1715

Third, reduce the business tax rate.

Did you know, Madam Speaker, that Mexico and Sweden and Poland and Ireland and Hungary all have lower business taxes than the United States? If you're a business trying to decide where to put your company, you'd go somewhere else other than the United States if you were taking into account business tax rates.

The proposal is to decrease our business tax rate to 12.5 percent; equal Ireland's, instead of the current 35 percent that we have.

Fourth, homeowners assistance. Provide tax credit incentives for responsible home buyers so they can stay in their homes.

Fifth, control spending so we can move to a balanced budget.

Madam Speaker, did you know that the budget that the President put on the table last week never gets to a balanced budget? Never, never. Red numbers as far as the eye can see. We must have a balanced budget.

Sixth, no State aid without protection from fraud; making certain that the State governments ensure that there's no fraud and no theft of the hard-earned taxpayer money that they receive from the Federal Government.

Seventh, more American energy now. We absolutely must utilize American resources while we're conserving and while we're finding that new technology that will carry us through this century.

Eighth, abolish taxes on capital gain. We ought to match China and Singapore, yes, Madam Speaker, China and Singapore and lower the taxes, abolish the taxes on capital gains. You talk about a job creation. My goodness gracious.

Ninth, protect our right to vote in the workplace. This majority is going to steal that right away with the secret ballot destruction act that they are proposing to put on the floor. We believe that it's imperative that workers have the right to a secret ballot when talking about forming a union.

Tenth, replace Sarbanes-Oxley.

Eleventh, abolish the death tax once and for all.

And, twelfth, invest in energy and transportation infrastructure. Real solutions for the American people.

I urge my colleagues to take a look at those kinds of solutions that will actually get the economy rolling and create jobs.

12 AMERICAN SOLUTIONS FOR JOBS & PROSPERITY

Washington solutions of more money for more government, more power for politicians, more debt, and more bureaucrats will not lead to real growth in jobs and prosperity. We need a clear and decisive alternative that creates jobs and rewards work, saving, and investment.

1. Payroll Tax Stimulus. With a temporary new tax credit to offset 50% of the payroll tax, every small business would have more money, and all Americans would take home more of what they earn.

2. Real Middle-Income Tax Relief. Reduce the marginal tax rate of 25% down to 15%, in effect establishing a flat-rate tax of 15% for close to 9 out of 10 American workers.

3. Reduce the Business Tax Rate. Match Ireland's rate of 12.5% to keep more jobs in America.

4. Homeowner's Assistance. Provide tax credit incentives to responsible home buyers so they can keep their homes.

5. Control Spending So We Can Move to a Balanced Budget. This begins with eliminating Congressional earmarks and wasteful pork-barrel spending.

6. No State Aid Without Protection From Fraud. Require state governments to adopt anti-fraud and anti-theft policies before giving them more money.

7. More American Energy Now. Explore for more American oil and gas and invest in affordable energy for the future, including clean coal, ethanol, nuclear power and renewable fuels.

8. Abolish Taxes on Capital Gains. Match China, Singapore and many other competitors. More investment in America means more jobs in America.

9. Protect Our Right to Vote in the Workplace. We must protect a worker's right to decide by secret ballot whether to join a union. Forced unionism will kill jobs at a time when we can't afford to lose them.

10. Replace Sarbanes-Oxley. This failed law is crippling entrepreneurial startups. Replace it with affordable rules that help create jobs, not destroy them.

11. Abolish the Death Tax. Americans should work for their families, not for Washington.

12. Invest in Energy and Transportation Infrastructure. This includes a new, expanded electric power grid and a 21st century air traffic control system that will reduce delays in air travel and save passengers, employees and airlines billions of dollars per year.

HONORING BRENT WHITLEY FOR HIS INSPIRING EXAMPLE OF SERVICE

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under a previous order

of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today in honor of Brent Whitley, a student at Caldwell Community College in Watauga County, North Carolina. Brent recently learned about someone in the community who was battling cancer, and instead of just moving on, Brent decided to take action. His example shows what can be accomplished by people who set their minds on doing good for others.

Brent is a volunteer at Watauga Medical Center, and during his service at the hospital, he noticed a posting in the Emergency Room about the Will Dicus fund. He immediately recognized the need to help Will Dicus, a young man in Watauga County who has been courageously battling cancer for several years.

Over his college Christmas Break, Brent decided he would organize a fundraiser dance to help raise funds for Will's cancer treatment and, thus, ''Dance For Dicus'' was born.

Brent tirelessly planned and fundraised, contacting churches and businesses and igniting a spirit of community service. Soon, many people were calling and offering their services and help without solicitation from Brent. All it took was the energy, ambition and selflessness of one person who simply wanted to help someone in need.

To illustrate Brent's true altruism in this situation, I learned that before he began to organize this fundraising effort, Brent did not even know Will Dicus. His desire was simply to help someone who needed assistance.

I'm pleased to report that the ''Dance For Dicus'' fundraiser was a success. The event raised more than $5,000 for the Will Dicus fund and, just as importantly, raised awareness of Will Dicus' struggle with cancer. I had the great pleasure to be at the dance and see also the great number of volunteers who were there to help with the event.

Brent, who is the Student Body President at Caldwell Community College, should be inspiration for average Americans everywhere. In a time when many, many Americans are facing real struggles, Brent Whitley demonstrated the power of one person to make a meaningful difference. I applaud Brent for his ethic of community service. His altruistic example is a true inspiration during these difficult times.

THE ECONOMY AND OUR FREEDOM

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

Mr. AKIN. Madam Speaker, I'm just delighted to be able to join you here this evening and join my fellow colleagues in talking about some really, really exciting and important topics. The first we're going to talk about this evening is the economy and a little bit of the background on what's going on, where we've come from, where we should be going in the future. The second topic is going to be the topic of freedom.

One of the things that I have a chance to do is speaking to many audiences is to ask them, what is it that makes America such a special place? Why is it that we love our country so much? And our country is so unique in so many different ways. What is the secret to that unique nature of America? And the word that always comes out is the word ''freedom.'' It's right near the front of the tongue for most Americans. We're going to be talking a bit about the subject of freedom tonight.

But before we do, we do need to take a look at the economy, what's going on there, and what's happened in the past and use that as somewhat of a guide as to where we should be going in the future.

The economy, of course, works on numbers. And numbers, you can't cheat with them too much. People try to, but the bottom line is, somebody ends up having to pay.

And so what we have here, going on in Washington, DC in the last number of weeks has really been incredible. We've charted absolutely new territory, I think irresponsibly. And we have heard for the last 6 years about the tremendous cost of the war in Iraq, how we're wasting money there every single day. And yet, if you add up the entire cost of the war in Iraq, which we now concede is largely won, you take those 6 years of costs, add them to the cost of what we spent in Afghanistan, add those together now, and it's not as much as what we spent in the first five weeks here in this Chamber in this supposedly stimulus bill. Many people are calling it a ''porkulous'' bill.

And so how is it that the economy got to the point that it would cause people to go into debt so tremendously, spend so much money?

Well, the story really goes back a number of years. It goes back to the Carter administration and really the creation of Freddie Mac and Fannie Mae. What happened was there were areas where it was very difficult for Americans to get home loans, and there were places where banks didn't really want to loan to people for fear that they wouldn't be paid back. And so the Federal Government created Freddie and Fannie, and those organizations are neither private nor public. They're somewhere halfway in between. And so Freddie and Fannie were given authority to help underwrite people's home loans and, actually other kinds of loans as well, but primarily for home loans.

Well, as time went along, various Presidents started demanding that Freddie and Fannie make more and more loans to people who would be considered subprime, or that's a way of saying not as good a risk. And so by the time that we had President Clinton, toward the end of his tenure as President, he required an increase in the percentage of loans that Freddie and Fannie were going to make to people who were considered to be not very good risk kinds of loans. And so, what happened was, you have Freddie and Fannie now underwriting more and more loans, and you started to get a snowballing kind of effect.

At that time, in 1999, the New York Times, in its editorial page reported, I believe it was September, that several people mentioned that this is not safe, that we are starting to create the environment for another savings and loan disaster in America. This is 1999, people were warning that this policy was not a good one.

Was it a free enterprise policy?

People say the reason the economy is bad, it shows the weakness of free enterprise. No, it doesn't. What's created the problem with our economy has nothing to do with free enterprise. It's socialistic programs of government jumping in and telling banks and economists that you have to take loans which we think there's a very good chance people will not pay back.

Well, as the 1999 article in the New York Times indicated, this was a risky thing. As we move forward, we have Greenspan then reducing the interest rate, the economy getting stronger and stronger, the housing market just going up and up and up, increasing at a tremendous rate. In fact, if you looked at its rate of increase historically, you would have to start to worry that it might have been a bubble building.

Well, by 2003 we have President Bush. And President Bush has come to the Congress. He says, hey, this is reported in a September 11, 2003, article, again in the New York Times, saying, I need authority to regulate Freddie and Fannie. We have got big trouble with Freddie and Fannie. They are making all of these loans and if the real estate market comes down some there is going to be the dickens to pay. You have got to allow me to get Freddie and Fannie regulated.

And in the President's request, the Congress, in those days, run by the Republicans, passed a bill to regulate Freddie and Fannie. They sent the bill to the Senate, where it was killed, according to this article, by the Democrats in the Senate.

Now, you have, in that very article that's quoted here, the New York Times, September 11, 2003, this is the Congressman now who is in charge of fixing the problem that was created, basically, another savings and loan type of problem. These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis, said Representative BARNEY FRANK of Massachusetts, the ranking Democrat on the Financial Services Committee. The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

Now, in looking out the back window, looking through history, we see,

BARNEY FRANK was totally wrong. Freddie and Fannie are the heart of what has fallen apart and created a world economic crisis. The crisis is created by defaulting mortgages, and as that mortgage crisis has spread and continues to spread in the next couple of years, this is what's been driving the bad economy.

So there's an irony here that the person from the House that's in charge of fixing the problem is the one who created the problem. Maybe there's some humor in there somewhere, I suppose.

So I think we need to correct the rhetoric of various people that say that this is a failure of free enterprise. It's not. It's a failure of a big government program that was poorly managed, and it's like trying to make a dollar out of 15 cents.

□ 1730

You can't give people mortgages when they're not going to pay the mortgages.

Of course, it was more than just the Democrats. I'm not blaming this entirely on the Democrats. It was the start of a failure of Congress. Beyond the failure of Congress, you also had other culpable parties. You had some of the people who were rating, some of the rating agencies—Moody's and Standard and Poor's—and they were rating these mortgage securities that would have been chopped up and sold all over the world. They were rating them AAA. Now, how they could do that with a straight face, I don't know, but they fed again on the Wall Street tremendous level of speculation. So that's how we got where we are.

Now the question is: Now that we've gotten ourselves a first-rate recession going, what are the things that should be done to try to fix the recession?

There are two basic schools of thought on this subject. One of them is known as Keynesianism. It was made popular around the days of FDR. Also, it was something that was very much supported by Henry Morgenthau, who we're going to talk about in just a minute.

I do see my very good friend, Congresswoman FOXX, from North Carolina, a lady who has won all kinds of accolades in the last year or two. We think of her a little bit as the toughest grandmother in the entire U.S. Congress, and if there's anybody who is pretty long in what we in Missouri respect, which is commonsense, Congresswoman FOXX is certainly long in that.

I would yield the floor to you, gentlelady.

Ms. FOXX. Well, I want to thank my colleague from Missouri. I hope I can tie in some of my comments with where you're going with that quote from Henry Morgenthau. We've used it a good bit recently, and I think it is a really, really good quote to share with the American people. I think we need to keep doing it over and over.

I certainly share your feeling that this is not a failure of capitalism, what has occurred in our country recently. Indeed, it has happened all over the world.

Mr. AKIN. Could I reclaim my time for just a second? There's a little, funny story about where this quote came from of all things:

My father is 88 years old. He was reading a flyer that had been sent to him from Hillsdale College, and it was a quote out of a book called New Deal or Raw Deal. It has just been published. So here is my father. He gives it to me. ''Son,'' he said, ''you don't read enough. Here. Take a look at this.'' So we've been using it some, but I yield time to the gentlelady.

Ms. FOXX. Well, I'm trying to read The Forgotten Man right now. It's a wonderful story about what happened during the Depression and just before the Depression. I have to agree with you that we can't blame all that happened then on the Democrats, although they exacerbated the problem a lot, but I would commend that book, The Forgotten Man, to folks who are watching us and to anybody else. It's a history book, but it reads like a novel, and it's really a great piece.

As I said, I want to try to tie in what's going on today with something I read recently. You're right; we don't get enough time to read books. We read a lot every day, but I was thinking that we need to set aside an hour a week, at least, to read books. I'm trying to do that. It's good for our souls to read those kinds of things.

You know, Republicans have been criticized recently for not having new ideas. We've been told on this floor over and over again and we've been told by the administration that doing nothing in this situation is not acceptable, so the Democrats are doing what they say they know to do. They say our alternative is doing nothing. Well, that has never been our alternative. We've presented lots and lots of alternatives, but what we have to get people to understand is that the tried and true issue of keeping money out of the hands of the Federal Government and leaving that money in the hands of the citizens is really the best cure for this problem that ails us. Actually, it's the best cure for a society that is free, and I want to acknowledge that.

Mr. AKIN. Reclaiming my time, gentlelady, what you just made is really an important point.

What you're saying is Republicans do have an alternative, and part of that alternative is to stop spending money, but it seems like some people down in Washington, DC and a certain party have their ears plastered. They don't want to hear that as an alternative, but there is an alternative. It is the same thing that every commonsense household in America is doing, and that is, when you're troubled, stop spending money. That's a good first step, isn't it?

I yield.

Ms. FOXX. It absolutely is. Really, the root of our problem is that the government is spending more money than it has. When I talk in speeches or when I'm on the radio, doing radio shows or when I'm on TV, what I keep reminding people is that the government has only two sources of money—that which it takes from us forcefully, from the citizens who pay taxes—and the government does take it forcefully. Now, we know Americans have been good about paying their taxes, and they're actually willing to pay about 25 percent of their income in taxes—we know that from surveys that have been done—but it only has two ways of doing it: taking it from us forcefully or by borrowing it. Those are the only two ways because government doesn't create wealth. Government can destroy wealth, and it can destroy wealth in a hurry. What's happening with the stock market and with other savings plans is a good example of that, and I think my colleague from Missouri knows that.

Mr. AKIN. Well, reclaiming my time, gentlelady, I think there are a bunch of us—and I'm not accusing you of this—in the baby boomer kind of category who have just seen our 401(k)s turn into 101(k)s. We understand, when the government does things the wrong way, it really can be expensive, and there are different ways. One, as you say, is to tax people. You don't have to pay your taxes. If you don't, you go to the free hotel.

Ms. FOXX. That's right.

Mr. AKIN. The other alternative is they can, of course, borrow it. Then of course, within that category, we have the other thing that we don't hear much about but which has happened extensively in the last 9 months, which is printing it, a form of borrowing it.

I don't mean to interrupt, and would yield to the gentlelady.

Ms. FOXX. Well, I want to call to the attention of the American people an article that I read. You know, we've talked about reading. I think I read this during the Christmas holiday. It's an article by Terence Jeffrey. It was published in Human Events on the 5th of November of last year. The title of it is ''Wanted: Small Government.'' I just want to read a couple of excerpts from it, and then I'm going to put it in the RECORD.

''Up until the 1930s, the United States maintained a small Federal Government that mostly focused on the limited number of things the Constitution authorized it to do.

''Americans were responsible for their own food, clothing and shelter, and if they could not take care of themselves, they looked to their extended family, their neighbors, their churches, and local governments to give them a helping hand.

''Charity in America, in those days, did not mean the Federal Government compelling you to hand over some of your property to the State so the State could hand it over to someone else.

''Americans did not believe in spreading the wealth—they believed in earning it. The term 'compassionate conservative' had not been coined.

''There was no Federal welfare state before the 1930s.

''That year, according to historical data published by the White House Office of Management and Budget, the entire Federal Government spent only 3.4 percent of gross domestic product. Because Federal tax receipts equaled to 4.2 percent of GDP in 1930, there was a Federal budget surplus equal to eight-tenths of a percent of GDP.''

HUMAN EVENTS—WANTED: SMALL GOVERNMENT

(By Terence P. Jeffrey)

Up until the 1930s, the United States maintained a small federal government that mostly focused on the limited number of things the Constitution authorized it to do.

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Americans did not believe in spreading the wealth—they believed in earning it. The term compassionate conservative had not been coined.

There was no federal welfare state before the 1930s.

That year, according to historical data published by the White House Office of Management and Budget, the entire federal government spent only 3.4 percent of gross domestic product. Because federal tax receipts equaled to 4.2 percent of GDP in 1930, there was a federal budget surplus equal to 0.8 percent of GDP.

Within a decade, things changed dramatically. In 1940, Franklin Delano Roosevelt—founder of the modern American welfare state—was preparing to break George Washington's self-imposed limit of two presidential terms.

Although the nation was still at peace, the federal government had grown almost threefold—when measured as a percentage of GDP—from what it had been in 1930. Federal spending in 1940 was 9.8 percent of GDP. Federal tax receipts were 6.8 percent. The Treasury borrowed 3 percent of GDP to make up the difference.

In fiscal year 2009, according to OMB's estimates, the federal government will spend 20.7 percent of GDP while taking in 18 percent of GDP in taxes. The Treasury will borrow 2.7 percent of GDP, much of it from foreign creditors, to make up the difference.

And that does not count the $700 billion the Treasury will borrow to fund the financial industry bailout.

Today, the federal government eats up more than twice as much of our national wealth as it did in 1940 and more than six times as much as it did in 1930.

What did Americans get for this massive increase in government? More of their life is now mortgaged to the government, and they are now more dependent on government.

Most of the growth in federal spending has come in the sector that the OMB calls ''human resources.'' As currently budgeted, this includes federal spending on education, training, social services, health programs, veterans benefits and services, income security programs, Medicare and Social Security.

In 1940, the ''human resources'' part of the federal budget consumed 4.3 percent of GDP. In 2009, it will consume 13 percent, or three times as much.

Before the current economic crisis hit, the American welfare state was on an unsustainable trajectory. The Government Accountability Office informed the Senate in January that it estimated there was a $53 trillion gap between the entitlement benefits the federal government has promised to pay over the next 75 years to people now living in the United States and the tax revenue that can be expected to pay for those benefits. Then-Comptroller General David Walker said that for the government to cover this gap every American household would need to put up about $455,000.

That is the size of the mortgage the federal government has already taken out in the name of every American family.

We got to this place because politicians for decades have been telling voters they would give them something for nothing—when what they really meant was they would take money from one set of people and give it to another.

When they borrowed vast sums to keep their welfare-state politics rolling, they were taking money away from future generations—our children and grandchildren.

Now we are being told we face the greatest economic crisis since the 1930s. And we are being offered the same solution: more federal programs so Uncle Sam can take better care of us.

In other words, the politicians want to take out a second mortgage on top of the $455,000 they have already put on our backs.

America is heading down the blind alley of big government toward the brick wall of national bankruptcy. The only way out is to turn the truck completely around and head back toward small government, self-reliance and freedom.

Mr. AKIN. Reclaiming my time, gentlelady, I would like to highlight what you said.

Those numbers are absolutely shocking. In 1930, you're saying the Federal Government was spending three point something percent of the GDP?

Ms. FOXX. Correct.

Mr. AKIN. Boy. Oh, boy. I'll bet you there's a lot of people who would love to see us get back to that kind of a number. Then the tax rate was four something, 4 percent?

Ms. FOXX. That's right. No. What we brought into the Federal Government was 4.2 percent of GDP. Now, that could have been in addition to—well, it was mostly taxes, I guess. That's what it was.

Mr. AKIN. Well, I sure appreciate your sharing that with us.

You know, we are joined by another very good friend of mine, Congresswoman MARSHA BLACKBURN. She is one of our great communicators, a lady from Tennessee.

We're just delighted to have you with us, Congresswoman BLACKBURN, and would ask you if you want to chip in a little bit here in our discussion on where we are economically. I yield.

Mrs. BLACKBURN. Absolutely. I thank the gentleman from Missouri for yielding, and I appreciate the opportunity to participate in the discussion that is here because, as we have all been home over the weekend and have been working in our districts, meeting with constituents, the economy is the number one issue. I have talked to so many people who are using the words that they are appalled, that they are horrified with what they see happening here. They are very concerned with what they see taking place with the economic policies of the new administration.

Indeed, as a broker from one of our fine banks in Tennessee said to me yesterday, the stock market has voted on the Obama economic policies—on PELOSI, REID and their economic policies—and they have obviously voted ''no'' because the stock market was over 9,000 before this administration took control, and now we see where it is today, which is at 6,700. It is of great concern to us.

We know our Nation is in a recession. We know that people are hurting. We know that they want to see something done, and most people fully realize that you cannot declare a war on prosperity and get yourself out of a recession.

You both have recognized, Ms. FOXX and the gentleman from Missouri, the quote from Henry Morgenthau and the importance of that, which is that it does not work, that this kind of spending does not work. I brought a chart along that I felt was important to the discussion that we are having.

As my colleagues know, the Democrats took control of this body in January '07, and we see where we were with the Federal deficit, the green line. The orange line is discretionary spending, and mandatory spending is in the blue. Now, we continued to hear from the leadership—from Speaker PELOSI, from Leader REID and from the President—that they inherited this debt, that they inherited an annual deficit, but I think it's important to note that they voted ''yes'' on all of this. It has pushed our spending.

You can see what has happened with the spending in the past year alone. Stimulus I was $152 billion. You'll see where it comes in there in '08, the pre-TARP funds. That was from March to September of '08, $323 billion. Then there was TARP, the auto bailout—stimulus II—which was $787 billion. There was the omnibus, which was $410 billion. Now what we have seen happen with the spending is, by the end of '07, the Democrat-led House had moved our same year mandatory spending from $3 billion to $37 billion, and by the end of '08, they'd increased that number to $333 billion.

Ms. FOXX. Would the gentlelady yield?

Mrs. BLACKBURN. I would gladly yield to the gentlelady.

Mr. AKIN. I would reclaim my time and yield. I'm the one who's supposed to do this.

This is part of the dinner conversation here. Being the father and the guy who serves the food at our dinner table, I would recognize the gentlelady from North Carolina.

Mrs. BLACKBURN. I yield my time to the gentleman.

Ms. FOXX. Thank you. I appreciate the gentleman from Missouri yielding.

I was trying to make this point today, and I think it's so important that you've brought this up.

Let us remind the American people that the Democrats took control of the Congress in January of 2007. Do you remember—I remember—that we had 54 straight months of job growth up until January of 2007? Do you remember that number?

Mr. AKIN. Yes.

I would yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

Indeed, you're exactly right. We had had job growth. We had had economic growth. It was basically unparalleled. The 2001 and 2003 tax reductions had worked. We had not seen this kind of growth since Ronald Reagan.

As the chart points out, you can look at where the Federal deficit was, which was at $8 trillion. You can look at where discretionary spending was placed and where our mandatory spending, this blue line, was placed.

Now, what we see as the mandatory spending alone is that they grew from $3 billion to $333 billion in a 2-year period of time. So you can see what is happening with our spending. Whether it is our discretionary or our mandatory spending, it is going through the roof, and of course that runs our Federal deficit and our national debt up.

□ 1745

This year alone, we're at over $2 trillion in a deficit, and our President has just proposed a $3.5 trillion budget.

So we know what is going to continue to happen to these lines. You can look at the CBO scoring—and, see, the CBO is a nonpartisan organization. You can look at what is happening in their scoring and see that we're going to have trillion-dollar deficits as far as we can see with the tight spending that we have brought forth.

Mr. AKIN. Reclaiming my time.

The gentlelady from Tennessee has a very, very effective chart. And what you're pointing out is that we're in uncharted waters. We have not dared to take and swallow this much debt in the past.

I was trying to put some kind of a handle on what we passed just a couple of weeks ago on this House floor on about—I think it was—what was it, $840 billion. Now, I don't make that much money. So I tried to think, Well, what's something big that the Federal Government buys. And because I'm on Armed Services, I think of aircraft carriers. They're bigger than tanks. They're like a whale. They're tremendous. Well, an aircraft carrier, we've got 11 of them. And they're valuable. And we put other ships around them to guard them. And we don't make aircraft carriers very often because they're so expensive.

So let's take the average cost of those 11 aircraft carriers and divide it into $840 billion that we just spent a couple weeks ago—money that we don't have—and you're talking about 250 aircraft carriers—can you picture that—end-to-end-to-end. This is a lot of money. Or if you want to get one of those kinds of Cadillac aircraft carriers, the big long-deck ones that really do all of the fancy stuff, you're still talking over 100 aircraft carriers. That's money that we don't have that we just spent, and it was supposed to be for stimulus; but we called it ''porkulous'' because there wasn't really much stimulus.

But that's talking about doing some big-time spending following that same old Keynesian idea that if the government spends enough money, that everything will be okay.

To this engineer, that's a little bit like grabbing your bootstraps, lifting up, and trying to fly around the room.

We're joined by another very good friend of mine, STEVE SCALISE, Congressman from Louisiana. I think you wanted to also talk a little bit about where we are with this level of spending and what's going on with these taxes.

Mr. SCALISE. I want to thank my friend from Mississippi, as well as the gentlelady from Tennessee, because as we start to see the real numbers—and the American public has been concerned about where the economy is—but they are also real concerned—and we're seeing more and more each day—real concerned about the gross level of spending that's coming out of this administration as a response to the crisis.

I think if you look at what's being presented, and as people are now starting to look and grab some of these numbers—and we're not just talking about hundreds of billions of dollars now; we're talking about well over a projected deficit of $1.7 trillion in this budget. So it makes people harken back and say, number one, what levels do these compare to. And when you look back, you can go back—you have to go all the way back to World War II to find a budget, a level of spending that's presented in this budget, a level of spending that's as high a gross domestic product of a percentage of GDP that we've had. And we haven't had this high a level of spending since World War II.

So if you go back to World War II and, of course, the Great Depression right before it, it really sparks a lot of comparisons that are frightening. And I think that's where the public is, but that's where the markets are. I know my friend from Tennessee talked about that, too. The markets are responding to what's happening here in this city in Washington, D.C., and it's not good. Their reaction is not good, what that means for people's 401(k)s. Just in the last 2 months, people have lost 20 percent of their 401(k)s because of the results of these policies not only that were passed in the spending bill just 2 weeks ago, but this budget that's been presented with its gross level of spending with its absorbitant level of tax increases.

So if we look here at a chart, this is a break down of the President's proposal of tax increases that's in this budget, this budget that has $1.7 trillion of new debt—not debt that was carried over from the previous administration. The buck stops here. And this President submitted this budget, he created this new level of spending, and he's choosing to pay for some of it—clearly not all of it—but some of it by one of the largest tax increases in the history of our country.

And while he says that less than 5 percent of the people of this country will pay these taxes, this chart will show you something very different, a stark difference in what we've been hearing; $1.4 trillion has been proposed by this President in this budget in new taxes at a time, of course, that our economy is in a recession.

Mr. AKIN. Reclaiming my time a second.

That should send the alarm bells off in people's minds. When you're having not only just a little recession but what's starting to turn into almost a depression and you're talking about huge tax increases, you don't want those two things in the same sentence, I believe.

I yield.

Mr. SCALISE. I think when we talk about, now that we're in a recession, will we be going to a depression, look at what happened in this 1920s and the 1930s as we did go into a depression. And in many cases, it was policies in Washington, D.C., that not only pushed us into the depression but kept us there for 8 years. We were in the depression for 8 years. It took World War II to get us out of it.

And if you go back to 1932, the President who raised taxes during an economic downturn that was so severe in the 1930s—Herbert Hoover raised taxes, of all things, while the country was entering a depression. In 1932, Herbert Hoover on his way out as being voted out as President, he raised taxes dramatically. We're seeing the same process followed again. And then the people say, ''Those who don't learn from history are doomed to repeat it.''

When this country was entering the Great Depression in the 1930s, they raised taxes dramatically, and it helped—that and the gross level of spending—helped make that an 8-year process instead of a short depression that we could have gotten out of.

So if I can go back to this chart. Where are the taxes going to be paid? Who's going to be paying for those taxes? It's $636 billion of those new taxes are going to be thrown onto the backs of our small business owners. So when they talk about people who make over $250,000 a year—and I know some people want to pay class warfare and try to divide this country at a time when we need to be uniting this country and finding real solutions—they

talk about that top 5 percent. Well, who is that top 5 percent? That's the small business owners in our country who have created 70 percent of our jobs.

So if anybody can explain to me how raising $636 billion in new taxes on the backs of those very people who are creating the jobs that our economy needs, how is that going to get our economy back on track? That's something that the markets are reacting to and people across this country are starting to realize that it's a frightening realization.

Mr. AKIN. This is something I want to be very clear in our discussion this evening. We're having this, like a dinner conversation.

What I want to make clear is that the Republicans are not just saying ''no.'' What you're saying is, You're doing the wrong thing which will make the economy worse.

Now, what you've gotten to in your chart here is the absolute crux of what has worked in the past to pull us out of a recession. And it's not the government that pulls us out of a recession; it's the marketplace. And it's particularly the entrepreneurs and the inventors and the investors and those small business people. And what do small business people need in order to create all of those jobs—because depending on what you call a small business, you're talking 70 to 80 percent of the jobs in America come from small businesses.

So if you harm the small business guy—even though he may be fairly well-to-do—you're cutting off your nose to spite your face. And what's going to happen when you take $636 billion out of small businesses—that's the money they need to invest in new equipment, new processes, new procedures and innovation which is going to result in hiring the people that need to be hired.

So what's happening here is this policy is economically crafted to make the problem worse.

I would yield to my colleague.

Mr. SCALISE. What you said is exactly true. And there is a double whammy on this budget on the tax increases that have been proposed. Not only do $636 billion in new taxes get thrown onto the backs of small businesses all across this country, but then they come through the back door; and this is where the rest of the 95 percent of the people that supposedly aren't going to pay a new dime in new taxes, this is where they get hit.

This is their energy proposal on cap and trade. A carbon tax. This is something that you haven't heard a lot of people on the Democratic side talking about because as people see what this does, they realize this is where everybody else pays more money: $646 in new taxes on energy production in this country. And, of course, all across this country as energy taxes are increased, who pays for those taxes? That's not something that they just absorb. They have the authority to pass that on to rate payers.

Mr. AKIN. Reclaiming my time.

I think there must be something wrong with your chart here because I was just on this floor last week, and I heard the President say that nobody making less than $250,000 is going to pay any of these taxes. And I said, ''I'm glad I'm not going to have to pay these taxes because I make less than $250,000 a year.'' And now you're ruining my whole evening by telling me that that isn't true. Is that what you're saying?

I yield.

Mr. SCALISE. I'm sorry if you already ate dinner. I'm sorry to upset your stomach. But a lot of people across the country are starting to get very upset as they see the realization of these proposals because change as a concept sounds great. There are a lot of things we need to change about Washington, D.C. In fact, we've proposed an alternative H.R. 470. You can actually go on line. We put our proposals on line. We put that proposal out there weeks and weeks ago. H.R. 470 is a true alternative to get our economy back on track.

What we've been presented with, unfortunately, with this administration is the oldest failed policy that will keep us deeper in a, not only recession, but can throw us into a recession; and that is a tax-and-spend approach, which has been proven to fail every time.

So this cap and trade program right here, this is—they can call it whatever they want, but when you start having to pay higher fees on your utility bills, that's a tax to you. That's a tax increase. If your utility bill goes up and you're using the same amount of energy because of this carbon tax $646 billion, if people across the country don't think that's going to result in something that's going to have a significant impact on their budgets as they're tightening. And people are conserving energy. People are tightening their belts.

But as they're conserving that energy, they're going to be getting hit with $646 billion in new taxes on top of the $636.00 billion that our small businesses will be hit with.

Mr. AKIN. Reclaiming my time.

You can be making $20,000 dollars a year, and you are still going to be burning some natural gas and using some electricity; is that right?

Mr. SCALISE. That's not only right, but those people in the lower incomes are the ones that are least likely to be able to afford these massive tax increases they get on their utility bills. Because if your utility bill goes up even though you're using the same amount of energy, or in some cases you're using less energy—maybe you actually went and put some insulation in your attic because you wanted to lower your rates—this carbon tax is actually going to raise your utility bills even though you've done those things.

Mr. AKIN. Reclaiming my time, gentlemen.

You're getting me all upset. You're ruining my entire evening here. But I have a feeling what you're telling us is true. In fact, I know it is true.

Mr. SCALISE. If I could ask for the gentleman to yield for one moment.

Mr. AKIN. I would yield for one minute.

Mr. SCALISE. There is one bit of good news. While these are difficult times, while there's a lot of bad news—and as people look at these details, it frightens a lot of people. But this has not been passed into law yet. These are proposals the President just filed this last week. We haven't even started having hearings in Congress. If people all across this country—as I'm sure they will do when they start realizing the negative impacts to our economy of these new taxes, these massive taxes—people, I think, are going to start lighting up those phones. They're going to start calling their congressmen. They're going to call the White House. And they are going to say enough is enough.

The spending and the taxes, just like in the 1930s, didn't work. Don't take my word for it. Listen to the Treasury Secretary under FDR. This has been tried before and it's failed before. Not only did it fail, it pushed us into a deeper depression. And I think the public across this country is going to say, ''Enough is enough. We're not going to take these new taxes and this ridiculous level of spending,'' and the public can stop this.

Mr. AKIN. Reclaiming my time.

I think you're a little bit of a prophet, gentlemen, because they were dumping tea in the river in St. Louis this last weekend. I think people are starting to get wise and they're getting upset.

I also am just thankful that we're joined by a very good friend, a very distinguished colleague from this House, Congressman PENCE from Indiana.

I would yield time to my good friend. I know that you have very good insights on these issues.

Mr. PENCE. I thank the gentleman for yielding, and I thank him and all of my colleagues who will speak here this evening for taking the opportunity, Mr. Speaker, to come to this floor and talk about facts.

Facts are stubborn things. And it seems like we're living in a time right now of soaring rhetoric. But the facts underpinning the Democrat budget are jarring, and they represent a fundamental departure from the course of American governance.

□ 1800

And we need to talk about those things. I mean, the American people understand that the Federal budget is, in itself, the way a party and an administration lays out its vision for the future of the country. The American people deserve a budget that is fiscally responsible and puts jobs first. And as has been said on the floor before, the budget offered by this administration and supported by our Democratic colleagues in the House fails on both

counts. The American people know we can't borrow and spend and bail our way back to a growing economy.

And history has shown that the policies that are embraced in the Obama budget will actually take our country not out of recession, but very likely deeper into recession. The last President of the United States to raise taxes during a recession was Herbert Hoover, who managed, by his deeply flawed judgment and policies, to take a strong recession in the 1920s and turn it into a decades-long depression in this country. And yet here we stand again at a crossroads in our Nation's history when so many families are hurting, so many small business owners are struggling under this economic downturn.

Mr. AKIN. Reclaiming my time, gentleman, what you're saying is we're just not learning from history. It's not that the economy is brand new, there are patterns here. It's not that the Republicans are the party of ''no,'' it's the fact that these solutions don't work and they're going to hurt our constituents, and that's why we get a little excited about them.

I mean, here you have the quote from Henry Morgenthau, he is the guy that, along with little Lord Keynes, came up with Keynesian economics. And he says, After trying it for 8 years, our theory didn't work. Our unemployment is as bad as it was before, and now we're in debt. And what we're trying to say is, don't accuse us of not having solutions, the solutions are there; but don't repeat history's mistakes.

I didn't mean to interrupt, but just continuing to yield to my good friend from Indiana, Congressman PENCE.

Mr. PENCE. Well, I thank the gentleman for yielding, and I thank him for his typical eloquent insight. We are not paying attention to history. We are not learning from the candid comments like the Secretary of the Treasury under President Franklin Delano Roosevelt, who realized at the end of America's lost decade of the 1930s that they couldn't borrow and spend their way back to a growing nation. And yet here we are again.

But I hasten to add, not only are we piling on our children and grandchildren a mountain range of debt to pay for—beginning with the stimulus bill, and now the omnibus bill, and now the President's budget—a transformation of government spending priorities along liberal lines, but they intend to pay for it, in part—because we're talking about record deficits. Even if the President hits his deficit reduction mark in 4 years, it will still be a half a trillion dollar deficit, which I remember Democrats decrying during Republican control of the Congress. But beyond all that, they're going to pay for it, in part, with tax increases on small business owners and family farmers.

As the gentleman just described very eloquently, the American people deserve to know a couple of facts. Seventy percent of Americans work in small businesses in this country and in places like Indiana; 70 percent of people get up and go to work every day in a small business. More than 50 percent of the American people who file income tax returns at or above the level that the President intends to raise taxes are small business owners filing their taxes as individuals. And so we ask the question, Mr. Speaker, of the American people looking in, do you think raising taxes on your employer at the small business where you work is a pathway to recovery in America? Is it going to make your job more secure or less secure? Leave aside the so-called cap and trade bill, but raising the utility rates, the electrical bills for every homeowner in America, every business in America——

Mr. AKIN. Just reclaiming my time for a minute, gentleman, what you're suggesting is, one, what's being done is exactly the wrong thing. And if you want a positive Republican recommendation, it would be to do the opposite of that, right? In other words, what we would be saying would be, look, if you've got 70 or 80 percent—depending on how big you call a small business—if that's where 70 to 80 percent of the jobs in America are, you want those small businesses strong. How do you make them strong? They have to have enough liquidity, enough capital to be able to invest in entrepreneurial ideas, to put in more productive assembly lines or machines or processes. So you have to invest, and you have to let that money work for you. And you have to leave it with the small businessman. But if you vacuum it out of his pockets with massive tax increases, he's not going to have the money to invest, and he's going to lay off more people, it's going to make things worse. So the solution is, quite simply, leave more money for the small businessman and back off the spending pedal a little bit.

I don't mean to get overexcited. I want to yield again to my good friend from Indiana, and then go to a wonderful new Congressman from Wyoming.

Mr. PENCE. Let me say as I close, I want to thank the gentleman for leading this hour of debate and say that there are two things that Republicans believe we ought to be doing. Number one is, we ought not to be growing the Federal budget beyond any reasonable expectation of the American people. We shouldn't be engaging in the runaway spending of the so-called stimulus bill, the omnibus bill and the President's budget. We ought to be doing what every family farm, every small business, every working family is doing, and that is finding places to save, finding places to cut back. And then, as the gentleman said, we ought to be doing what John F. Kennedy did, we ought to be doing what Ronald Reagan did, we ought to be doing, as a country, what this Congress and George W. Bush did after the Towers fell, and that is, not giving Washington more money of ours to spend, but giving working families, small business owners, family farmers more of their hard-earned tax dollars to keep and spend. That's the pathway to prosperity.

The President's budget, the Democrats' plans are a pathway to increased recession and hardship for the American people, and we must reject them.

Mr. AKIN. Well, I reclaim my time. And I would once again thank the gentleman from Indiana for joining us.

We have all kinds of expertise here tonight. And Congresswoman LUMMIS from Wyoming, my understanding is Wyoming has only got one Congresswoman, if I'm correct.

I yield.

Mrs. LUMMIS. Thank you very much for yielding.

Mr. Speaker, it's a privilege to participate in this discussion.

As a new member of the Budget Committee, I learned today that the President's budget would project the levels of spending in the war in Iraq at the same level that they are during the surge, and use that dollar amount and project it out to the year 2019. It does not account for the fact that President Obama has decided to withdraw combat troops from Iraq in August of 2010, but for this manner: if you project that spending is going to go up when you factor in inflation until 2019 at surge levels, and then you project that we're going to withdraw troops, that gives you $1.6 trillion that the administration is choosing to spend on other programs. In other words, that money won't be saved, it will be redirected into other components of this President's budget.

Mr. AKIN. Reclaiming my time, are you saying in a way you've almost got a sneaky cut in defense spending?

I yield.

Mrs. LUMMIS. Thank you for yielding. It does, in a way, accomplish just that because it's taking money that is being spent on defense now and rerouting it into domestic spending that is discretionary and creates new programs. Now, I would not object to that but for the fact that this increased spending is in addition to new taxes. And the gentleman was accurate in pointing out the effect that that will have on small business.

As you know, my State of Wyoming is all small businesses, that an individual tax rate of $200,000 will trigger a tax increase, that filing jointly at $250,000 in income will trigger a tax increase. And correctly you have pointed out that the brunt of that is going to fall on small business.

Small business has been pegged as the opportunity for growth in this country through the entrepreneurial free enterprise ethic. And if that ethic is thwarted through high taxes, that will be a component of our country that is not growing. That is the component of our country that is creating 70 percent of the new jobs. So as large employers lay off employees because they were ''too big to fail'' and then failed

anyway, it would be a robust small business community that could absorb them if the tax structure were such that those monies could be made available by expanding the entrepreneurial spirit.

Mr. AKIN. Reclaiming my time, lady, I think what I'm hearing you say is what we've been trying to emphasize all the way along.

There are a couple of basic things we need to do with the situation that we're in, a situation that was created not by free enterprise, but by failed government programs that issued a whole lot of loans with government guarantees on them that people weren't going to pay. And so we got ourselves in a lot of trouble, but it doesn't mean that it's the end of the world. There are ways to fix these problems.

America has been through a lot of hard times. A lot of people are kind of discouraged right now, but they don't have to be. There are solutions, it's been done before—J.F.K. did it, Ronald Reagan did it, even Bush did it in 2003. You can see the result of the dividend capital gains—the exact effect of what you're talking about, putting money in the pocket of the small businessman—not putting it in, but just letting him keep it, just getting off the taxes on the small businessman.

And look what happens here to gross domestic product. These are the years of Bush before this tax cut went in place. And take a look at what jumps. You go from an average of 1.1 percent to 3.6 year after year because of the fact you did just what the wise woman from Wyoming is saying.

And then if you want to say, well, what happens when GDP goes up? Well, here you go; here's what the job numbers look like; same time period, May 2003, we do the dividend capital gains tax cut. These are all job losses below the line, everything above the line is a job gain. It's an investment just basically allowing a small business, like an engine, to have enough liquidity and money to be able to make it run so that it can create those jobs and put America—and the other chart that we're missing is what happens to Federal revenues. And Federal revenues go up like a rocket because you've got all these people working and the economy going strong.

We are also joined here this evening by Congressman CHAFFETZ from Utah. And it is just a delight to have you on the floor and to hear from some people out west. So I hope that you enjoy joining our little dinner conversation this evening.

I yield.

Mr. CHAFFETZ. Thank you. I appreciate it.

I am deeply concerned about the direction of this country. I know there are people out there that are suffering.

I recently had an opportunity go to the Payson City Chamber of Commerce and meet with small local business people. The Mayor was there, Mayor Burtis Bills, a wonderful gentleman. These people are all concerned about the economy. They all have their own businesses, from an auto repair shop, to a local flower business, to a home-based business that was just kicking off and won an award.

The direction that we're taking with our Federal government I believe is an impediment to the success of those people. As I looked them in the eye, I didn't have anything to tell them that the stimulus or this budget would truly help them with. This budget takes from the American people; it doesn't give more of life, liberty and the pursuit of happiness. And fundamentally, that's what we here in the United States Congress are supposed to be doing. It's about who is going to control the destiny of our country.

I believe in less government. The President says he believes in less government. But when you look at the budget, it's more government, it's more government spending.

I'm mystified when they make the argument——

Mr. AKIN. Reclaiming my time, last week we voted on what was called an omnibus. It was basically nine budget bills all in a row stacked together. And the result of that, just on the surface, was an 8 percent increase, which if you don't believe in increasing government, why kick it up by eight? That's the largest increase since back in the seventies under Jimmy Carter, Democrat Jimmy Carter. But 8 percent is really what it was because you've got to put all that porkulous money into the budget. When you do that, it's an 80 percent increase in the growth of all of these government programs.

Somebody wrote a little note to me, I went to a Lincoln Days talk this weekend, and they said, the trouble with socialism is is that sooner or later you run out of other people's money. And I thought, that sounds like something that might have possibly been coined out in Utah. It's just common sense.

I will yield.

Mr. CHAFFETZ. If the gentleman would yield.

You know, as we look at this, I liken it to a house. The furnace has gone out; it's the middle of the winter and the furnace has gone out. So what are we going to do? Well, we've been off redecorating the kitchen and we've remodeled the basement and we bought new drapes. We did everything except fix the furnace. And that furnace is the American entrepreneur, it's that man or woman who is going to start their local business. And you've got to look at the stimulus and say, what's in it for them? Less than 1 percent was tax cuts for that type of person, less than 1 percent.

□ 1815

We said we were going to build roads and bridges and rebuild America; yet only 3.4 percent of that stimulus actually went to those types of activities.

So I think you have to look at it through the lens of the American entrepreneur, the small businessman who's truly going to create that job. How are they going to grow their business from 10 to 20 employees? I visited with somebody in my office earlier today who had 64 employees. The question for us is how are they going to get to 100? And it's not more government. It's not funding these outrageous programs that are going to do nothing for that local entrepreneur.

Mr. AKIN. Well, reclaiming my time, I really appreciate your perspective. And I wish we had a little bit longer amount of time to talk with you because I'd love to get into that subject of freedom a little bit. But I know that we've also got a little Texas wisdom here in the Chamber here tonight, and I just feel like it would be a shame not to yield to Congressman GOHMERT from Texas, actually a former judge and a gentleman noted for a good sense of humor as well, and we need a good sense of humor on this subject; so I would yield to my good friend Congressman GOHMERT from Texas.

Mr. GOHMERT. I appreciate my friend's yielding.

Actually, I don't have a lot of humor to throw into this issue tonight. But I had read a Wall Street Journal article today. It was in today's Wall Street Journal. And just the opening paragraphs, if I might share that because there's a lot of wisdom in here:

''As 2009 opened, 3 weeks before Barack Obama took office, the Dow Jones Industrial Average closed at 9034 on January 2, its highest level since the autumn panic. Yesterday the Dow fell another 4.24 percent to 6763, for an overall decline of 25 percent in 2 months and to its lowest level since 1997. The dismaying message here is that President Obama's policies have become part of the economy's problem.''

And to finish up here:

''Americans have welcomed the Obama era in the same spirit of hope the President campaigned on. But after 5 weeks in office, it's become clear that Mr. Obama's policies are slowing, if not stopping, what would otherwise be the normal process of economic recovery. From punishing business to squandering scarce national public resources, Team Obama is creating more uncertainty and less confidence and thus a longer period of recession or subpar growth.

''The Democrats who now run Washington don't want to hear this because they benefit from blaming all bad economic news on President Bush.''

This is the Obama economy now. The jobs that are being lost are because companies are finding no hope in this latest stimulus whatever you want to call that package or all the other spending.

And I appreciate the gentleman's yielding because I do find this very distressing. We're in the Obama economy.

Mr. AKIN. Reclaiming my time, it does my heart a great deal of sadness

to see my friend from Texas without a little bit of a twinkle in his eye, which is so commonly there. But this is a very serious subject. We try not to yell and scream too much about it, but we know that economically what's being done is going to harm our constituents. It's getting rid of jobs. It's making the small businessman have to basically shutter down and to keep his operation small, which is exactly the wrong thing for what we should be doing.

And why is it that we need all of this money? That is the question that I think we need to be asking. Why is it that we have to be spending all this money on government programs? And the answer seems to me to be, again, we're not learning very well from history. Just bear with me for a second. I'd like to get your perspective on this.

A certain number of years ago, there was a thing called the Soviet Union, and they were bad guys. And they were a bunch communists and they were socialists. And what was it that they thought? They thought the job of the government should be to provide you, first of all, with a job, and then they wanted the government to give you health care and food and housing and an education. And one thing particular about them, they didn't want you to talk about God ever.

Now, in our country, let's see, we've got all this government spending going on so the government can provide you with health care and a job and food and housing and an education and it's politically correct not to talk about God because if you did that, gentlemen, you'd realize your rights come from God. Life, liberty, the pursuit of happiness, not big government nanny state. And I just wanted to toss that out to you to see if I could get a response from my good friend from Texas.

I yield.

Mr. GOHMERT. If we have time, when I was an exchange student in the Soviet Union back in 1973, I went out to a collective farm, and I've worked on farms and ranches. It was about mid morning. The farmers obviously hadn't been working. The field was suffering. And I said in what Russian I could speak back then, ''When do you work in the field?''

And they all laughed. And one spoke for them in Russian and said, ''I make the same number of rubles if I'm out there in the field or if I'm here in the shade.''

That is why socialism doesn't work.

Mr. AKIN. So reclaiming my time once again, the problem with socialism is sooner or later we run out of other people's money.

That concludes our 1 hour. I just thank all of my colleagues from all over the country joining us tonight. Next week we will try to get into freedom a little more heavily, but the economy is certainly a top topic and that's why we have given it a lot of attention this evening.

God bless you all. Good night.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Mr. HOYER) for today on account of attending a funeral.

Mr. ELLISON (at the request of Mr. HOYER) for today on account of constituent business in the district.

Mr. PERRIELLO (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Mr. STARK (at the request of Mr. HOYER) for today and the balance of the week on account of illness.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

Mr. KING of Iowa (at the request of Mr. BOEHNER) for today on account of the birth of his grandson.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. BERKLEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. WOLF, for 5 minutes, March 4 and 5.

Mr. CALVERT, for 5 minutes, March 4.

Mr. POE of Texas, for 5 minutes, March 10.

Mr. INGLIS, for 5 minutes, today and March 9.

Mr. MCHENRY, for 5 minutes, today, March 4, 5 and 6.

Mr. JONES, for 5 minutes, March 10.

Mr. PAUL, for 5 minutes, today, March 4 and 5.

Mr. OLSON, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

SENATE JOINT RESOLUTION AND CONCURRENT RESOLUTION REFERRED

A joint resolution and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 12. Joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

S. Con. Res. 9. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. AKIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 4, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

754. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of the Department's decision to cancel the Office of Management and Budget Circular A-76 public-private competition for the Commander, Navy Installations Command (CNIC) Safety Support Services competition at locations nationwide; to the Committee on Armed Services.

755. A letter from the General Counsel, Government Accountability Office, transmitting the Office's report on allegations involving the Department of Defense Office of Public Affairs Outreach Program, pursuant to Public Law 110-417, section 1056(c); to the Committee on Armed Services.

756. 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; New Hampshire; 2009 Motor Vehicle Emissions Budgets for the Boston-Manchester-Portsmouth (SE), New Hampshire, 8-Hour Ozone Nonattainment Area. [EPA-R01-OAR-2008-0485; A-1-FRL-8771-3] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

757. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Nevada: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R09-RCRA-2008-0726; FRL-8771-8] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

758. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Florida [EPA-R04-OAR-2008-0605; FRL-8769-5] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

759. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for North Carolina [EPA-R04-OAR-2008-0681; FRL-8769-6] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

760. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting

the Board's report entitled, ''Report to The U.S. Congress and The Secretary of Energy,'' pursuant to Public Law 100-203; to the Committee on Energy and Commerce.

761. A letter from the Executive Director, Human Rights in China, transmitting a background report relating to the recent Universal Periodic Review (UPR) of China's human rights record at the United Nations in Geneva; to the Committee on Foreign Affairs.

762. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Alabama Advisory Committee, pursuant to 41 CFR 102-3.70; to the Committee on the Judiciary.

763. A letter from the Project Counsel, Department of Homeland Security, transmitting the Department's final rule — Consolidation of Merchant Mariner Qualification Credentials [Docket No.: USCG-2006-24371] (RIN: 1625-AB02) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

764. A letter from the Principal Deputy Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's report entitled, ''Fuel Cell School Buses,'' pursuant to Public Law 109-58, section 743(c); to the Committee on Science and Technology.

765. A letter from the Chairman, Department of Veterans Affairs, transmitting the Department's report on the Board of Veterans' Appeals' activities during Fiscal Year 2008; to the Committee on Veterans' Affairs.

766. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Automatic Contribution Arrangement [TD 9447] (RIN: 1545-BG80) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

767. A letter from the Acting Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's report on the Critical Skills Retention Bonus progam for military personnel, pursuant to 37 U.S.C. 323(h); jointly to the Committees on Armed Services and Transportation and Infrastructure.

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. BURGESS (for himself and Mr. STUPAK):

H.R. 1253. A bill to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and 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. MALONEY (for herself, Mr. DENT, Mr. GONZALEZ, Mr. RUPPERSBERGER, and Mr. GERLACH):

H.R. 1254. A bill to make the Census Bureau an independent establishment; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts (for himself, Mr. MORAN of Virginia, Mr. POE of Texas, Mr. PAUL, Mr. COHEN, Mr. GOODLATTE, Mr. DREIER, Mr. DANIEL E. LUNGREN of California, Mr. KANJORSKI, and Ms. WASSERMAN SCHULTZ):

H.R. 1255. A bill to protect the interests of each resident of intermediate care facilities for the mentally retarded in class action lawsuits on behalf of such resident; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. PLATTS, Mr. TOWNS, Mr. LYNCH, Mr. PALLONE, Mr. DINGELL, Mr. RANGEL, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Mr. BARROW, Mr. BERRY, Mr. BILBRAY, Mr. BLUMENAUER, Mrs. BONO MACK, Ms. BORDALLO, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CARNEY, Mr. CARSON of Indiana, Mr. CASTLE, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COURTNEY, Mr. CUMMINGS, Mrs. DAHLKEMPER, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DOYLE, Mr. EDWARDS of Texas, Mr. ELLISON, Mrs. EMERSON, Mr. ENGEL, Ms. ESHOO, Mr. FILNER, Mr. FRELINGHUYSEN, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Ms. HARMAN, Mr. HEINRICH, Mr. HIGGINS, Mr. HIMES, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. KILDEE, Ms. KILROY, Mr. KIND, Mr. KIRK, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LOEBSACK, Mrs. LOWEY, Mr. LUJÁN, Mr. MAFFEI, Mrs. MALONEY, Ms. MARKEY of Colorado, Mr. MARKEY of Massachusetts, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCMAHON, Mr. MCNERNEY, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PASCRELL, Ms. PINGREE of Maine, Mr. REICHERT, Mr. REYES, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. STARK, Ms. SUTTON, Mr. TIERNEY, Mr. TONKO, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEINER, Mr. WELCH, Mr. WEXLER, Mr. WU, and Mr. YARMUTH):

H.R. 1256. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself and Mr. GENE GREEN of Texas):

H.R. 1257. A bill to amend title 49, United States Code, to direct the National Highway Traffic Safety Administration to require the disclosure of information relating to the fair market value and safety of damaged motor vehicles; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself and Mr. BARTON of Texas):

H.R. 1258. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UPTON (for himself, Mr. LARSEN of Washington, Mr. EHLERS, Mrs. BONO MACK, and Mr. GORDON of Tennessee):

H.R. 1259. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. BERMAN, Mr. GOODLATTE, and Ms. JACKSON-LEE of Texas):

H.R. 1260. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. BUYER (for himself, Mr. MCINTYRE, Mr. DEAL of Georgia, Mr. WILSON of South Carolina, Mr. COBLE, Mr. BURGESS, Mr. GINGREY of Georgia, Mrs. MYRICK, Mr. SHADEGG, and Mr. SHULER):

H.R. 1261. A bill to protect the public health by establishing the Tobacco Harm Reduction Center within the Department of Health and Human Services with certain authority to regulate tobacco products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YOUNG of Alaska, Mrs. TAUSCHER, Mr. BISHOP of New York, Mr. LOBIONDO, Mrs. NAPOLITANO, Mr. ARCURI, Mr. PASCRELL, and Mr. MCNERNEY):

H.R. 1262. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LYNCH:

H.R. 1263. A bill to amend title 5, United States Code, to provide for the automatic enrollment of new participants in the Thrift Savings Plan, and to clarify the method for computing certain annuities based on part-time service; to allow certain employees of the District of Columbia to have certain periods of service credited for purposes relating to retirement eligibility; and for other purposes; to the Committee on Oversight and Government Reform, 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. TAYLOR (for himself, Ms. WATERS, Mr. MELANCON, Mr. SCALISE, Mr. CHILDERS, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, Mr. BARROW, Mrs. MALONEY, Mrs. CHRISTENSEN, Mr. BERRY, Mr. CLEAVER, Mr. COHEN, and Ms. KILPATRICK of Michigan):

H.R. 1264. A bill to amend the National Flood Insurance Act of 1968 to provide for the national flood insurance program to make available multiperil coverage for damage resulting from windstorms or floods, and for other purposes; to the Committee on Financial Services.

By Mr. DOGGETT (for himself, Mr. LARSON of Connecticut, Mr. VAN HOLLEN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. DAVIS of Illinois, Mr. HIGGINS, Mr. LEVIN, Mr. LEWIS of

Georgia, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. PASCRELL, Ms. LINDA T. SÁNCHEZ of California, Mr. STARK, Mr. YARMUTH, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BISHOP of New York, Mr. CLEAVER, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mr. DEFAZIO, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. LEE of California, Mr. LOEBSACK, Mr. LYNCH, Mr. MARKEY of Massachusetts, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. PAYNE, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SESTAK, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STUPAK, Ms. SUTTON, Mr. TIERNEY, Ms. WATSON, Mr. WELCH, Mr. HOLT, and Ms. JACKSON-LEE of Texas):

H.R. 1265. A bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, 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 Mr. ABERCROMBIE (for himself, Ms. HIRONO, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Ms. BORDALLO, and Mr. YOUNG of Alaska):

H.R. 1266. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. BEAN (for herself and Mr. KIRK):

H.R. 1267. A bill to provide for the transfer of certain property and personnel of the Department of Defense to the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on 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 Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. ROHRABACHER, Mrs. MYRICK, Mr. DUNCAN, and Mr. GALLEGLY):

H.R. 1268. A bill to amend the Truth in Lending Act to prohibit issuance of residential mortgages to any individual who lacks a Social Security account number; to the Committee on Financial Services.

By Mr. BURTON of Indiana (for himself, Mr. CARTER, Mr. AKIN, Mr. HALL of Texas, Mr. LAMBORN, Mr. PAUL, Mr. MANZULLO, Mr. BOOZMAN, Mr. ALEXANDER, Mr. BARTLETT, Mr. GRAVES, Mr. LINDER, and Mr. POE of Texas):

H.R. 1269. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act; to the Committee on the Judiciary.

By Ms. CLARKE (for herself, Mr. BACA, Mr. BISHOP of New York, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. COHEN, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. GRIJALVA, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Ms. KILROY, Mrs. MALONEY, Mr. MEEKS of New York, Ms. NORTON, Mr. PAYNE, Mr. PIERLUISI, Mr. RANGEL, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SUTTON, Mr. TOWNS, Ms. WATSON, Mr. WEINER, Mr. WELCH, Mr. WEXLER, and Ms. VELÁZQUEZ):

H.R. 1270. A bill to reauthorize community development block grants, and for other purposes; to the Committee on Financial Services.

By Mr. HASTINGS of Florida (for himself, Ms. CORRINE BROWN of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. KLEIN of Florida, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, and Mr. WEXLER):

H.R. 1271. A bill to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the ''Elijah Pat Larkins Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H.R. 1272. A bill to provide for the conversion of a temporary judgeship for the district of Hawaii to a permanent judgeship; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself and Mr. ARCURI):

H.R. 1273. A bill to honor Susan B. Anthony by celebrating her legacy on the third Monday in February; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY (for herself, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, and Mr. CUMMINGS):

H.R. 1274. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, House Administration, 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 Mr. MATHESON (for himself and Mr. CHAFFETZ):

H.R. 1275. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Natural Resources.

By Mr. MOORE of Kansas (for himself, Mr. SALAZAR, and Mr. CUELLAR):

H.R. 1276. A bill to amend title II of the Social Security Act to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget and to provide that Social Security contributions are used to protect Social Security solvency by mandating that Trust Fund monies cannot be diverted to create private accounts; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself and Mr. JORDAN of Ohio):

H.R. 1277. A bill to repeal the emergency fund for the TANF program; to the Committee on Ways and Means, and in addition to the Committee on 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 Mr. RANGEL:

H.R. 1278. A bill to posthumously award a Congressional gold medal to Shirley Chisholm; to the Committee on Financial Services.

By Mr. SENSENBRENNER (for himself and Mr. LATHAM):

H.R. 1279. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limits to dependent care flexible spending accounts and to provide for a carryover of unused dependent care benefits; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 1280. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. STUPAK:

H.R. 1281. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H.R. 1282. A bill to authorize the Commandant of the Coast Guard to convey to the City of Marquette, Michigan, certain real property under the administrative control of the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. TAUSCHER (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DOYLE, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. PINGREE of Maine, Mr. POLIS of Colorado, Mr. PRICE of North Carolina, Ms. ROS-LEHTINEN, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SPEIER, Mr. STARK, Ms. SUTTON, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Ms. TSONGAS, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WAXMAN,

Mr. WEINER, Mr. WELCH, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 1283. A bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation; to the Committee on Armed Services.

By Mr. TAYLOR (for himself, Mr. CHILDERS, Mr. HARPER, and Mr. THOMPSON of Mississippi):

H.R. 1284. A bill to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the ''Major Ed W. Freeman Post Office''; to the Committee on Oversight and Government Reform.

By Mr. TURNER (for himself, Mrs. CAPITO, Mrs. BIGGERT, Mr. LATOURETTE, Mrs. SCHMIDT, Ms. ROS-LEHTINEN, and Mr. CAO):

H.R. 1285. A bill to establish the Commission on the Foreclosure and Mortgage Lending Crisis; to the Committee on Financial Services.

By Mr. VISCLOSKY (for himself and Mr. DONNELLY of Indiana):

H.R. 1286. A bill to amend the Act titled ''An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes'' to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Natural Resources.

By Mr. VISCLOSKY (for himself and Mr. DONNELLY of Indiana):

H.R. 1287. A bill to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Natural Resources.

By Mr. WEINER (for himself, Mr. CROWLEY, Ms. BERKLEY, Mr. NADLER of New York, and Mrs. TAUSCHER):

H.R. 1288. A bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to halt the issuance of visas to citizens of Saudi Arabia until the President certifies that the Kingdom of Saudi Arabia does not discriminate in the issuance of visas on the basis of religious affiliation or heritage, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on 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 Mr. WILSON of Ohio:

H.R. 1289. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.J. Res. 27. A joint resolution establishing a bipartisan Joint Select Committee on Long-Term Financial Security; to the Committee on Rules.

By Mr. JACKSON of Illinois:

H.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States regarding the right to vote; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 30. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of citizens of the United States to health care of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States relating to equality of rights and reproductive rights; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 32. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to decent, safe, sanitary, and affordable housing; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 33. A joint resolution proposing an amendment the Constitution of the United States respecting the right to a clean, safe, and sustainable environment; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 34. A joint resolution proposing an amendment to the Constitution of the United States relative to taxing the people of the United States progressively; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to full employment and balanced growth; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States to abolish the Electoral College and provide for the direct election of the President and Vice President by the popular vote of all citizens of the United States regardless of place of residence; to the Committee on the Judiciary.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. ALEXANDER, Mr. BACA, Ms. BORDALLO, Mr. BOSWELL, Mr. CARDOZA, Mrs. CHRISTENSEN, Mr. COURTNEY, Mr. CUMMINGS, Mr. FILNER, Mr. GRIJALVA, Mr. HINCHEY, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. PETERSON, Mr. HIGGINS, Mr. BISHOP of New York, Mr. RODRIGUEZ, Mr. ROSS, Mr. SHULER, Mr. MURTHA, Mr. STUPAK, Mr. HOLDEN, Mr. ARCURI, Mr. WILSON of Ohio, Mr. SIRES, Mr. TEAGUE, Mr. LUJÁN, Mr. WALZ, Mr. BRADY of Pennsylvania, Mr. HEINRICH, Mr. KISSELL, Mr. MINNICK, Mr. SCALISE, and Mr. WOLF):

H. Res. 203. A resolution expressing support for designation of a ''Welcome Home Vietnam Veterans Day''; to the Committee on Armed Services.

By Mr. SIMPSON (for himself, Mr. ROSS, Mr. PRICE of Georgia, Mr. HASTINGS of Washington, Mr. TERRY, Mr. KIRK, Mr. HENSARLING, Mr. NUNES, Mr. BUYER, Mr. MARIO DIAZ-BALART of Florida, Mr. YOUNG of Florida, Mr. LATOURETTE, Mr. TIBERI, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. WHITFIELD, Mr. ROGERS of Kentucky, Mr. LATHAM, Mr. BOEHNER, Mr. CALVERT, Mr. KLINE of Minnesota, Mr. GOODLATTE, Mr. MCCARTHY of California, Mr. PENCE, Mr. CANTOR, Mr. FRELINGHUYSEN, Mr. KILDEE, Mr. BARROW, Ms. BORDALLO, Ms. NORTON, Mr. GRIJALVA, Mr. COURTNEY, Mr. SALAZAR, Mr. BOOZMAN, Mr. LARSEN of Washington, Mr. MCNERNEY, Mr. PASCRELL, Mr. AKIN, Mr. SESTAK, Mrs. MILLER of Michigan, Mr. SKELTON, and Mr. LANCE):

H. Res. 204. A resolution congratulating the American Dental Association for its 150th year of working to improve the public's oral health and promoting dentistry, supporting initiatives to improve access to oral health care services for all Americans, and emphasizing the benefits of prevention of disease through support of community prevention initiatives and promotion of good oral hygiene; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REYES:

H.R. 1290. A bill for the relief of Kumi Iizuka-Barcena; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 1291. A bill to direct the Commandant of the Coast Guard to convey to the Cornerstone Christian Academy, located in Cheboygan, Michigan, certain real property under the administrative jurisdiction of the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. CASTOR of Florida.

H.R. 16: Ms. KOSMAS.

H.R. 17: Mr. MCCOTTER.

H.R. 22: Mr. Minnick, Mr. STUPAK, Mr. ROTHMAN of New Jersey, Mr. GRAYSON, Mr. PALLONE, Mr. LARSON of Connecticut, Mrs. MALONEY, Mrs. EMERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COFFMAN of Colorado, Mr. KENNEDY, Mr. PASCRELL, Ms. DELAURO, and Mr. HILL.

H.R. 24: Mr. KLINE of Minnesota, Mr. SHUSTER, Mr. RUSH, Mr. MCINTYRE, Mr. SHIMKUS, Mr. BROWN of South Carolina, and Mr. MORAN of Virginia.

H.R. 90: Ms. Markey of Colorado.

H.R. 111: Mr. BARRETT of South Carolina, Mr. ADLER of New Jersey, Mr. HINCHEY, Mr. MARCHANT, and Ms. JACKSON-LEE of Texas.

H.R. 144: Mr. FARR and Mr. GUTIERREZ.

H.R. 154: Mr. BOSWELL and Mr. PETERS.

H.R. 174: Mr. POLIS of Colorado.

H.R. 211: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. RUSH, Mr. WEXLER, Ms. KILROY, and Mr. YOUNG of Alaska.

H.R. 235: Mr. HARE, Mr. JONES, Mr. LANCE, Mr. WAMP, Mr. ADLER of New Jersey, Mr. DAVIS of Illinois, Mr. SABLAN, Mrs. BLACKBURN, Mr. SCOTT of Georgia, Mr. PAYNE, Mr. BILIRAKIS, and Ms. ROYBAL-ALLARD.

H.R. 265: Ms. CORRINE BROWN of Florida, Mr. STARK, Ms. MOORE of Wisconsin, Mr. FILNER, Mr. HONDA, and Mr. MEEKS of New York.

H.R. 270: Mr. ROSS, Mr. SESTAK, Mr. CARNEY, and Mrs. SCHMIDT.

H.R. 303: Mr. COURTNEY, Mr. BOYD, Ms. MARKEY of Colorado, Mr. RAHALL, Mr. KAGEN, Mr. MEEK of Florida, and Mrs. BONO MACK.

H.R. 305: Mr. ROTHMAN of New Jersey, Mrs. LOWEY, and Mr. HALL of New York.

H.R. 307: Mr. GORDON of Tennessee, Ms. SUTTON, and Mr. MARKEY of Massachusetts.

H.R. 370: Mr. SCOTT of Georgia.

H.R. 393: Mr. STEARNS and Mr. LAMBORN.

H.R. 398: Mr. CARNEY and Mr. TONKO.

H.R. 406: Mr. MURTHA and Mr. MORAN of Virginia.

H.R. 426: Mrs. BIGGERT.

H.R. 450: Mr. CONAWAY.

H.R. 460: Mr. POLIS of Colorado, Mr. MEEKS of New York, Mr. BISHOP of New York, and Mr. Peters.

H.R. 479: Mr. MACK, Mr. KIND, Mr. HINCHEY, Ms. BALDWIN, Mr. COHEN, Ms. CORRINE BROWN of Florida, Mr. HINOJOSA, Mr. GONZALEZ, Mr. CARNAHAN, Mr. POMEROY, Ms. MCCOLLUM, Ms. HARMAN, Ms. SCHAKOWSKY, Mr. SESTAK, Mr. GORDON of Tennessee, Mr. CARNEY, Ms. SUTTON, Mr. STUPAK, Mr. MARKEY of Massachusetts, Ms. HERSETH SANDLIN Mr. INSLEE, Ms. MATSUI, Mr. MCDERMOTT, Mr. HILL, and Mr. ENGEL.

H.R. 503: Ms. KILROY.

H.R. 510: Mr. SHULER and Mr. JONES.

H.R. 513: Mr. WOLF.

H.R. 528: Mr. LATTA.

H.R. 548: Mr. POE of Texas.

H.R. 558: Mr. SPACE and Mr. ORTIZ.

H.R. 560: Mr. LATTA.

H.R. 562: Mr. BROWN of South Carolina.

H.R. 606: Mr. FARR and Ms. WOOLSEY.

H.R. 613: Mr. BOOZMAN, Mr. DEFAZIO, Ms. PINGREE of Maine, Mr. LATHAM, Mr. BARTLETT, Mr. MILLER of Florida, Mr. GUTHRIE, and Mr. TERRY.

H.R. 618: Mr. CRENSHAW, Ms. WATSON, and Mr. HOLT.

H.R. 626: Ms. JACKSON-LEE of Texas, Mr. ELLISON, and Mr. PALLONE.

H.R. 627: Ms. CLARKE.

H.R. 666: Mr. CARNAHAN.

H.R. 667: Mr. CARNAHAN and Mr. BARROW.

H.R. 676: Ms. CORRINE BROWN of Florida, Mr. PAYNE, and Mr. MCGOVERN.

H.R. 704: Mr. LEE of New York.

H.R. 744: Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. WALZ, Mr. BUYER, Mr. SHUSTER, Ms. BORDALLO, and Mr. PIERLUISI.

H.R. 745: Mr. ROTHMAN of New Jersey, Mrs. TAUSCHER, Mr. GENE GREEN of Texas, Mr. ROGERS of Alabama, and Ms. DELAURO.

H.R. 753: Mrs. MALONEY, Mrs. LOWEY, Mr. HOLT, Mr. SMITH of New Jersey, Mr. MURPHY of Connecticut, Mr. KLEIN of Florida, and Mr. GRIJALVA.

H.R. 756: Mr. SESTAK, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Mr. MARKEY of Massachusetts, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, and Mr. LOEBSACK.

H.R. 775: Mr. LUJÁN, Ms. BALDWIN, and Mr. TERRY.

H.R. 784: Mr. TEAGUE.

H.R. 785: Mr. TEAGUE.

H.R. 804: Mr. BARROW, Ms. BORDALLO, and Mr. MEEKS of New York.

H.R. 848: Mr. ADLER of New Jersey, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. TONKO, and Mr. TOWNS.

H.R. 858: Mr. SOUDER.

H.R. 875: Mr. TIERNEY, Mr. WEXLER, and Mr. COURTNEY.

H.R. 909: Mr. MCGOVERN.

H.R. 914: Mr. GORDON of Tennessee and Mr. BRALEY of Iowa.

H.R. 946: Mr. LOEBSACK, Mr. BOSWELL, and Mr. WELCH.

H.R. 952: Mr. ELLISON, Mr. PETERSON, Mr. FRANK of Massachusetts, Ms. SUTTON, Mr. COSTELLO, Mr. STARK, Mr. MASSA, Ms. DEGETTE, Mr. SESTAK, Mr. BACA, Mr. MINNICK, Mr. MORAN of Virginia, Mr. BOSWELL, Mr. BISHOP of New York, Ms. PINGREE of Maine, Mr. CARNAHAN, and Ms. SCHAKOWSKY.

H.R. 958: Mr. FILNER and Mr. ROTHMAN of New Jersey.

H.R. 968: Mr. KLINE of Minnesota and Mr. GRAVES.

H.R. 978: Mrs. MYRICK, Ms. CORRINE BROWN of Florida, Mrs. CAPITO, and Mr. MINNICK.

H.R. 980: Ms. SCHAKOWSKY.

H.R. 983: Mr. KINGSTON, Mr. ROE of Tennessee, and Mr. BOOZMAN.

H.R. 984: Mr. PASTOR of Arizona, Mr. DEFAZIO, Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. HODES, and Ms. LEE of California.

H.R. 985: Mr. MCDERMOTT.

H.R. 997: Mr. CARNEY and Mr. LATTA.

H.R. 1006: Mr. PASTOR of Arizona.

H.R. 1024: Ms. CLARKE and Mr. CUMMINGS.

H.R. 1064: Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, and Mr. KUCINICH.

H.R. 1067: Mrs. BIGGERT, Mrs. MYRICK, Mr. SPACE, Mr. MARCHANT, Mr. CAPUANO, and Mr. HARE.

H.R. 1081: Ms. KOSMAS.

H.R. 1083: Mr. WITTMAN, Mr. HASTINGS of Florida, and Mr. MEEKS of New York.

H.R. 1085: Ms. KAPTUR, Mr. HOLDEN, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mr. ISRAEL, Mr. RYAN of Ohio, and Mr. FILNER.

H.R. 1090: Mr. SESTAK.

H.R. 1091: Ms. SCHAKOWSKY, Mr. CARSON of Indiana, Mr. CUMMINGS, Mr. KUCINICH, Mr. HINCHEY, Mr. FARR, and Mr. MORAN of Virginia.

H.R. 1117: Mr. HINCHEY and Ms. SCHAKOWSKY.

H.R. 1126: Mr. GONZALEZ, Ms. SLAUGHTER, Mr. YARMUTH, Mr. PETERSON, Mr. WEXLER, and Mr. HODES.

H.R. 1136: Mr. DINGELL and Mr. CLAY.

H.R. 1150: Mr. MASSA.

H.R. 1151: Mr. HIMES and Ms. SCHAKOWSKY.

H.R. 1152: Mr. HIMES and Ms. SCHAKOWSKY.

H.R. 1153: Mr. HIMES and Ms. SCHAKOWSKY.

H.R. 1154: Mr. HIMES.

H.R. 1173: Mr. DAVIS of Alabama.

H.R. 1197: Mr. RODRIGUEZ.

H.R. 1199: Mr. GINGREY of Georgia, Mr. HELLER, and Mr. DENT.

H.R. 1203: Mr. SMITH of New Jersey, Mr. TOWNS, and Mr. CAPUANO.

H.R. 1204: Mr. ALEXANDER, Mr. GOHMERT, Mr. WITTMAN, and Mr. CHANDLER.

H.R. 1205: Mr. ROSKAM, Mr. RYAN of Ohio, Mr. PAUL, Mr. WOLF, Mr. GRAVES, Mr. MICA, Mr. MOORE of Kansas, Mr. SESSIONS, Mr. Harper, Mr. BLUNT, Mrs. BLACKBURN, Mr. AKIN, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, and Mr. BURTON of Indiana.

H.R. 1209: Mr. MCNERNEY.

H.R. 1210: Mr. TAYLOR, Mr. MCGOVERN, Mr. LARSON of Connecticut, Mr. JACKSON of Illinois, Mr. HOEKSTRA, Mr. WEXLER, Ms. SUTTON, Mr. MICHAUD, Mr. GORDON of Tennessee, Mr. MARKEY of Massachusetts, Mr. PETRI, Mr. GONZALEZ, and Mr. FARR.

H.R. 1211: Mr. TEAGUE.

H.R. 1221: Mr. GUTHRIE.

H.R. 1224: Mr. SOUDER.

H.R. 1228: Mr. BILBRAY and Mr. SOUDER.

H.R. 1229: Mr. BILBRAY and Mr. SOUDER.

H.R. 1246: Mr. LOBIONDO, Mrs. MALONEY, Ms. ZOE LOFGREN of California, Mr. GORDON of Tennessee, and Ms. SCHAKOWSKY.

H.J. Res. 26: Mr. RYAN of Ohio, Mr. ROSKAM, and Mr. ROGERS of Kentucky.

H. Con. Res. 14: Mr. FILNER, Mr. SPACE, Mr. HODES, Mr. CASTLE, Mr. ALTMIRE, Ms. HIRONO, Mr. KILDEE, Ms. CORRINE BROWN of Florida, Mr. SCHIFF, Mr. STARK, Mr. NADLER of New York, Mr. HARE, Mr. WALDEN, Mr. PAYNE, Mr. MORAN of Virginia, Mr. SCOTT of Georgia, and Mr. WITTMAN.

H. Con. Res. 20: Ms. SPEIER, Mr. MCCOTTER, and Mr. KUCINICH.

H. Con. Res. 29: Mr. ANDREWS, Mr. KING of Iowa, Mr. HOLDEN, and Mr. SHERMAN.

H. Con. Res. 34: Mr. WAMP.

H. Con. Res. 49: Mr. COURTNEY, Mr. DONNELLY of Indiana, and Mr. JOHNSON of Illinois.

H. Con. Res. 55: Mr. SALAZAR, Mr. GARRETT of New Jersey, Mr. RADANOVICH, Mr. ROGERS of Kentucky, Mr. MEEKS of New York, Mr. DANIEL E. LUNGREN of California, Mr. ISRAEL, Mr. WU, Ms. WOOLSEY, Mr. BOOZMAN, Mr. DENT, and Mr. WHITFIELD.

H. Con. Res. 63: Ms. SCHAKOWSKY.

H. Res. 49: Mr. FATTAH.

H. Res. 65: Mr. CONNOLLY of Virginia, Ms. ROYBAL-ALLARD, and Ms. SCHAKOWSKY.

H. Res. 69: Mr. PIERLUISI.

H. Res. 76: Mr. KLEIN of Florida and Ms. BALDWIN.

H. Res. 81: Mr. PETRI.

H. Res. 109: Mr. MCCOTTER, Mr. RUPPERSBERGER, and Mr. PIERLUISI.

H. Res. 111: Mr. WAMP, Mr. OLSON, Mr. LANGEVIN, Mr. OBERSTAR, Ms. BORDALLO, and Mr. PETERSON.

H. Res. 125: Mr. LANCE and Mr. TONKO.

H. Res. 130: Ms. ESHOO, Mr. CLAY, Mr. TONKO, and Mr. DEFAZIO.

H. Res. 146: Mr. ORTIZ and Mr. DAVIS of Illinois.

H. Res. 152: Ms. JACKSON-LEE of Texas, Mr. ENGEL, Mr. COSTA, Mr. ACKERMAN, Ms. BERKLEY, and Mr. MCMAHON.

H. Res. 153: Mr. CAMPBELL.

H. Res. 156: Mr. ROHRABACHER.

H. Res. 171: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MCGOVERN.

H. Res. 175: Mr. MICHAUD.

H. Res. 178: Mr. SERRANO and Mr. INGLIS.

H. Res. 185: Mr. CAO, Mr. MASSA, and Mr. BISHOP of Georgia.

H. Res. 187: Ms. ESHOO.

H. Res. 200: Mr. BURTON of Indiana.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, MARCH 3, 2009 No. 37

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

God of our fathers and mothers, Your mighty hand has brought our Nation to this moment in its destiny. Lead our lawmakers to do Your will. Help them to see that You desire them to do justly, to love mercy, and to embrace humility. Remind them that You came to our world to bring deliverance to captives, to help the spiritually blind, and to comfort the bruised. May our Senators produce legislation that reflects Your priorities. As they remember that You are more impressed with their integrity than the eloquence of their debates, inspire them to look to You for strength and wisdom. Guide them by Your light so that their lives reflect Your purposes.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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, March 3, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN 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. Madam President, following leader remarks, the Senate will resume consideration of the appropriations bill H.R. 1105. The time until 11:45 will be equally divided and controlled between Senators INOUYE and MCCAIN. At 11:45, the Senate will vote in relation to the McCain amendment. The Senate will recess from 12:30 until 2:15 for the weekly caucus luncheons. There is almost no question that additional rollcall votes will be expected throughout the day as we work through amendments on this bill. After we do the McCain amendment, I know Senator WICKER was here yesterday on an issue in which he believes strongly. I think that would be a good one to lay down. Senator COBURN has four amendments. They have not been drafted. We have asked him to make sure they are drafted as soon as possible so we can work our way through those.

Senator THUNE has an amendment he wants to offer. This is on the fairness doctrine. Senator VITTER has an amendment dealing with abortion or matters related thereto. We should get to that.

I have spoken to one of the Republican Senators yesterday and that Senator is wanting to offer an amendment to cut the spending of this appropriations bill to President Bush's budget levels. We would hope that could be laid down soon. That is an important amendment for the minority and certainly one that deserves debate.

That is a brief overview of some of the amendments I know are there and we should get to as soon as we can.

RECOGNITION OF THE MINORITY LEADER

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

OMNIBUS APPROPRIATIONS

Mr. MCCONNELL. Madam President, I listened to the majority leader. He did have a pretty good summary of the amendments we are aware of at the moment, all of which are significant. It is good that we will have a chance to get a vote on most or all of those.

During his campaign, the President said he would not sign any non emergency spending until the American people had at least 5 days to review it on the White House Web site.

So there is no reason for us to rush through this Omnibus appropriations bill when the White House has already promised it won't sign it without the requisite 5-day review.

Besides, we have known about the Friday deadline for months so any pressure to rush this bill is completely manufactured.

The responsible way forward is not to rush through another giant bill, but for the House to prepare a short-term CR so we have time to study and debate the Omnibus on the floor.

Back in January, Republicans urged the President to move the Omnibus before the stimulus. It is now obvious why.

The Omnibus contains funds for 122 programs that were already funded in the stimulus. It also represents an 8 percent increase over last year's regular appropriations, twice the rate of inflation.

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

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What all this means is that at a time when most Americans are tightening their belts, Washington is going out and buying a bigger one.

Just consider the deficit. When we passed the last CR, the deficit was $460 billion. In January, the CBO estimated this year's deficit would be $1.2 trillion. Now after the past month, we expect the deficit to be $1.6 trillion.

Now consider some of the recent spending we have done or are contemplating doing around here. Some of us are still dizzy from the $1 trillion stimulus. We are trying to conceptualize the $3.6 trillion budget the President sent us last week. We are bracing for the potentially quarter-trillion housing plan that goes into effect tomorrow, and we are thinking about the $1 to $2 trillion we expect to be asked to spend on the financial sector.

So we won't be rushed to spend another $410 billion without the requisite review.

We need to slow down and make sure the American people understand how we intend to spend their tax dollars. The Omnibus is a massive bill that demands our close attention.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

OMNIBUS APPROPRIATIONS

Mr. DURBIN. Madam President, I wish to address some of the comments made by the Republican leader.

First, the bill that is being considered was on the official public Web site of the House of Representatives a week ago. It has been available for at least that period of time. As a member of the Senate Appropriations Committee, most of the contents of what we are considering were passed by the committee last year in October and November. To argue that this is a surprise is wrong. It has been available for scrutiny, for review, for a long period. That is why many of us believe we should move forward with it as quickly as possible.

Second, this argument that the stimulus, which was supposed to be additive, to put money into the economy that otherwise would not go into the economy, is a reason not to pass this bill is to ignore the obvious. This bill funds the Government. This bill makes certain that when it comes to the Departments of Agriculture, Commerce, Justice, Energy, related issues, financial services, Interior, Labor, EPA, State Department, Transportation, Homeland Security, and so many others, we are going to provide for the basic appropriations and budgets for these agencies.

I understand—I hope all Senators understand—that these agencies need to do their work, whether or not the economy is strong. We need to be putting this money into these agencies to continue their ordinary business. That is essential.

I also am troubled every day to hear a chorus from the Republican side of the aisle about deficits. Let's remember the facts. When President Bill Clinton left office, he had managed to balance the budget each year for 3 years. He left to President George W. Bush a surplus. At that point, the debt of the United States, accumulated from the beginning of the Republic until that moment, was about $5 trillion. President George W. Bush was handed an economy that was strong, a budget surplus, and a national debt of $5 trillion. Eight years later, we all know the state of the economy. We certainly know that the national debt under George W. Bush doubled. It went from $5 to $10 trillion in a matter of 8 years.

We know what happened. When it came to the budgets, the Republicans and President Bush decided they would use a little sleight of hand. Do you know how much money was included in the budgets of President Bush for the wars in Iraq and Afghanistan? The answer is zero. Every year they would take the cost of these wars off the budget and say: It is emergency spending so we are not going to budget for it. So not only did they double the national debt, not only did they drive us deeply into deficit each year, they did it in a way that most of us would agree was at least concealment, instead of being honest and open with the people.

Now comes President Obama, inherits an economic recession, the likes of which this country has not seen for 75 years. He says we have to move and move quickly with the stimulus package. In 3 weeks and 2 days after being sworn in as President, he passes it, thanks to three Republican Senators who finally would join with us in moving forward to do something about the economy rather than only complain. Then he says we need to pass the ordinary budget which was not passed under the previous administration. That is what this bill is.

I urge colleagues to take a look at this as undone business from the previous administration and the previous Congress that we have to get done this week while the temporary spending measures for our Government continue.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. DORGAN. The minority leader indicated somehow or suggested that this is some new information, some large piece of legislation brought to the floor of the Senate without much scrutiny. Isn't it the case that the appropriations bills that are included in this omnibus were passed out of each individual subcommittee of the Appropriations Committee, most of them worked on for months, then passed out of the subcommittee, and then worked on in the full committee and, in most cases, passed unanimously by Republicans and Democrats? This is the normal funding of Federal agencies that should have been done last year. It wasn't, for a lot of reasons. It is now being packaged into an omnibus bill to get done. But the ingredients of that bill are not something new.

Isn't it the case that most of these individual bills were passed in a bipartisan basis, many of them unanimously, after having been worked on for some months? There is nothing strange in here, is there?

Mr. DURBIN. In response to the Senator from North Dakota through the Chair, he is a fellow member of the Appropriations Committee. He has described the process exactly. The small, relatively small appropriation which I manage in the Senate Appropriations Committee includes a plus up, an increase in the funding for several key agencies, one of which is the Securities and Exchange Commission. If one watched ''60 Minutes'' on Sunday night and heard about Bernard Madoff and criticisms of the SEC dropping the ball, not hearing the whistle being blown, we have to change that. We have to make sure the SEC is a regulatory agency that has the resources it needs to deal with an ever-expanding area of jurisdiction. The same thing is true for the Commodities Futures Trading Commission which also deals with futures and derivatives and the like. We have to make certain they have resources, and they have an increase in this budget to be the policemen on the beat. I put money in there as well for the Consumer Product Safety Commission. It was not that long ago we were frightened by the prospect of lead toys that might endanger our children. This agency is finally growing into the 21st century responsibility it has.

These are areas where we have increased funding so that government can be vigilant and helpful and we can avoid economic disasters so that investors' and savers' money can be carefully reviewed.

This was all debated in the subcommittee. It was brought forward in the full committee. In most cases it received full committee review months ago. Today we are trying to get the homework we should have done last year done and moved forward. We have so many important things to do.

I will speak for a minute or two more, if I may, on a related issue.

Mr. DORGAN. I wonder if the Senator from Illinois will excuse me and respond to an additional question.

Mr. DURBIN. I am happy to.

Mr. DORGAN. The point that is going to be discussed on the floor today and this week on this appropriations bill is very important. I just received the votes on the individual bills that have now been packaged together. If I might read them, the appropriations bill for Agriculture, with the U.S. Department of Agriculture, nutrition programs, farm programs, and so on, passed 29 to

0 by the full Appropriations Committee. That passed on July 18 of last year. Commerce, Justice, and Science passed, on June 19, 29 to 0, funds for Justice programs and so on. Energy and Water, which is the subcommittee I chair, passed 29 to 0. Financial Services passed, 29 to 0. Homeland Security passed 29 to 0. Virtually all of them passed unanimously.

To give you an example, in my subcommittee—that passed it unanimously, with Republicans and Democrats, by the subcommittee and the full Appropriations Committee—I, for example, in one account cut $100 million. Why? Because I felt that was not needed. I cut from previous years' expenditures $100 million. Now, if this piece of legislation fails, that extra $100 million is going to be spent by that account. It shouldn't be, in my judgment, but will be.

I used some of that money to increase carbon capture so we can protect the environment and continue to use coal. We have to find a way to capture carbon and decarbonize the use of coal. I invested some of that money in carbon capture research and technology. But these are the kinds of things that if we defeat this legislation—we have what is called a continuing resolution. That will be the first amendment this morning. That continuing resolution means we are effectively on autopilot, and the things that have been cut, the spending that has been cut in these subcommittees, and the spending that has been added because things need doing, that will be voided and we will instead be on an autopilot with previous years' judgments having prevailed when, in fact, all these bills passed the subcommittee, with the exception, I believe, of two of them. One was 28 ''yes'' and 1 ''no'' by the full Appropriations Committee, and the other was 26 ''yes'' and 3 ''no.'' With those two exceptions, every other piece of legislation that is included in this omnibus was passed unanimously by Republicans and Democrats in the full Appropriations Committee of the Senate.

Isn't it the case that to suggest somehow this is some mysterious bill that has not been seen, has not been considered, has not been heard, has not been reviewed—that is just not the case. This has been available since last June and July, and most of it passed unanimously on a bipartisan basis.

Mr. DURBIN. In response to the Senator from North Dakota, through the Chair, what has changed? To have the Republican leader come before us today and say: Well, this has not been on the Web site of the Senate for the requisite 5 days, when I mentioned it has been on the House Web site for 7 days, it has passed the House in its entirety.

As the Senator from North Dakota indicated, it has been debated at length and passed unanimously, for the most part—Democrats and Republicans—without objection, voting for all the contents. And now there is objection from the Republican side of the aisle.

The obvious question is, What has changed? What is different? Well, there is only one thing different. We have a new President, a new President and a new administration, facing an economic struggle, a President who is asking for help from both sides of the aisle that we should give. We need to work together. He was not successful in finding House Republicans to support him in the efforts for the stimulus package. Only a handful voted for this measure when it came up in the House on the Republican side. We are hoping that at least some will finally step forward on the Republican side to pass this bill to keep the Government operating.

What good does it do for us to shortchange the Securities and Exchange Commission at this moment in history, when we all know our savings, our retirement investments, 401(k)s, IRAs, are in peril because of a descending stock market, where there is question about the confidence that consumers, investors have in this agency? I put additional funds in there, through my appropriation, to make certain we have the integrity which we deserve in this marketplace; the same for the Commodity Futures Trading Commission.

Those who would argue, as Senator MCCAIN does in his continuing resolution amendment, that we do not need additional resources in these key agencies that protect investors and savers, they are just plain wrong. A vote for the McCain amendment is a vote to go back further to those days when these agencies were not up to the challenges they face. Some of that was conscious, where they ignored demands and warnings related to Mr. Madoff and others. Some was inadvertent in the CFTC, where they did not have the people and the equipment and the computers and the technology to follow these trades.

How in the world can we, in good conscience, say we are not going to adequately fund these agencies, while millions of American families count on us to do that? They make the choice on investments. They trust us to make certain those investments are transparent and there is accountability.

I would say to my friend from North Dakota, when we went through this, month after month, week after week, day after day in the committee, we had bipartisan support all the way. Now that we have a new President of a different political party, the other side of the aisle is raising questions—questions they did not raise for 8 months. Now they are being raised. That is unfortunate. But we are prepared to answer those questions.

HOUSING CRISIS

Mr. DURBIN. Madam President, I would like to close with one brief statement, if I can, on the housing crisis we are facing.

Yesterday, I was in a neighborhood of Chicago named Albany Park. It is one of the most diverse neighborhoods on the north side of our city. I went into this neighborhood on Kedzie Avenue to meet in front of a house that had been boarded up going through mortgage foreclosure. A lot of families gathered around, families who live in the neighborhood. And they looked like America—Black, White, and Brown—all standing there with their neat little homes all around this one foreclosed building. The building was partially boarded up. Windows were broken. The neighbors were outraged that this mortgage foreclosure has resulted in an empty building, which is now being vandalized and turned into a drug haven.

You would be angry, too, if it were in your neighborhood. These folks who care for their lawns, care for their kids, make sure their mortgage payments are paid on time, want to know what we are doing about mortgage foreclosures in this country. The honest answer is, We are doing little or nothing.

We have to change that. For 2 years now. I have tried to pass one simple measure that would change the Bankruptcy Code and say that a bankruptcy judge can, at the last resort, for those who end up in bankruptcy with a mortgage foreclosure, take a look at the terms of the mortgage and change those terms. That is not a radical idea. Currently, the judge can do that for a second home, a farm, a ranch, but they cannot do it for your primary residence. I cannot explain why, but that is a fact.

Now we have primary residences across America that are being subjected to mortgage foreclosure. Initially, it was because of the subprime mortgages with those exotic finance deals that fell apart when the mortgage was reset. Now more and more homes going into foreclosure had fixed-rate mortgages, did not have subprimes, and we are seeing the bottom fall out of the housing market.

It is estimated one out of four mortgage holders in America are paying more principal on their mortgage than the value of their home. They are underwater, as they say. What are we going to do about it? Well, for a long time we said: We will trust the banks, the sanctity of the contract. They will work on it. They will negotiate. It has not happened. As a result, we have record numbers of mortgage foreclosures. The housing market is in a tailspin. No homes are being built, obviously. Most homes end up vacant on the rolls of the bank and become eyesores in a neighborhood.

What I am suggesting is, we have to be honest. We tried to let the banks and the mortgage bankers run this situation for the last year and they have failed and failed miserably. If we do not take control of this situation, if we do not have the bankruptcy court as the last resort that can ultimately change the terms of the mortgage, with reasonable limits—I am prepared to accept reasonable limits; there will not

be any prospective use of this; only those existing mortgages today—that is the only way to come to the bottom of this crisis.

We are working with these financial institutions to try to find reasonable terms to work this out, but we have not had a lot of luck. Citigroup stepped forward. We reached an agreement with them. We are trying to reach an agreement with others. But for the mortgage bankers, who brought us into this mess, to still hold this Congress enthralled, to hold us hostage to their so-called sanctity of contract, is to ignore the obvious.

If they have their way, there will be a continued crisis of mortgage foreclosures, the recession will get worse instead of better, and neighborhoods such as Albany Park will disintegrate, deteriorate because of the foreclosures of homes in the neighborhood. Renters who dutifully pay their rent show up one day to be told: Oh, incidentally, your landlord defaulted on the mortgage and now you are going to be thrown out on the street. Over and over again, and it is totally unfair.

We have to do something. I am glad the House is going to take up this measure. We need to move on it. We waited a year. That is long enough.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me withhold.

RESERVATION OF LEADER TIME

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

OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

McCain amendment No. 592, in the nature of a substitute.

AMENDMENT NO. 592

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:45 a.m. will be equally divided and controlled between the Senator from Arizona and the Senator from Hawaii or their designees on amendment No. 592.

The Senator from North Dakota.

Mr. DORGAN. Madam President, let me yield myself such time as I may consume.

I will be brief this morning, but I wish to make a couple points. The appropriations bill that is on the floor of the Senate represents the bills that were not completed last year but were worked through in the individual subcommittees, and the full Appropriations Committee of the Senate, passed, as I indicated earlier, almost unanimously, for every piece of legislation, by all Republicans and all Democrats in the Appropriations Committee. So it is not as if there is something strange here.

The question is, Do we want to pass an appropriations bill, at least for the last half of this year, that funds the agencies the way Congress has determined they should be funded? Or do we want to defeat this bill and go on autopilot and say: Whatever was done last year, that is what we will do next year. That does not make much sense to me. What we might have done last year should be judged on the basis: Did it work? Did it not work? Where are the increases we probably ought to make some additional appropriations for? Or where are some areas that ought to be cut?

All these things represent a matter of judgment by Members of the Senate and particularly members of the Appropriations Committee who are funding the individual agencies.

I mentioned, a moment ago, there is an account I cut in the subcommittee I chair by $100 million because I felt it was not needed in the coming fiscal year, and I would move that $100 million to fund something else I thought was very important. Well, that is the kind of thing that will not exist if we decide: Whatever was spent last year in all those accounts, that is what we will spend going forward. That is devoid of any kind of judgment at all.

Let me mention some areas we have felt should be increased. I will give you some examples. One is the funding to prepare for a potential pandemic flu. Obviously, it is a very significant issue. This country needs to be prepared in the event we suffer in our lifetimes a pandemic flu. An influenza, pandemic epidemic that would move around this world would be very serious, kill a lot of people. The need to be prepared for that is very important. There are funds available in this legislation to begin that preparation.

The efforts to improve the warning systems to notify communities about severe weather: This deals with the funding that is necessary for the next-generation satellites. This is not just something that is convenient. When killer storms and hurricanes and other things are threatening population centers, it is a need to have the very finest capability to warn people. This is the money that is needed to continue that progress in improving warning systems through the National Oceanic and Atmospheric Administration weather and climate satellites. That is in this bill to continue that work.

In my subcommittee, nonproliferation programs—and that is the issue of trying to stop the proliferation of nuclear weapons, the programs we have to try to prevent terrorist groups from acquiring the kind of material with which they can produce nuclear weapons—we provide funding for that and increased funding for that, which is very necessary. It is funding to the National Nuclear Security Administration, and it is critical to our efforts to secure weapons-grade nuclear material around the world that even today, as I speak, terrorists are trying to acquire.

So that issue of nonproliferation—we have increased some funding for it. If we decide we are not going to proceed with the normal appropriations bills that have now been put in this omnibus and instead we are going to go with a continuing resolution, that extra funding to try to protect us and stop the proliferation of nuclear weapons is gone.

There are so many areas. The area of science: our National Laboratories. You know the Bell Labs, which used to be the jewels in our country of scientific inquiry and discovery, and all the unbelievable inventions and new knowledge, those labs are largely gone. Now our science laboratories in this country—and the three weapons laboratories and the array of science laboratories—represent the repository of the best and brightest Ph.D.s in physics and engineering and mathematics and so on. We have to keep our lead in the world in these areas. This legislation provides the increased funding for our science labs that our country has already made a decision to do. If we do not go forward, then we go backward, we lose some of those best and brightest scientists and engineers.

At one of our laboratories, we have something called the Roadrunner, which is the most powerful computer in the world.

That is not elsewhere; that is here in our country. They were telling me one day about the roadrunner, what is called a petaflop, which is a thousand teraflops. A teraflop is a computer that has capacity to do 1 trillion distinct functions per second. That is a teraflop. We reached that 11 years ago. Now we have done a thousand teraflops, or what is called a petaflop. One thousand trillion functions per second in this world's most powerful computer. What can you do with that? Well, they are talking about studying the synapses—1 billion synapses of the brain to work how it works together to produce what we call vision. We don't know that. With supercomputing, the potential to know a lot of things is breathtaking. That exists here. It is the most powerful computer in the world here.

We have to continue to keep our edge in science and knowledge and invention. Part of that will be dependent upon how we fund our national laboratories and whether we keep that group of scientists and engineers working on these breathtaking inventions and the development of new knowledge. We can only do that if we continue the commitment we have made to fund our science in our national laboratories.

Those are a few of the things I wanted to mention. Again, these were appropriation bills considered individually by a subcommittee of Appropriations, Republicans and Democrats, and then brought to the full Committee on Appropriations, Republicans and Democrats, and passed in every case, except two, unanimously, 29 to 0. In two cases, it was 26 to 3 and 28 to 1. Essentially, all of these pieces of legislation were passed unanimously. So when someone says, you know, this legislation is mysterious, new, and it has been thrust upon the Senate—that is not true. This legislation was prepared in June and July of last year. This Congress cannot continue to do appropriations this way.

The majority leader has made a commitment and one that I think makes a lot of sense. This year, this has to stop. We bring individual appropriation bills to the floor, vote on them, go to conference, have a conference report and send the bill to the President, one by one. That is the way this should work. It didn't work last year, or the year before, that way. As a result, for the last 6 months of the year, we were confronted with nine appropriation bills that were worked through on a bipartisan basis last summer and now need to be enacted.

My hope is that the Senate, working its will this week, will do the right thing and pass what is, for the most part, bipartisan legislation dealing with funding for Homeland Security, Justice, Energy, and so many different areas that are important to the functioning of our Government—and important to the American people as well.

I yield the floor and suggest 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. DORGAN. Madam 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. DORGAN. I ask unanimous consent that the time of the quorum call be charged equally to both sides. We are in a time agreement.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I have been listening to the various colleagues on the Republican side who are continuing to be the party of ''nope'' instead of the party of ''hope.'' I came to the floor to say that it is very easy to say no to this and no to that. But I have to tell you, the American people need leadership. When you say ''nope, nope, nope,'' it means you are in fact endorsing the status quo, and the status quo is a major problem.

I see my friend from Washington on the floor. I know she had intended to speak. I will be glad to stop at this time and ask unanimous consent that following her remarks, I be recognized.

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

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank my colleague from California for yielding me time on this bill and thank her for her support as we move forward in a very critical time to cast a vote that is very important to all of our communities, and that is for the Omnibus appropriations bill from last year that is currently on the Senate floor.

Let me start by commending our leadership, our new committee chairman, Senator INOUYE, and our vice chairman, Senator COCHRAN, who have put this bill in front of us. This Omnibus appropriations bill before us that we are now debating is absolutely essential to every community in our country, especially as we work to address this economic crisis. Both of our Senators, Mr. INOUYE and Mr. COCHRAN, have been very measured and even-handed as we have brought this bill together, despite the many challenges we face. I thank them for their work.

I chair the Appropriations Subcommittee on Transportation and Housing. I rise today to urge all of my colleagues to support this very important Omnibus appropriations bill. As I said, this bill is essential to families and communities across our country. It enables us, our Government, to meet the needs for health care, for housing, to make college more affordable, and to keep our communities safe. Just as important, our communities today are counting on us doing our job and passing this bill.

With this bill, we are fulfilling our commitments we made to them back in June and July of last year when these bills were marked up in our appropriations committees. Senator BYRD, who was the Appropriations Committee chairman at the time, held four separate markup sessions. Almost every committee member attended those sessions to debate and vote those appropriations bills out of committee. While, of course, not every Senator agreed with every line in every bill, they were written with the cooperation of our Republican colleagues. All of us had to make compromises, but in the end each of these bills was reported out of the full committee either unanimously or with a very large bipartisan vote. That is because each of these bills represents a bipartisan consensus and stays within the budget resolution Congress passed earlier last year.

Our Republican colleagues were full participants when we negotiated the final details of this with the House of Representatives. Therefore, the omnibus bill we are debating today reflects many of the same priorities Democrats and Republicans alike approved last July.

Even so, our Federal agencies have now been operating under a continuing resolution for 5 months now, since this fiscal year began. We cannot delay sending them this bill any longer. On Friday night of this week, at midnight, if we do not pass this bill, funding for most of our Federal agencies will stop. It will stop and the money will be cut off. The Federal Government will come to a halt. I think about what that means. Millions of Americans depend on this funding. We cannot afford to let politics stand in the way and risk a government shutdown, especially not when we face the greatest economic challenge since the Great Depression, not with so many of our Federal agencies working day and night to make sure the economic recovery bill we adopted last month can meet the needs of our families across the country, and not when we know communities across the Nation are desperate for help to keep transportation and safety and housing and all the other programs moving forward.

As chair of the Transportation and Housing Subcommittee, I want to take a little bit of time today to give some details about why this bill is so important to address the housing crisis and ensure the continued safety of our transportation system.

First of all, this bill is an essential part of our efforts to restart the housing market. In the last several weeks, I have heard some of my colleagues talk about how they want to focus on housing as we repair this economy. We cannot fix the housing market without the provisions in this omnibus bill.

Let me give just one example. Up until last year, the Federal Housing Administration's market share for guaranteeing mortgages had dropped to a low of 3 percent. But now that the mortgage industry is in crisis, lenders have turned back to the FHA in droves because they know it will be reliable. Yet, under the terms of the continuing resolution, the FHA is prevented from helping willing and qualified buyers get mortgages because that agency cannot guarantee more than $185 billion a year. If we do not pass the bill in front of us and raise that cap to a level above $300 billion, our effort to restart the real estate and housing industry is going to crash and burn. If any of us think it is hard to get a mortgage now, just watch that happen if we keep the FHA's loan volume cap at last year's level.

If we fail to pass this bill, we are going to throw thousands of low-income families out of stable, affordable

housing. In the last year alone, 3 million Americans lost their jobs. Communities across this country are struggling to meet those needs. This is absolutely the wrong time to unravel the safety net we have in place. The 2009 omnibus bill would provide enough additional money to keep up with inflation and keep the current tenant-based section 8 recipients in their homes. If we have to keep the funding for that program flat, the consequences will be severe. It is estimated that as many as 45,000 families will be turned out of their homes if we don't pass this bill; that is, 45,000 families who would lose their housing and be forced to turn to relatives, shelters—wherever they can—for help. So this bill is critical to help us address the Nation's housing needs.

But the omnibus is also essential to the safety of our airlines, our railroads, our roads, and our bridges. All of us, I hope, are aware we face very serious challenges today because our air traffic controllers and our safety inspectors are retiring in very large numbers, leaving a lot of less-experienced people to fill their shoes. Those are the people who help us land or take off at our airports, who make sure our planes are safe. We have been working for several years to address this crisis. This bill is going to make sure we can keep hiring new air traffic controllers and safety inspectors so they can get the training and experience they need. This bill provides the money to fully fund some of the safety personnel we brought on last year. I hope it is very clear to everyone how important it is to keep up these efforts. If we do not pass this bill, not only will we be unable to hire new safety personnel, but we are going to have to fire some of the people we hired last year. We face a simple choice: We can hire and train new air traffic controllers and address that huge gap in experience levels between the workers who are retiring and the new employers who are at our towers across the Nation or we can just let those shortfalls get worse. I think that is an investment we cannot afford to not make.

The same is true when it comes to the safety of the rest of our transportation system. This omnibus bill provides critical investments in rail safety inspectors, truck safety inspectors, and pipeline inspectors.

Back in the fall, through the leadership of Senators INOUYE and LAUTENBERG and many others, the Senate passed a comprehensive rail safety and Amtrak bill that was signed by President Bush. That bill laid out a very new vision for a modernized national rail network and a new safety system that requires adequate staffing at the Federal Railroad Administration. With this bill that is before us now, we begin to make those investments. It is not a moment too soon. In the last couple of years, a record number of commuters have parked their cars and started taking the train in response to the economic crisis and high gas prices. We have to expand and improve our rail transportation in America to meet that demand. But if we keep the funding levels flat, we could end up forcing Amtrak to shut down some of those routes instead.

Additionally, we finally got a settlement for Amtrak's workers last year after they were forced to go almost 9 years without a wage increase. That settlement was recommended by President Bush's emergency board. It called for the Government—us—to make a lump-sum payment in backpay to Amtrak workers. The bill before us includes the funding for that long-awaited payment. Those workers earned that money, but if we do not pass this bill, they almost certainly will not get it.

I give those as a couple of examples of what could happen if we do not approve this omnibus bill and get it to the President's desk by Friday. Those, by the way, are just the risks in transportation and housing. I know many of my fellow chairmen on the committee will be talking about what happens to health or agriculture or energy or law enforcement.

Less than a month ago, we came together on this floor to pass a huge bill designed to give our economy the jump-start we need to get the Government working again and make investments that are going to create jobs and strengthen our communities. We are already seeing it begin to work. But the progress we are already making will be forced to a stop before it can get any momentum if we do not put the people in place to carry it out.

That is why this bill is so important. This bill will keep the Government running at a time when we need Federal employees to put all of their efforts, every single day, into helping our economy recover. We need this bill to help ensure that our low-income families keep safe, affordable housing. We need this bill so that the FHA can help more people get loans and buy homes. And we need it to ensure that our transit system runs safely and smoothly. This bill is critical to every one of our communities, and we all have to work together and do what is right for the American people today. We all know our families are struggling and they are scared about what is ahead for our economy. They do not have time for us to play games. They need help now.

I hope we can all join together this week and move this bill, the 2009 Omnibus appropriations bill, to the President's desk by Friday and get our country working again.

Mr. President, I ask unanimous consent that the previously ordered vote slated to occur at 11:45 now occur at 12 noon and that the additional time be divided as previously ordered and the remaining provisions under the agreement remain in effect.

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

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank my colleagues on the other side for giving us this little extra time. I intend to speak about 5 minutes. If the Chair will tell me when I have a minute to go, I would appreciate it.

Mr. President, before Senator MURRAY leaves the floor, I wish to thank her for her very clear explanation as to the choice that is before us. If I could restate it in my own way, it is a choice right now that Senator MCCAIN is giving us through his particular amendment, which would give us an option to go back to the budget of 2008 instead of moving forward with a current budget that reflects the needs and priorities of our Nation right now.

I do not have to tell you what has happened to our country in the last several months and in the last year. We are seeing an unprecedented recession. My personal belief is we are going to get out of this. My personal belief is there are some signs out there even in my State, which is struggling mightily with an over 10 percent unemployment rate, we see some small signs here of life. For example, sales of existing homes in California went up 100 percent in January over the year before. I might say these are mostly sales of foreclosed homes. This is a good thing. We are looking for a bottom. But if we go back to old policies, if we go back to a budget that doesn't reflect the realities we face now, we are going backward.

So we passed a stimulus package—and I am so grateful we did that. Our President led us in that. Democrats stuck together. We got three independent-thinking Republicans to join us, and we challenged the status quo and we passed it.

And now today we are facing another such choice between a budget of the past offered to us by Senator MCCAIN, and a budget of the present. Senator MURRAY was eloquent in going through all of the things—not all of the things, but some of the things. I am going to talk about a couple of others.

The Consumer Product Safety Commission gets an increase. If we go back to the old bill, as Senator MCCAIN wants, we do not get that increase. What are we doing over there in the Consumer Product Safety Commission? Protecting our children from dangerous toys.

Senator MURRAY talked about families losing housing. That will be the reality if we go with the McCain approach to a continuing resolution. The FHA will have to stop helping families facing foreclosure. Senator MURRAY pointed that out.

Here is one I will point out, enforcement of security laws. Inadequate resources for the SEC. This would hamper their ability to finally undertake investigation enforcement against these Ponzi schemes. Do we want to go back to the old budget before we knew about these Ponzi schemes? I think it would be irresponsible. It would be more of the party of nope; nope, we cannot fix this, nope, we cannot do that. I want to stand for hope, not nope.

We talked about the air traffic controllers. There are also food and medical product safety inspections. We would provide the FDA with an increase of $325 million so they can make sure we do not see people getting sick from eating peanut butter that is contaminated.

There is so much more Federal law enforcement effort through the Department of Justice. In the FBI, there would be 650 fewer FBI agents. Is this a time we want to do that, as we are continuing the war against terror?

In my last 2 minutes, I ask unanimous consent that I have an additional 2 minutes.

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

Mrs. BOXER. We see in this bill, brought to us by the Appropriations Committee, and I might say, in a bipartisan fashion—am I right on that—Senator INOUYE, working hard with the senior members of the committee, such as my colleague, Senator MURRAY—we see a bill that is relevant to the problems of today, not an old bill that is offered up by Senator MCCAIN going backward, looking backward, going in reverse. It does not make any sense. If you sit down with your family today to discuss the issues of the day, and you avoid talking about the fact that one child has gotten very ill and requires a lot of changes in your family budget, then your family budget is not going to accommodate for what has happened to your family. America is a family. This is a Government of, by, and for the people.

The last point I want to make, Senator COBURN has been on the floor bashing the congressional priorities that are in this bill, and he happened to hit on one of mine. I want to set the record straight. We have a county in our State, Orange County. It is the biggest Republican county in the State. The voters voted, 58 percent, to take a former Marine Corps air station and turn it into what is called a great park. It is going to be a diverse development. In this bill, we have answered the call of the local veterans group that wants to protect the great history of El Toro, and they want to convert an old hangar that was opened in 1943 into a military history museum and a welcoming center for the park. This response to that request will put people to work refurbishing this old Air Force base. So the Senator from Oklahoma has railed against it. He attacks a balloon ride for children. That is not what we are funding. We are funding a military museum.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Let's listen carefully. I hope we will support our leaders on the Appropriations Committee and vote down the continuing resolution as an option.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, how much time is remaining on either side?

The PRESIDING OFFICER. The Senator from Arizona controls all the remaining 24½ minutes.

Mr. MCCAIN. I thank you. It is entirely possible all the time may not be used.

As I discussed at length yesterday, this amendment would provide for a long-term continuing resolution to fund the Federal Government through the end of this fiscal year at the fiscal year 2008 level; in other words, the same level as last year.

Obviously, funds can be shifted around within agencies, and the allegations that somehow we cannot do business this year at the same level as last year, when American families are clearly not doing business this year as they did last year, I think are an example of being out of touch with the challenges the American people face.

I think it is important for us to look at what this amendment is trying to do, which is simply maintain the same level of funding as last year, in the context of what the American people are facing today. Unemployment in the previous speaker's State is now at 10 percent, home values continue to plummet, the stock market yesterday took another serious dive, as more and more of Americans' savings, 401(k)s are dramatically reduced, with massive job layoffs, in a very serious economic situation.

I want to state again, America will recover from this. It is tough. It may be long and hard. But America will recover because we are still the greatest nation in the world. But in the meantime, Americans are having to tighten their belts all across this great Nation of ours. They are having to reduce or eliminate spending they have wanted to engage in for a new car, for whatever they feel the necessities of their families are. They watch as their health insurance premiums continue to go up and that are less and less affordable for many families.

What we are asking here, obviously in this very simple 1-page resolution, is that we maintain the same funding level as last year. I will tell you, there are millions of American families who would like to stay on the same funding level as last year. So instead of that, we have a statement of managers, 1,844 pages, which no Member has read. We have the bill itself, 800, 700-some pages, whatever it is. And, obviously, we have dramatic increases, an 8-percent increase in spending over last year. We have been through many of these earmarks. We have put them out. We have twittered them. And we will continue with our top ten. We have many top ten lists for this bill. It will be passed. It will be passed. Then it will be on the President's desk, and the President will have a choice as to whether to accept all of these thousands and thousands of unnecessary, wasteful earmark projects, and business as usual in Washington, or take out his veto pen. By the way, in all spirit of candor, the last President should have taken out his veto pen and vetoed these bloated, pork-barrel, project-laden bills. He should have. He did not, and he lost the confidence of the American people because we were not careful stewards of the taxpayers' dollars.

So we went through a Presidential campaign, and we said we would stop business as usual here in Washington. The President stated very clearly at the debate in Oxford, MS, a mere 6 months ago:

We need earmark reform. And when I am President, I will go line by line to make sure that we are not spending money unwisely.

I want to give the President of the United States a line item veto. I want him to be able to go line by line and veto each unnecessary and wasteful spending project. I will be introducing, with my friend from Wisconsin, Senator FEINGOLD, a line item veto again.

But right now, this bill deserves the President's veto. By vetoing this bill, the President could send a message to America and the world that for the enormous economic difficulties every American family is facing, we will show them that we will be, for a change, careful stewards of their tax dollars.

But there is no justification for, at these difficult times, $1.7 million for pig odor research in Iowa, $2 million for the promotion of astronomy in Hawaii, termite research, $1.9 million for the Pleasure Beach water taxi service project in Connecticut, $95,000 for the State of New Mexico to find a dental school location, $1.7 million for a honey bee factory, $951,500 for a sustainable Las Vegas, a parking garage in Provo City, UT, tattoo removal, $167,000 for the Autry National Center for the Indian American West in Los Angeles, a rodeo museum in South Dakota.

These things may be nice. They may be nice to have, a Buffalo Bill historical center in Cody, WY, but right now Americans cannot afford health insurance, they cannot keep their jobs. I am not only angry about it, my constituents are angry. And Americans are angry. It is being reflected in the polls of the lack of confidence in the future of this country because we continue business as usual here in our Nation's Capital.

I know I will not be elected ''Ms. Congeniality'' again this year in the Senate. For many years I have fought to try to eliminate a great deal of this. Sometimes I have succeeded; most times I have failed. The previous chairman of the committee used to call me the sheriff. But the fact is, there is no time more important than now for us to show the American people that we are willing to tighten our belts, that we are willing to stop this practice, which, yes, has corrupted people. That is why we have former Members of Congress now residing in Federal prison, and staffers under indictment. This process is wrong. It is wrong because we do not give it the scrutiny and the

examination and the authorizing it deserves before we appropriate the money.

That is why Americans are angry at the way we do business and our approval ratings continue to be very low. Our approval ratings are something that is somewhat ephemeral. But this practice has grown and grown and grown over the years that I have been a Member of Congress and the Senate. It has continued to grow, and it has continued to waste the American taxpayers' dollars. So I ask Americans, along with me, to ask the President to veto this bill and have him send one back that is truly reflective of the tough times America is in today, that we cannot afford any longer this wasteful spending practice, this spending on projects that appear in the middle of the night, and sometimes, as in one of last year's appropriations bills, they were projects added after the President signed the bill into law. No one knows where it came from. What kind of a process is that? What kind of a process is it that we have legislation that is this high, that no Member has read? The whole process has to be fixed.

For the President's budget director to say: This is last year's business, we want to move on, and the President's Chief of Staff, who has said: Mr. Obama was not happy with the large number of earmarks in this bill but, ''The President had kept lawmakers from adding a single earmark to the $787 billion stimulus package, and a $32.8 billion State Children's Health Insurance Program,'' I find to be a very disingenuous statement on its face.

The President's pledge 6 months ago wasn't that he would claim to keep two bills earmark free and then let there be a feeding frenzy of pork barrel. His pledge was: ''We need earmark reform'' and, as President, he would do it.

I read today an article in the Chicago Tribune that Mr. Emanuel is tied to as many as 16 earmarks in this legislation, totaling $8.5 million, $900,000 for Chicago's Adler Planetarium and Astronomy Museum, and the list goes on. When do we turn off the spigot? Haven't we learned anything from the calls and letters, meetings with our constituents who pour their hearts and souls out and share their fears about keeping their jobs and homes as they struggle to put food on their families' tables? Bills such as this jeopardize their future. One of my greatest fears about the President's budget is that at no point in his budget does there seem to be a balanced budget, nor is there any triggering mechanism, such as this side proposed in the stimulus bill, that once our economy recovers—and it will recover—we embark on reductions in spending. Right now we are laying a huge debt on our children and grandchildren which is not in keeping with our responsibilities.

I urge colleagues to vote for this amendment. I doubt it will be passed. I hope the American people understand what is at stake. I hope all Americans will urge the President to veto the bill when it gets to his desk, send it back, save billions of their tax dollars, and come back with a bill that Americans can say is truly reflective of the challenges we face.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the Senator from Arizona proposes that the Congress should enact a continuing resolution until the end of the year instead of fulfilling our responsibilities and completing work on the appropriations bills for fiscal year 2009.

Last summer the Appropriations Committee reported 10 Appropriations bills to the Senate. All of them were reported to the Senate from the Committee with overwhelming bipartisan support. Eight were reported with unanimous support. Of the ten bills, only three were enacted.

The other bills were put on hold because the previous administration refused to negotiate on overall spending levels approved by the Congress.

Two other bills, Legislative and Interior, were prepared by the Subcommittee Chairmen, in concert with their Ranking Members, but were never completed.

These nine unfinished bills were left on the shelf until the current administration was elected.

Last fall the House and Senate Appropriations Committees sat down in bipartisan negotiations to work out the differences between these nine bills.

The result of those negotiations is the bill before the Senate today, H.R. 1105.

This bill reflects a compromise between the bills of both bodies.

It is a fair outcome that protects the interests of the House and Senate.

This bill was agreed to by the House last week, with votes from Members of both parties.

I should point out that Members have had more than a week to review the legislation.

The bill and statement have been on the internet since last Monday.

I also note that this bill was not done in the dark of night. Virtually every item in the bill reflects the bipartisan work of the Appropriations Subcommittees from last year.

Most of this information was posted on the internet and has been available to Members' offices since last summer.

Unlike some omnibus bills in the past, there is no major legislation that was added at the last minute.

The direction from the leadership of both houses was not to add controversial new material in this bill, and the committees did not.

If the Senate were now to determine that we should not complete our work on the fiscal year 2009 appropriations bills at this juncture and instead agree to a continuing resolution for the rest of the year, all the efforts of the Committee in reviewing the budget request, the hearings and staff review, the countless meetings with executive branch officials, the mark ups and the ensuing direction that comes with this bill would be wasted.

More importantly than the wasted effort is that the Congress would be abrogating its responsibility.

Under a continuing resolution the government operates programs under the authority of the previous year. Programs that should have been terminated continue to be funded.

Important new programs cannot be initiated. This is true even if the program is something that was supported by both the previous administration and the Congress. It is true if the Congress passed a new authorization to fund it last year.

Is this really how we want to manage the executive branch?

Under a continuing resolution funding for the agencies covered by this bill would be held at last year's level.

The Congress authorized a pay raise for our civil servants, and it must be paid. But unless funding in the budget is increased, other programs will have to be cut to meet payroll.

A continuing resolution doesn't account for the cost of inflation. Even in these tough economic times, there has been cost growth in managing our Government. We all know that it costs more to run these agencies this year than it did in 2008. But under a continuing resolution agencies have to cut necessary functions to cover the higher costs due to inflation.

Perhaps most important, under a continuing resolution the Congress foregoes oversight of the executive branch. In each appropriations bill, the committees include guidance on how funding should be allocated. Some programs are increased; others are cut compared to the budget request. When we operate under a continuing resolution, the Congress turns over control to the agencies.

Mr. President, the Constitution provides the Congress with the power of the purse to ensure that we exercise control over the executive branch.

It is one of the most important rights of the legislative branch.

But it is also a duty.

It is the duty of the Congress to decide how the executive branch should spend the taxpayer's money.

When we decide to govern by continuing resolution we are not responsibly fulfilling this duty.

This amendment would turn over control of Government spending to the administration.

It would put the Government on autopilot for programs approved for 2008 not 2009.

This is not the way for the Congress to manage its business.

I will grant that the effect of this amendment would probably cut the earmarks that are included in this bill.

And while the majority of my colleagues have supported earmarks in this bill for their constituents, it is

well understood that the Senator from Arizona does not.

But this amendment isn't about the 1 percent of this bill for earmarks; it is about the 99 percent of the funds in the bill over which we are sacrificing oversight if this amendment were adopted.

This is bad policy for both the Congress and the executive branch, and I urge my colleagues to oppose the amendment.

As chairman of the Defense Appropriations Subcommittee, it should be noted that if it weren't for earmarks or congressional initiatives, the C–17, the highly acclaimed cargo plane, would be history. Production would have been stopped. But Congress took action to continue. Now all military leaders are saying that was a great decision. The F–22, the fighter of the future—stealth, firepower—that would be a matter of history also. I could go on and on, but we don't have the time.

All I want to say is that earmarks are not evil. Yes, there are some that are questionable, and there will come a time to do that.

I urge colleagues to oppose the amendment.

I yield the remainder of the time. 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. KYL. 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. KYL. Mr. President, will you please state the pending business?

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 592 offered by the Senator from Arizona, Mr. MCCAIN.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—32

Barrasso	Brownback	Burr
Bayh	Bunning	Chambliss
Coburn	Gregg	McCaskill
Corker	Hatch	McConnell
Cornyn	Hutchison	Risch
Crapo	Inhofe	Roberts
DeMint	Isakson	Thune
Ensign	Kyl	Vitter
Enzi	Lugar	Voinovich
Graham	Martinez	Wicker
Grassley	McCain	

NAYS—63

Akaka	Feingold	Murray
Alexander	Feinstein	Nelson (FL)
Baucus	Gillibrand	Nelson (NE)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Inouye	Reid
Bingaman	Johnson	Rockefeller
Bond	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Shelby
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Cochran	Lincoln	Udall (NM)
Collins	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

The amendment (No. 592) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMERICA'S CREDIT CRISIS

Mr. BOND. Mr. President, families and businesses across the Nation are suffering from a severe economic squeeze. Unfortunately, despite the $1 trillion stimulus bill passed by Congress, this economy will not recover—at least not until we tackle the root of the problem. As President Obama said last week, we must solve America's credit crisis.

I am hearing from folks in my home State of Missouri and across the Nation who are sick of hearing gloom and doom being preached by Government officials, sick of watching tens of billions of good taxpayer dollars being put into failing institutions, and sick of listening to the debate on how much we should pay failing CEOs, when common sense says we should fire them.

Let me be clear. All Americans need to care about the credit crisis and the Government's response. We have to solve the credit crisis to protect Main Street families and workers. The key to our economic recovery is the stabilization and restoration of the financial markets. Our financial markets make up the lifeblood of our economy, which families need to buy homes and cars, students need to receive loans, and small businesses need to purchase supplies, invest in new equipment, and meet payroll. A functioning financial system is critical to our State and local governments so they can finance critical infrastructure needs, water and sewer systems, affordable housing, and transportation.

Our banking system affects every American's standard of living, our ability to create and maintain jobs, and our ability to compete globally. It is central to all financial and household activities for Main Street America.

Unfortunately, our financial system is not working. The credit market is clogged with toxic assets mainly made up of risky subprime housing loans which were packaged into exotic financial instruments, sliced and diced, and sold here and abroad. The toxic assets are clearly at the center of the credit crisis, and until they are removed from the system, fear and uncertainty will continue to dominate the markets and our economy.

To respond to the financial crisis, the previous administration and financial regulators took a number of actions. While many of these actions were confusing and ad hoc in nature and lacking in transparency, a financial calamity was likely staved off.

Unfortunately, instead of being implemented with the expectation that the administration and the Treasury Department would provide a coherent, systematic, and transparent approach to its financial rescue efforts, the Troubled Asset Relief Program, or TARP, has been plagued by poor oversight, confusion, and changing direction.

This ''ad hocracy'' has created more uncertainty in the financial markets and for policymakers and taxpayers. Also, independent assessments have raised serious questions about the program's integrity, accountability, transparency, and effectiveness.

About 3 weeks ago, Treasury Secretary Geithner released his financial stability plan. While I welcome the Secretary's and the administration's new thoughts on resolving the financial crisis, his plan fails to live up to its promise. The plan fails to provide the clarity and the focus needed to address the financial crisis. Perhaps even more damaging, the plan created doubt and uncertainty about the Secretary's and administration's ability to lead our Nation out of this crisis.

There is no roadmap, no exit strategy, and by throwing more taxpayer money at the problem, we are only digging a deeper hole. Once again, the plan is nothing more than ''ad hocracy.''

Based on what can be gleaned from the administration's bare bones announcement, most elements of the plan appear to be stylistic changes to what has already been tried under the previous administration and leaves uncertainty about the ultimate question: How will toxic assets be addressed?

Fear and uncertainty cloud financial markets because of a lack of confidence of the solvency of our banking

system. To address this, we ultimately have to cleanse the financial institutions of the toxic assets. There are a number of ideas about how to do it. One option is to do nothing. That would not work because of massive uncertainty. The private sector is unwilling to provide capital to the banks, and the likely result would be a collapse of the system.

Let me be clear. We cannot afford to do nothing. We cannot afford a collapse of the entire banking system. A collapse of this magnitude would devastate families, farmers, students, and businesses in every community in every State.

The second option is to keep propping up the financial institutions by injecting more good taxpayer funds into sick financial institutions. That option has been applied over the past several months—most recently with AIG. Yet our financial system clearly continues to struggle. And I for one cannot support a plan that will spend more taxpayer dollars without solving the real problem.

Putting more good taxpayer money into bad institutions must end. We must implement a plan that has worked in this and other countries. We must remove toxic assets from banks.

This approach employs the statutory authorities, an approach long used by the FDIC for failed banks. It has succeeded in purging toxic assets over a long period of time.

This American credit cleanup plan is founded on lessons we learned with our experience with the savings and loan crisis and avoids the mistakes made by Japan which gave them their so-called lost decade.

First, through independent regulators, the Government must determine the true health of our banks. The overarching test is, will the bank or financial institution fail without taxpayer funds. Secretary Geithner deserves credit for recommending a stress test to determine more precisely and fully the condition of the bank—a stress test that should have been implemented a long time ago. However, a stress test cannot be a one-time snapshot. It should have been and now must be a regular and ongoing review of a bank's health.

It is critical these stress tests be done in an objective and transparent manner, without political interference, but professionally, since it is the basis for Government action. This leads to the second key principle.

For those banks found to be insolvent, toxic assets must be removed in a transparent, market friendly manner that is free from political interference, protects taxpayers, and has a clear exit strategy.

To accomplish the goal, the Government should exert temporary control of the institution through conservatorship. The FDIC has existing authorities to act as conservators and did so recently with IndyMac.

Under this approach, the taxpayer has greater protections because the Government is in control of assets and liabilities, and they can cleanse the balance sheet and off-balance sheet activities and restructure the institution.

Under conservatorship, the first order of business is to protect the bank's depositors up to the current FDIC guarantee. It is essential that we continue to protect families' investments.

Next, the Government can separate the bad assets from the good and hold the bad assets until market conditions improve. Remember, during the savings and loan crisis, the RTC took 4 to 5 years and sold off nearly $460 billion in assets. But the RTC's patience and strategy to sell off the assets in a gradual manner is a model we can use to address the massive toxic assets that are holding back the recovery of the financial industry and do so in a manner that will help limit loss to taxpayers.

The FDIC has broad powers and experience, which is why the FDIC should be the lead. Its resolution powers, including conservatorship, were authorized by Congress nearly 20 years ago and then later improved under the FDIC Improvement Act of 1991. And if the FDIC needs additional authority or resources, Congress and the administration should act quickly to ensure the FDIC can handle the crisis.

In the case of IndyMac, FDIC took over as conservator. It not only protected depositors, it also established and implemented an aggressive foreclosure mitigation program. To avoid long-term ownership of the institution, the FDIC is in the process of selling the assets and ownership of the operation back into private hands.

Finally, this approach eliminates the conundrum of valuing the assets since the Government is acquiring the assets at the bank's current book value, which means including appropriate writedowns by regulatory and accounting authorities.

For conservatorship to be effective, however, it is critical that the Government's work be free and independent from political interference. Micromanaging by Congress and the administration must end.

It is critical that one Government agency be selected to lead the cleanup. Management by committee and multiple regulators is a recipe for disaster.

While each Government regulator brings important skills and resources that may be necessary for cleaning up toxic assets, the FDIC is best equipped to carry out an efficient and effective process of cleaning up troubled banks as the lead agency. If necessary, the FDIC can draw upon additional resources from other regulatory agencies, as well as the private sector, to complete its conservatorship.

Under the third principle, failed executives and members of the board who are responsible for the failure of the sick financial institution should be replaced. Capping pay and taking away corporate jets is not enough. Firing the senior executives and boards of directors who failed the company and its shareholders must be a prerequisite to further governmental assistance.

It is time to stop taking a piecemeal, ad hoc approach in addressing our financial crisis, burying our collective heads in the sand to avoid what needs to be done, and by simply hoping things will get better. Throwing more taxpayer dollars at it or hoping they will get better on their own is unrealistic. Failing to address the toxic assets that clog the financial system undermines taxpayers' confidence in our markets, exacerbates our economic condition, and throws more tax dollars down a rathole. The time for half-baked measures is long past.

It is time we implement a bold, coherent, and smart plan to ensure accountability, transparency, and oversight. This tried and tested approach is more cost-effective and efficient than the current haphazard approach. Rather than pumping more and more taxpayer funds into sick banks, it is time to take the toxic assets that undermine the health and viability of the financial system. In other words, it is time to fire the bazooka. It is time to stop letting politics and fear drive decisions. It is time for smart, considered, and decisive action based on strategies that have worked.

In closing, I ask my colleagues and fellow Americans this question: Are we prepared to do what is necessary to save our financial system and our economy? I do not believe the answer can be anything but yes.

I thank the Chair for his indulgence, and the staff. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator requires unanimous consent to proceed and debate.

Mr. WICKER. I ask unanimous consent to proceed and debate.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Washington.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. ENSIGN. Mr. President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to commit the bill (H.R. 1105) to the Committee on Appropriations with instructions to report the same back to the Senate with the following amendment:

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

SEC. _____. (a) ACROSS-THE-BOARD-REDUCTION.—Amounts appropriated under this Act for—

(1) fiscal year 2009 shall be reduced by $18,981,000,000; and

(2) fiscal year 2010 shall be reduced by $3,274,000,000.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall administer the reductions in subsection (a) to the amount of budget authority provided or obligation limit imposed for any discretionary account of this Act.

Mr. ENSIGN. Mr. President, I don't think we need a long time to discuss this amendment. It is a pretty simple amendment. What it says is, we are going to take this bill back to the Appropriations Committee and have the Appropriations Committee make the appropriate cuts so this bill comes back at the 2008 funding level.

We have to ask ourselves: When is the Senate going to start being fiscally responsible? The other side of the aisle criticized us, and rightly so, for free spending over the last 8 years. That was one of the things President Obama campaigned on and the Democrats across the country campaigned on. They said they were going to be the party of fiscal responsibility.

The debt held by the public has continued to increase. The problem is that under the President's new budget, over the next 5 years, the debt is actually going to double. Over the 10-year budget he has proposed, the debt held by the public is going to triple from already unsustainable levels.

My amendment says that we give spending a little haircut around here. It is not significant. It is saying that at a time when we recently passed a stimulus package, which tremendously increased Government spending, let us not take last year's spending bills and also tremendously increase their levels of spending. The current omnibus proposes an 8-percent growth in the size of our Government from one year to the next. We are talking about a record deficit this year. $1.75 trillion is a big number; people can't even get their arms around that number.

If you to spent $1 million a day, 7 days a week, 365 days a year, beginning at the time Jesus was born, you still wouldn't be at your first $1 trillion today. Our deficit this year is $1.75 trillion. To add to that deficit with this spending bill, I believe, is outrageous.

There is a saying—and I don't remember who said it, exactly or how it was said, but it is basically along these lines: The systems of government such as we have always collapse due to two reasons: The first one is a moral collapse, the second one is followed by an economic collapse. You can understand why they happen in that order. Because what happens if people aren't moral enough to care about future generations? What they do is they vote people into office who give them what they want. They borrow from the Treasury to get it, and when the debt gets too high, it collapses the economy.

What we are doing around here is exactly that. We are repeating the mistakes of history. We are borrowing from our children. We are running up huge debts. If folks don't think our economy can't completely collapse due to the huge debt burden we are passing, they have another thing coming. Confidence in the dollar right now is questionable around the world. Looking into the future, as we run up these larger and larger deficits and add to a huge burgeoning debt in the United States, people around the world are going to wonder about the strength of the dollar. They are going to wonder whether they want to continue to buy our Treasury bonds and finance our debt. If they stop buying our bonds, our economy collapses. It literally falls off the cliff.

We have a fiscal responsibility to be moral enough to care about future generations of Americans, to not continue to add dollar after dollar, million after million, billion after billion, trillion after trillion onto their debt load. I would encourage this body to adopt this reasonable amendment to this bill; that instead of increasing the Government 8 percent over last year on these particular spending bills, let us freeze it at last year's level. We are not asking to cut anything, but let's freeze it at last year's level.

It will be up to the Appropriations Committee to decide whether some accounts are more worthy than others. They can plus up those or cut others that are not as worthy. They can take care of Members' projects if they wish to take care of Members' projects. But the bottom line is, this amendment would at least start down the road of fiscal responsibility to future generations.

I have a couple other comments. Can anybody rightly say this bill is full of good spending, of justified spending? We have heard about all the earmarks. Let me note a few of them, if you think this bill is full of good spending. Mr. President, $1.79 million—and I am not exaggerating—$1.79 million for swine odor and manure management research. I am a veterinarian by profession. I understand that pigs smell and pig farms smell worse than almost anything else. But when did it become the responsibility of the Federal Government to control pig odor? Shouldn't that be the responsibility of pig farmers?

Of course we need to pay back the labor unions. There is $190,000 to the Plumbers Local Union 27 and Steamfitters Union 449, and that is in Pennsylvania for the Western Pennsylvania Pipe Trades Regional Training Project. We also have almost $500,000 for the George Meany Center for Labor Studies at the National Labor College.

I have a whole list. As a matter of fact, I ask unanimous consent to have this list of earmarks printed in the RECORD.

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

NOTABLE EARMARKS

These earmarks are listed in the Joint Explanatory Statement which was published in the CONGRESSIONAL RECORD of February 23, 2009; after each earmark is the page number in the RECORD where it is listed.

$1.76 million for a honey bee lab (H1691).

$1.79 million for swine odor and manure management research (H1692).

$767,000 for subtropical beef germplasm (H1692).

$245,000 for aegilops cylindrica (jointed goatgrass) (H1700).

$469,000 for ethnobotanicals (ethnobotany is ''the plant lore and agricultural customs of a people'') (H1698).

$5.8 million to the Edward M. Kennedy Institute for the Senate in Boston for the planning and design of a building and possible support for an endowment (H2296).

$5 million for New Leaders for New Schools, an organization whose executive director is likely to be named the next chief of staff at the Department of Education (H2371).

$190,000 to the Plumbers Local Union 27 & Steamfitters Local Union 449, Coraopolis, Pennsylvania, for the Western Pennsylvania Pipe Trades Regional Training Project (H2364).

$238,000 to the San Francisco Department of Economic and Workforce Development, San Francisco, California, for the Green Jobs Workforce Development Training Pilot project (H2365).

$238,000 to Marquette University, Milwaukee, Wisconsin, for a dental health outreach program (H2335).

$95,000 to the State of New Mexico, Santa Fe, to collect and analyze data about the need and potential locations for a dental school within the state (H2348).

$571,000 to the U.S. Virgin Islands Department of Health, St. Thomas, Virgin Islands, of which $190,000 is for facilities and equipment for a mental health facility (H2350).

$476,000 to the George Meany Center for Labor Studies at the National Labor College, Silver Spring, Maryland, for curriculum development (H2297).

$1.6 million to the Michigan Community College Association for an alternative energy training initiative (H2299).

$1.2 million for eyeglasses for students whose educational performance may be hindered because of poor vision (H2285).

$618,000 for teacher training in the Samoan language (H2279).

$485,000 for a boarding school for at-risk Native students from remote villages across western Alaska (H2284).

$476,000 to expand the PE4life physical education program across Iowa (H2289).

$428,000 to the University of Texas Libraries for the Latino Veterans Oral History Project (H2368).

$381,000 for the Cedar Rapids Symphony Orchestra (H2280).

$381,000 for a business school in Des Moines, Iowa to recruit and train captioners and court reporters (H2293).

$357,000 for Farmingdale State College in New York to develop a green building curriculum (H2297).

$333,000 to train college students in closed captioning (H2295).

$285,000 for an associate degree program for air traffic controllers (H2293).

$262,000 to support the advancement of underrepresented minority pharmacists and pharmaceutical scientists (H2294).

$243,000 for the commercial driver's license training program at White Mountain Community College in New Hampshire (H2305).

$238,000 for the University of Hawaii to provide cultural education (H2297).

$238,000 for emergency and preparedness education programs in Beverly Hills, California (H2291).

$238,000 for daily physical education activities in Detroit (H2281).

$214,000 for the Stony Brook University School of Journalism in New York to teach scientists how to effectively communicate with the public and the press (H2303).

$190,000 for Hawaii Community College to provide cultural education (H2297).

$190,000 for Southeastern Illinois College to develop a mining and mine safety curriculum (H2302).

$143,000 for equipment at the University of Guam Marine Laboratory (H2303).

$95,000 for scholarships and program costs related to prosthetic dentistry and clinical prosthodontics (H2293).

$95,000 for Indiana University of Pennsylvania for curriculum development for a mine safety course and research on the use of mine maps (H2298).

$95,000 for Murray State University in Kentucky to purchase equipment for the Breathitt Veterinary Clinic (H2300).

$65,000 for a feasibility study of potential Iowa school sites (H2282).

Certain earmarks that have been linked to a lobbying firm reported to be under federal investigation include $951,500 for a Direct Methanol Fuel Cell (DMFC) (H2044), $951,500 for Adaptive Liquid Crystal Windows (H2038), and $951,400 for an anti-idling Lithium Ion Battery Program (H2038).

Mr. ENSIGN. There are plenty of others we could go through, but for the sake of time, let's just be fiscally responsible right now. Let's add a little fiscal responsibility into this body, and let's adopt this amendment that says we are going to freeze spending from Government that was not already plussed-up in the stimulus bill. Let's be fiscally responsible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise to oppose the amendment that has just been offered by the Senator from Nevada. I go home every weekend and I talk to families across my State. There is no doubt that people are hurting. Thousands of people have been laid off from their jobs, and thousands more are worried that this week they are the ones who are going to be laid off from their jobs.

Since we first came into session in January, we have been working as hard as I have ever seen to address these challenges that are facing millions of Americans today—losing their jobs, losing their homes, losing their retirement. We are trying to get this economy back on track and instill some confidence in this country so we can move forward. We passed a major economic recovery package just a few weeks ago. It is being implemented as we speak and will be implemented over the coming weeks and months.

Here we are today talking about a bill that basically is the responsibility of Congress, every single year, to fund the Government agencies that help make our country work. We should have had this bill passed 3, 4, 5 months ago. We did not. This bill was done. It was ready to go by the end of July. All of the appropriations committees had finished their work. They had passed them out of the Appropriations Committee, almost all of them on a unanimous vote, some of them with just a few negative votes in committee.

But the responsibility of the Senate and House and Congress every year is to pass our spending bills. We pass these bills in order to make our agencies work, whether it is the Food and Drug Administration that makes sure our food is safe, whether it is our air traffic controllers who manage the flights out of our airports, whether it is our health care agencies that do research and important work for this Nation's health, whether it is Government agencies that fund agriculture or any of the other agencies we have. These are people who go to work every day whose function it is to make our economy and our country work so that average citizens do not have to sit at home and worry about whether the drug they purchase is safe or whether the agriculture they buy at the market is safe or whether their schools are funded or whether we provide individuals the basic health care Americans know they need in order to keep their families secure.

It is too bad these bills didn't pass a few months ago. Why didn't they? Because we had an administration whose bottom line was to say no. The President at the time, President Bush, said: I will say no to these bills as they come to my desk.

But here in the Senate and in the House, we said: These bills are important, but if this President is going to veto them, we are going to wait a few months for the election.

That happened, we have a brandnew President, and, unfortunately a few months late because we were working on an economic stimulus package, we are here to pass these bills. I wish they were done a few months ago. I know all of us do. But we should not delay it any further. All of the people who worked with us to get these bills passed, everyone in the country, whether it is a YMCA that has a domestic violence center that is waiting for $100,000 that we marked up in committee and appropriated last year for them, or highway projects we marked up in this bill, or transit projects, across the board, whether it is law enforcement, whether it is consumer product safety, whether it is the numerous housing agencies that are funded in this—they have known for several months what they are going to get. They are waiting for us to finish our work this week, by this deadline, Friday, so we do not go back to a CR. It is our responsibility to pass these bills.

The Senate had a very strong vote just a few hours ago to say we are not going to work off a continuing resolution. We are going to do a responsible job of funding these agencies, as we said.

The amendment of the Senator from Nevada that now comes before us sends us into a tailspin. It says we are going to send these bills back to the Appropriations Committee to cut some $20 billion out of them and come back to us. First of all, just from a process point of view, this is not going to happen by this Friday, and if we do not get this bill passed by this Friday, the Government shuts down. I can talk about the consequences of that. I have been in this body before when the Government shut down. It is not pretty, and we do not want to be there for a million reasons that I am happy to talk about for some time, but we will leave that for another day.

The fact is, to send this bill back to the Appropriations Committee and tell them to cut $20 billion out of it, that will underfund critical initiatives this Senate and this House believe are important.

Let me talk for a minute about housing. We all know that one of the reasons our economy is in such trouble today is because of the housing crisis that has come before us. In this bill—if we do not pass it as it is written and before the Senate today, we have about 45,000 families who will lose their jobs on top of the thousands we have already seen. We cannot afford to put those families in jeopardy. Yet that is essentially what will happen if the amendment of the Senator from Nevada is agreed to.

We are working hard to make sure our families do not go into foreclosure. The amendment of the Senator puts all of those families at risk. Single-family guaranteed housing loans are at risk under the amendment of the Senator. Federal law enforcement efforts through the Department of Justice are at risk through the amendment of the Senator. Antiterrorist enforcement programs through the Department of Treasury are at risk under the amendment of the Senator. U.S. attorneys are at risk. Food and medical product safety—right at a time when we are all worried about peanut butter—is at risk. Consumer product safety—the risk goes on. All of these priorities that we worked through our committee on a bipartisan basis and said we need to move these initiatives forward are at risk under the amendment of the Senator.

I believe we have to all go back to our responsibilities. All of us wish the bill could have passed a few months ago. It didn't. It is in front of us now. We need to pass this bill, get it to the President's desk, and then we will have

an opportunity to look at a budget for 2010. Our Budget Committee will look at that budget hard, we will pass the budget out—it will have to pass in the Senate and House—and it will set the parameters for next year's appropriations bills. Those appropriations committees will then, in the next few months, begin to work on their bill. For anybody who has issues, small or large, that is the appropriate place to begin the debate and amendment process and hopefully in regular order to pass those bills and move forward. But we should not jeopardize this bill at this point. That is not responsible. That is not what any of us should be doing at this point.

Finally, let me talk about the debt issue we have been hearing so much about. None of us wants to operate this country in debt. All of us are fiscally responsible. I have heard every Member of the Senate come forward and talk about making sure we keep our house in order.

Who got us to where we are today? The Republicans who came into power under George Bush turned historic surpluses into historic deficits by not being honest about the costs in front of us—whether it was the Iraq war or whether it was other costs that were paid off-budget, emergencies across the country—not coming forward and being honest about the fact that we do need to fund health care research or education for our kids. Why have these bills not passed before the election? Because even Republicans didn't want to cut education or to cut health care, which would have been what we had to do to meet the President's budget level.

I take a backseat to no one when it comes to making sure our country moves forward in a fiscally responsible way and deals with the debt we have. But at the cost of laying off thousands of people because we are not being responsible and up-front about the job we have to do is irresponsible.

I hope our colleagues will defeat the amendment by Senator ENSIGN, move on, pass this bill this week, and then we can have all the debate we want about the budget that will come before this body shortly, about the appropriations moving forward.

Let me remind all of us that what we are talking about here is extremely important. No one wants to get a pink slip. No one wants to see their job lost. No one wants to see their health care at risk, their education at risk, or for that matter, within my appropriations bill, their flight from their airport at risk because we have not added air traffic controllers, which is in this bill. There are many other issues in this bill that are at risk under the proposal of the Senator, and I urge our colleagues to defeat this amendment and move forward, doing what we were sent here to do, and that is be responsible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I wish to first address a few of the misrepresentations of my amendment by the Senator from Washington. My amendment does not cut any specific program, and you know it. It says to the Appropriations Committee: We will send this back to the Appropriations Committee, and you determine which programs are funded and which ones are not funded. But you will fund them at last year's level. If you want to raise the level in certain areas, then you will have to cut funding in other areas.

We just have to ask ourselves the question: Does anybody believe there is wasteful Washington spending? Does our Government have any wasteful spending in it? If you say there obviously is wasteful spending, when was the last time we cut anything? When was the last time we cut any wasteful spending? Congress needs to address this wasteful spending. Part of the Appropriations Committee job is oversight. The Committee then figures out what is working, what is not working, fund what works and cut what does not work. But that doesn't happen around here. All they do is add and add.

If you check the Constitution, the purse strings are controlled by Congress, not by the President. Democrats are entering their third year of that control in both houses. So what we have to do here is exercise our authority and say we are going to be fiscally responsible. You can say you are fiscally responsible all you want, but unless you act on it, the words are hollow.

Businesses across America are looking for ways to cut waste from their budgets during this economic downturn. Do you know what they are finding? Talk to them. I have been in business myself. I understand that when times are good, you sometimes add staff you don't need, you waste money in places you don't need to, and that is in the private sector. The Government is less efficient than the private sector.

Times are tough in this country, instead of thinking we will just add to the deficit, we will just raise taxes, let's look for efficiency and let's eliminate wasteful spending. We have a bill in front of us that is going to increase spending over last year's level by 8 percent. Is that fiscally responsible? We just passed a nearly $1 trillion spending bill called the stimulus bill, and now we are going to increase this by 8 percent? It seems to me that is not fiscal responsibility. That is the height of irresponsibility.

Let's have a debate on this, but let's have a honest debate.

We are not cutting any specific programs. Do not say we are cutting education. Do not say we are cutting health care. Do not say we are cutting police and firefighters because this amendment does not do that.

What this amendment says is, let's send this bill back to the Appropriations Committee, to last year's level. The Appropriations Committee can determine which programs are funded at what level. If you believe there are certain priorities that need more funding, then fund them; otherwise, let's be honest about this debate. And I am more than happy to go back and forth with the other side about the merits. But if anybody thinks there is not wasteful spending going on in Washington, DC, you need to wake up and smell the coffee because it is outrageous how much waste there is in our Government today—outrageous. We do not require fiscal discipline in our agencies, and that is what we need to start doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I ask unanimous consent to address the Senate as in morning business.

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

PRESIDENT OBAMA'S MISSILE SHIELD LETTER TO RUSSIA

Mr. SCHUMER. Mr. President, I rise today in support of President Obama's critical recognition that Russia must be a major player in blocking Iran's development of dangerous weapons. Yesterday, it was reported that the President wrote to Russia's President Dmitri Medvedev signaling an openness to re-examining the contested missile defense system in Eastern Europe, while urging Russia to help us stop Iran from developing nuclear warheads and long-range weapons.

This overture by President Obama is Reaganesque in its boldness. It has the potential to represent the most cooperative approach to a global threat by our two countries since President Reagan and Gorbachev signed the missile treaty 20 years ago.

It signals the ushering in of a new era of tough and smart thinking about foreign policy that has been desperately lacking in the White House. Rather than alienating potential allies, President Obama and his team are demonstrating that they will abandon the Bush unilateral approach to nuclear nonproliferation in favor of galvanizing international support to meet the challenge posed by these deadly weapons.

I am not an after-the-fact supporter of this strategy. I have long thought that the key to de-fanging Iran's nuclear threat lies in Russia's cooperation in imposing tough economic sanctions on Iran. In fact, in an opinion piece published by the Wall Street Journal last summer, I urged President Bush to offer to Russia a deal: in exchange for walking back the missile defense system that Russia so opposes, the U.S. should get Russia to back the United States' economic sanctions on Iran that are our best stick for making sure that their nuclear threat does not become a reality.

I also made this suggestion in person at the White House last year. I was literally told by Vice President Cheney ''We can't do that.'' Well, there's new

leadership in Washington and President Obama says ''Yes we can.''

Today, there should be no lingering doubt that Iran represents a profound threat to our global security. The latest International Atomic Energy Agency report confirms that Iran remains in hot pursuit of a nuclear program. The report told us that Iran now possesses 1,010 kilograms, 2,222 pounds, of low-enriched uranium, which raises concerns that it now has sufficient uranium and the means to enrich it to produce nuclear warheads.

Whether President Ahmadinejad actually intends to make good on his threat remains to be seen. But what we do know is that the administration needs to use every diplomatic tool in our arsenal to halt Iran's progress in the development of deadly nuclear weapons.

In the recent past, we have made some progress in ratcheting up economic pressure on Iran by sanctioning four of Iran's major state-owned banks. This move has dramatically limited Iran's ability to conduct international business, as a growing number of foreign banks are unwilling to risk reputational harm or loss of access to U.S. financial markets. More economic pressure can and must be applied.

These sanctions are effective against Iran for several reasons. Despite the fact that the leadership and government of Iran is a theocracy, the Iranian people are largely secular and look westward for their cultural bearings. It's a common sight to see satellite dishes hidden in air-conditioning ducts, so Iranians can stay abreast of Western culture. Its growing youthful population also has strong ties to the west. MTV is a popular TV channel among the young in the country, not al-Jazeera. Iran is also wealthier than most neighbors in its region, and its inhabitants have enjoyed a higher standard of living than most people living in the Middle East.

However, Russia is blunting the impact of the sanctions. Economic self-interest motivates Russia's arguments that there is no evidence that Iran has a secret nuclear weapons program and that sanctions would undermine the International Atomic Energy Agency's efforts. Russia makes money from business with Iran, since Russia currently supplies over 75 percent of Iran's arms imports. Russia continues to supply Iran with nuclear fuel and to train Iran's nuclear engineers.

More ominously, Prime Minister Putin's nationalist rhetoric, designed to remake Russia into a global power and restore nationalist pride to the Russians, has led Russia into an even tighter embrace with Iran, an embrace that must be untangled if we are ever to truly eliminate the Iranian nuclear threat.

It is also not a secret that little has raised Russia's anger and fueled its nationalist impulses more than the Bush administration's missile shield plan. Putin argued that such a plan would both reignite the arms race of the 1980s and damage Russia's relations with the United States, Poland, and the Czech Republic. He also said that the shield would prompt Russia to increase its own defenses and abrogate its commitments to demilitarize under the Treaty on Conventional Armed Forces in Europe.

Despite Russia's loud complaints over this missile shield, the Bush administration plowed ahead, securing reluctant agreement from our allies at the NATO summit earlier last summer to move forward with its implementation.

Let me be clear. The United States is committed to both protecting against the threat of a nuclear Iran and protecting a free and prosperous Eastern Europe. But the Bush administration's plan to deploy the missile defense system in Poland and the Czech Republic has never made much sense. The technology has never been proven to work, it has not been determined to be cost-effective, and it will do nothing to tackle the ultimate source of this threat, Iran's stubborn refusal to abandon its nuclear program. At the same time, it does very little to preserve the necessary and very important independence of Eastern Europe.

In this context, it seems clear that the U.S. and Russia each have something to gain from each other. President Obama appears to recognize this dynamic. In exchange for joining the West in imposing economic sanctions on Iran until they stop their pursuit of nuclear weapons, I encourage the administration to roll back its predecessor's plans for a missile shield. It makes sense. With Russia on board, economic sanctions will have much greater success, and countries like China will certainly think twice before engaging with the Iranian regime. Russian participation will give multilateral sanctions against Iran real teeth, and we can halt Iran's nuclear program before it is too late.

The President's gesture to Russia is the kind of smart, targeted diplomacy our dangerous world needs. Given that a nuclear Iran is such a profound threat, this strategy makes eminent sense. The United States could give up a non-vital missile program in Eastern Europe in exchange for vitally needed Russian cooperation to prevent Iran from going nuclear. President Obama and President Medvedev do not need to look into each other's soul. They just need to be able to trust each other's handshake.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, the measure before us, H.R. 1105, is consistent with the funding levels approved in the budget resolution. Therefore, I sincerely believe there is no justification for any amendment to reopen this bill to further cuts.

The Republicans argue there is an overlap between the funds added in the recovery bill and the omnibus bill before us. At the request of Republican Members, Senator COCHRAN and I called upon our staff to conduct a bipartisan review of the impact that the Recovery Act has on the omnibus bill. That review determined that there is, at most, minimal overlap. Let me explain. First, there are 900 programs in the omnibus bill. Fewer than 20 percent receive stimulus funds. For those who may want to offer an across-the-board cut to this bill, they would be harming more than 80 percent of the programs for the Department of Agriculture, Commerce, Justice, Treasury, HUD, Energy, and so on.

Second, of the programs with stimulus funds, only 100 have an increase in the 2009 omnibus bill above the 2008 funding level, and many of those increases just cover inflation or are relatively small. Nearly half of these programs averaged about $5 million in increase between 2008 and 2009. In many cases this does not even cover the cost of inflation.

Analysis will show there are 30 programs in the bill before us which grow substantially between 2008 and 2009 by a total of $15 billion. Of the omnibus growth of the $15 billion we measured, $13 billion is either entirely unrelated to the stimulus bill or is required in addition to the Recovery Act funds to achieve policy objectives or was funded in response to strong political support which would eliminate any chance of reducing it.

I would like to mention a few critical priorities that would go unmet if the Congress were to pass a CR rather than the omnibus. On food and medical product safety inspections, this omnibus bill would provide the Food and Drug Administration with an increase of nearly $325 million, of which $150 million is included in the current continuing resolution.

If this measure is not enacted into law, the proposed increased funding for the FDA would be reduced by $175 million. This reduction in funding would significantly decrease the number of food and medical product safety inspections, both domestic and overseas, that the FDA could perform.

On the matter of consumer product safety, this measure would provide the Consumer Product Safety Commission with an increase of $25 million or 32 percent above the 2008 level. Without this funding increase, this Commission would not be able to implement many of the reforms and new directives contained in the newly enacted Consumer Product Safety Improvement Act to make children's products safer, such as the consumer complaint database, an overseas presence, and increased inspector general staffing, and staffing generally.

On the matter of the enforcement of securities law, inadequate resources for the Securities and Exchange Commission would hamper the ability to undertake vigorous enforcement of security laws to help bolster the integrity of the financial markets just when such enforcement is needed.

On the matter of the Federal Aviation Administration, this agency faces a crisis in maintaining an adequate workforce of trained air traffic controllers. Without the increase provided in this omnibus bill, the FAA would be forced to freeze or reduce the number of new air traffic controllers the agency can bring on board and train, worsening the experience shortage we already have in our air traffic control towers. One accident is one too many.

These are only some of the many priorities in this legislation that would go unmet if we fail to pass this bill as written. This omnibus bill is a good package. It is bipartisan and noncontroversial. It is in compliance with the budget resolution for the committee.

Again, I believe there is no justification for an amendment to reopen this bill to further cuts that would do harm to the important national priorities I have mentioned.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MOTION TO COMMIT WITH INSTRUCTIONS, AS MODIFIED

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to vote in relation to the Ensign motion to commit with instructions, as modified with the changes at the desk; and that no amendments be in order to the motion prior to a vote in relation to the motion to commit; that upon disposition of the motion to commit, Senator HUTCHISON be recognized to offer an amendment which provides for a reduction in funding with no amendment in order to the amendment prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion to commit with instructions, as modified, is as follows:

Mr. ENSIGN moves to commit the bill H. R. 1105 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate with the following changes:

SEC. _____. (a) Amounts appropriated under this Act for—

(1) fiscal year 2009 shall be reduced by $18,981,000,000; and

(2) fiscal year 2010 shall be reduced by $3,274,000,000.

Mr. INOUYE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. CONRAD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—33

Alexander	DeMint	Lugar
Barrasso	Ensign	Martinez
Bennett	Enzi	McCain
Brownback	Graham	McConnell
Bunning	Grassley	Murkowski
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Crapo	Kyl	Wicker

NAYS—61

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Bond	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Shelby
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Cochran	Lincoln	Udall (NM)
Collins	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NOT VOTING—5

Bayh	Johanns	Sessions
Conrad	Kennedy	

The motion, as modified, was rejected.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

MOTION TO COMMIT WITH INSTRUCTIONS

Mrs. HUTCHISON. Mr. President, I have a motion at the desk which I would like to call up for consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] moves to commit the bill H. R. 1105 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate with the following change:

Amend spending levels in the bill so as to report back a bill with an aggregate non-security spending level at fiscal year 2008 funding level, adjusted for inflation, by reducing duplicative or non-essential funding in the $787,000,000,000 stimulus bill also referred to as the American Recovery and Reinvestment Act of 2009.

Mrs. HUTCHISON. Mr. President, the amendment that was just defeated was to hold us to the 2008 spending levels after the $1 trillion of stimulus spending that has already been passed and signed by the President. My amendment would be for the nonsecurity spending for 2008, plus the rate of inflation at 3.8 percent.

Basically, what I am doing is asking that we commit the bill to the Appropriations Committee to amend and find the places in the omnibus bill that is before us or the stimulus bill from 2 weeks ago where we would take out the amount of spending that is duplicative or nonessential in the amount of approximately $12 billion. This is a very modest cut, but it would begin to put us on the road toward some fiscal responsibility. We have just passed a $1 trillion stimulus package. It is in all of the areas that we could spend money on, and many of those are duplicated in what we are taking up on the floor right now.

So if you take the nonsecurity spending of 2008 and you add the regular inflation at 3.8, the Congressional Budget Office says that it would be about $12 billion in cuts that the Appropriations Committee would be able to find. So we are not saying here to slash across the board. We are certainly holding harmless defense and veterans. But we are saying that the Appropriations Committee should look at what we have passed and see where there is duplication and cut $12 billion out of this spending bill, and then we will be setting the precedent that we are going back to fiscal responsibility, which is setting the budget and having a reasonable increase—the rate of inflation—which has been the normal procedure here until this year.

When you look at the bill that is before us, it would cost about $408 billion, according to the Congressional Budget Office. When you account for the previous continuing resolution, which provided funding for defense, military construction, veterans affairs, and homeland security, the top line fiscal year 2009 spending level would exceed $1 trillion. This does not include last year's supplemental nor the stimulus which we have just passed, which, when you combine those bills, would be another total of $1.4 trillion. That is a 49-percent increase over a 1-year period. If we want to exclude the emergency or one-time actions, such as supplementals or the stimulus, then you would have an increase over last year's spending by $83 billion, which would be an 8.8-percent increase over last year's spending. That is more than twice the rate of inflation, at 3.8 percent.

Let's take some examples. I will look at my committee, Commerce Committee, and the areas of my jurisdiction. We authorize broadband grants. We share this jurisdiction with the Agriculture Committee. We provided a total of $7.2 billion for broadband grants and loans in the stimulus package, $4.7 billion for the NTIA, and $2.5 billion for rural utility service. Yet in this bill we are adding another $400

million. That totals, for the fiscal year 2009 spending, a 4,500-percent increase. Why do we need another $400 million when we haven't even begun to spend the $7.2 billion from the stimulus yet?

How about the National Institute of Standards and Technology? This is a program I support. It is a valid program, just as the previous one. But here we are increasing the NIST funding by $31 million over last year's funding level and we just gave NIST $220 million not 2 weeks ago. So the Institute of Standards and Technology would be increased not by $31 million, but $251 million over a 1-year period.

These are only some of the items in my own committee's jurisdiction. There are 122 accounts in this bill that received stimulus funding, and I support most of what is in this bill because the Appropriations Committee took up these spending bills last year. We had the ability to amend, in most cases, and we know what is in those bills. However, they were increased on the House side since we took them up last year, and now we have, between now and October 1 of this year, this spending bill for all of the accounts except the security accounts.

Why don't we show the American people that we are going to exercise fiscal restraint; that we know we have just passed $1 trillion in stimulus spending—some of which arguably is stimulus and some of which arguably is not, but we passed that stimulus bill—and it is going to cost our taxpayers $1 trillion. We hope it will increase the revenue, because we hope it will increase jobs and it will keep people in their jobs. That is what we want it to do. But now we are in the regular appropriations cycle, from today until October 1, and we are talking about $408 billion more in spending, some of which has already been provided for in the stimulus package we passed.

The American people, some of whom have lost their jobs, some of whom have received notice that their mortgages are going to be foreclosed and their homes are going to be taken, are saying: What are they doing up there? How can they spend money like that without any regard to what is fiscally responsible? And how we are going to pay it off? Because this is more debt, and we are going to increase, and increase again, and everyone who owns something or who has a mortgage understands this.

We don't have to do this. We can say today, in a bipartisan way, that we are going to turn a new page; we are going to turn a new page in this Congress and the Appropriations Committee is going to do its work. The Appropriations Committee is going to, in a bipartisan way, start looking at this $408 billion bill and compare it to the 122 accounts in this bill that got stimulus 2 weeks ago and we are going to find $12 billion in cuts—$12 billion out of $408 billion. It could come out of the stimulus. If that were the preferred way to go, we could go back into the stimulus in the outyears. It doesn't have to be in the next 2 years, it can be in the outyears of the stimulus. The Appropriations Committee would be authorized to go into either bill and shrink $12 billion.

It seems almost unthinkable that we would not be able to cut $12 billion out of $1.408 trillion of taxpayer money that is coming out of Washington and which is debt because we don't have the money to pay for it.

I urge my colleagues to pass this amendment. Let us show the American people that we do understand we should have fiscal responsibility and restraint, as every household in this country is experiencing right now; and that from now forward our appropriations bills are going to be in the regular order; that we are going to have a budget, and we are going to live within that budget, and we are not going to add 5 percent or 8 percent and then bring it over here and pass it with no amendments. That is business as usual. That is not change, it is not bipartisanship, and it is not acceptable.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. KAUFMAN). The Chair recognizes the Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to be recognized for 20 minutes and that the time not be counted against Senator HUTCHISON's time.

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

CUBA

Mr. MARTINEZ. Mr. President, as this mammoth appropriations bill is being considered, there are some ramifications that go way beyond the fiscal impact of this bill and the prudence of those measures. It is about the policy implications of some of the things that have been woven into this bill. I am particularly referring to those issues referring to our relationship with Cuba.

This Senate has debated over many years issues relating to Cuba, a close neighbor; unfortunately, over the last half century, not a friendly neighbor. I think back to about 1898, when this Senate was very much in favor of Cuba's freedom from Spain and American forces intervened. In 1902, Cuba's freedom as an independent nation, freed from Spain, was granted as a result of actions by our Congress as well as our President.

As the Senate considers taking steps that would change the current approach to policy regarding Cuba, we should reflect on how and why we have the current policy in place and the ramifications of adjusting that policy at this moment in time, even temporarily.

The United States-Cuba policy is a living, breathing entity. Over the years, it has been adjusted, loosened, tightened, and tested. Ten successive U.S. Presidents have affirmed the policy, bolstering provisions for the sake of those brutalized by the regime, seeking no harm to the general Cuban public while denying the regime the resources it so desperately needs to keep the stranglehold on power.

The United States has always had the general welfare of the Cuban people in mind as evidenced by our generous humanitarian aid and the promise it is of untethered assistance. The United States is the No. 1 supplier of humanitarian aid to Cuba. The American people, in 2007 alone, sent $240 million in private assistance through reputable humanitarian assistance organizations. The foundation of our policy takes aim at the actions of the regime that expropriated private property without compensation—property owned by American citizens. On top of this foundation is our message that Cubans deserve access to free and fair elections, basic human rights, and the rule of law.

The United States built this policy so as to stand with the Cuban people, who are denied the freedoms we as Americans receive as a birthright. As we consider stripping enforcement of the sanctions, I wish to spend some time talking about what this policy means to the Cuban people, the American Government, and me personally, as someone who witnessed the violence of this revolution firsthand.

United States-Cuba relations during the Castro era have largely been defined by Cuba's record of anti-Americanism and aggressive acts of hostility. When Fidel Castro took power in the early days of 1959, there were promises of democracy, free press, and elections. But such reforms never took place. In fact, a violent dictatorial regime came in its place. Many executions took place—killings without trial, without due process. Our President, then Dwight D. Eisenhower, built a framework for the anti-Castro policy by placing trade sanctions on sugar, oil, and guns.

When barrels of Soviet oil began to arrive in Havana, United States oil companies in Cuba refused to continue refining oil, paving the way for further nationalization of United States assets—oil refineries in this instance. All of these nationalizations took place without compensation to American companies. And to this day, there never has been compensation. All of the properties owned by Americans were taken. Later, little by little, properties owned by Cubans were taken until there was no vestige of private property left in Cuba whatsoever.

My own personal story, my own life, was touched, as I was a young boy when all of this took place. Ultimately, as a result of persecution of those of us who were people of faith, as well as the stifling atmosphere in a totally controlled society, as a teenager, I emigrated to the United States. I watched firsthand the tensions between Cuba and the United States in a very personal way.

I remember watching the television and the news accounts of tensions rising between the United States and Cuba—escalating and leading up to the Cuban Missile Crisis.

That began in July of 1962, when Raúl Castro went to Moscow, and the bonds between Cuba and Russia strengthened.

The Castro brothers engaged with Russia and agreed to allow the Soviets to deploy nuclear missiles, under Moscow's jurisdiction on the island of Cuba. By the fall of 1962, Soviet freighters began delivering shipments of middle-range ballistic missiles.

In an address to the nation on October 22, 1962, on the eve of my 16th birthday, President John F. Kennedy warned of the imminent danger presented by the emerging Soviet-Cuba alliance.

In describing Cuba's nuclear strike capabilities, Kennedy said:

> Several of them include medium range ballistic missiles, capable of carrying a nuclear warhead for a distance of more than 1,000 nautical miles. Each of these missiles, in short, is capable of striking Washington, D.C., the Panama Canal, Cape Canaveral, Mexico City, or any other city in the southeastern part of the United States, in Central America, or in the Caribbean area.

Five days later, in a letter to Russian Primer Nikita Khrushchev, Fidel Castro offered the island in sacrifice and urged the Soviets to use nuclear weapons against the United States if necessary.

Let's be clear, the Castro regime, under Fidel and Raul Castro, then—as they are today—in power, wanted first strike nuclear attacks against the United States. Fidel Castro urged the Russians to let the missiles fly toward our soil.

Fortunately for all, Khrushchev's response to the Castro request was to urge, ''. . . patience, firmness and more firmness.''

And these events are the foundation for U.S. Cuba policy; brutality, the theft of U.S.-owned assets, and the threat of nuclear catastrophe. All of these things perpetrated by the Castro brothers who were in power in 1959, and who remain in power today.

In the years between the Cuban Missile Crisis and now, the United States has made many good faith efforts and attempts to unilaterally engage Cuba and restore relations.

Without fail, every single attempt has failed due to the actions of the Castro regime.

Several attempts involved our offering concessions similar to those in the bill before us today.

In 1975, Secretary of State Henry Kissinger, during President Gerald Ford's presidency, tried to broker a deal with Cuba that would have lifted the trade sanctions and normalized relations. But the regime chose another route. It wanted to project power abroad. It was more interested in acting as a surrogate of the Soviets than it was in better relations with the United States. So Cuba sent troops to Angola. These troops engaged in a war as surrogates of the Soviet Union, where Cuban men died and where the Cuban Armed Forces were engaged in battle. They seized the capital city of Luanda, and the group then proclaimed independence from Portugal.

In an effort to promote peace and stability, Secretary Kissinger had no choice but to tell Cuba that as long as they had troops in Africa, the deal to normalize relations with Cuba was off the table.

In April 1980, during the Presidency of Jimmy Carter the U.S. Government once again reached out to the Cuban regime. This was rebuffed in a different way. This time it was as a result of more than 10,000 Cubans who were seeking asylum in the Peruvian Embassy; Cuban-American exile groups reached out to the island asking if willing Cubans could be allowed safe passage to the United States.

The response from the Cuban people was overwhelming and more than 125,000 Cubans fled for freedom in what became known as The Mariel boatlift. In the months that the boatlift took place, the U.S. established an interests section in Havana and reciprocated by allowing Cuba to establish theirs in Washington.

This would have been a bright spot for U.S.-Cuba relations except for the fact that the Castro regime took advantage of our generosity.

As thousands of Cubans lined up for the chance to live in freedom, the Castro regime opened its prisons and mental hospitals and sent patients and their worst criminals, murderers, thieves, and drug dealers into the United States with the idea that they would be turned loose to wreak havoc in the U.S.

This was not only cynical but also an act of aggression during a time when President Carter had extended a hand of friendship.

Once discovered, the Castro regime refused to take back the criminals and many were absorbed by our prison system where they remain to this day because they will not accept them back.

The Mariel Boatlift, as it is now known, was symbolic of the desire of the Cuban people to live freely and the flight of the people of Cuba to friendlier places, but also of the frustrating attempts to have a better relationship with the Cuban government.

Frustrated with the conditions allowed by the Cuban regime, more than 125,000 Cubans made the journey to the United States. Many were reunited with family and friends, and all had a chance at a better life.

In February 1982, the U.S. Secretary of State added Cuba to the list of countries supporting international terrorists. The U.S. State Department issued a report detailing Cuba's activities.

The State Department asserted that Cuba had, quote, ''encouraged terrorism in the hope of provoking indiscriminate violence and repression, in order to weaken government legitimacy and attract new converts to armed struggle.''

Cuba was noted to have very active operations throughout Central America and especially in Nicaragua, El Salvador, and Guatemala.

It was reportedly providing, ''advice, safe haven, communications, training, and some financial support to several violent South American organizations.''

The long record of the Cuban government's lack of respect for human life extends beyond the 1960s, 1970s and 1980s. In 1996, the Castro regime engineered a civilian murder that shocked the conscience of all Americans.

On February 24, 1996, the regime ordered the shoot down of two unarmed civilian planes flying over international waters on a humanitarian mission.

Four people were killed. Three U.S. citizens and a permanent U.S. resident; Armando Alejandre, Jr., Carlos Costa, Mario de la Pena, and Pablo Morales.

These men were part of a Florida-based humanitarian organization called ''Brothers to the Rescue,'' a group credited with spotting and saving the lives of thousands of Cubans who spotted and helped rescue Cubans trying to raft across the Florida Straits.

Following a thorough Federal investigation, it was determined the regime premeditated the shoot down as part of a conspiracy called Operation Scorpion—a mission designed to send a message to the Cuban exile community.

In the months leading up to the shoot down, Cuban-piloted MiG jets practiced intercepting and firing on slow-moving planes similar to those flown by the Brothers.

Further, the regime infiltrated an agent into Brothers for the sole purpose of encouraging the group to fly into the regime's death trap.

This agent disappeared the day before the shoot down and reappeared in Havana to denounce the humanitarian group.

The Southern District of Florida would eventually find and charge 14 individuals including Cuban spies.

The reaction from the international community was swift and harsh.

The United Nations Security Council passed a resolution condemning Cuba.

The European Union followed suit. Here in the United States, we strengthened sanctions against Cuba through the Helms-Burton Act.

A known state-sponsor of terror, the Cuban regime engaged in premeditated murder, in international airspace.

And the same people who orchestrated this unprovoked attack, Fidel and Raúl Castro, are still in power today.

Incidents such as these strengthen the resolve of Cubans looking for a better life.

José Martí, a Cuban hero, referred to as the ''Apostle for Cuban Independence,'' once said, ''Man loves liberty, even if he does not know that he loves it. He is driven by it and flees from it where it does not exist.''

Many have fled Cuba for our shores.

During the early days of the regime from 1959 to 1962, it is estimated that the U.S. resettled 200,000 Cuban refugees.

There are well over 1.5 million Cuban refugees in the U.S. and many more in Spain, Mexico, and throughout Latin America and the world where the Cuban Diaspora has gone, escaping tyranny and seeking freedom.

According to the State Department:

These include former political prisoners, persecuted religious minorities, human rights activists, forced labor conscripts, and those discriminated against or harmed based on their political or religious beliefs.

Those who choose to stay behind and courageously oppose the regime's radical ways are subjected to violence, torture, and even murder.

According to Armando Lago, an economist who has attempted to compile a list of every person killed since the start of the Cuban revolution, Raúl Castro was personally responsible for 550 executions in 1959 alone—executed without trial, without cause, without mercy—Raúl Castro, the figurehead of Cuba's modern regime.

Lago has documented 500 murders by prison guards, 500 deaths from medical neglect, 200 suicides of political prisoners, and more than 1,000 assassinations and disappearances.

Those who have voiced opposition to the regime's policies have been forced to endure harsh consequences.

Under the Cuban Criminal Code, the regime has the legal authority to detain and arrest anyone deemed not in line with the Communist State.

These individuals are defined under Article 103 of the Cuban Criminal Code as:

Any person who incites against the social order, international solidarity or the communist State, by means of oral or written propaganda or in any other way; prepares, distributes or possesses propaganda . . . Any person who disseminates false news or malicious predictions likely to cause alarm or discontent among the population, or public disorder . . . [or] Any person who permits utilization of the mass communication media shall be punished with one to four years imprisonment.

Once in prison, these individuals are subjected to unsanitary conditions, harassment, and beatings.

Here are just a few of the conditions reported by the Inter-American Commission on Human Rights.

The nutrition and hygienic situation, together with the deficiencies in medical care continue to be alarming and have caused numerous medical problems among the prison population. Anemia, diarrhea, skin diseases and also parasitism due to polluted water, appear to be commonplace in the majority of the country's prisons, while in some such as the Manacas and Combinado del Este facilities cases of tuberculosis have been recorded.

Moreover, inmates who have made any form of protest about the treatment received or who reject reeducation, which according to information received consists of political and ideological training, have been subjected to reprisals such as beatings, being shut up in punishment cells (which are extremely small, with the door closed and where the prisoner can be kept for months without seeing the light of the sun), being transferred to prisons normally far from where their families live, suspension of family visits, or denial of medical treatment.

This is in sharp contrast to the much publicized detention facility in Guantanamo. I have visited there and conditions are as good there or better than those in Florida jails. Organizations can visit Guantanamo. That is the only jail in Cuba that can be visited by an international organization like the Red Cross. The Cuban government refuses any human rights organization permission to visit their prisons.

The fact is the only uninspected, deplorable prisons in Cuba are those run by the Cuban government. Their gulag continues today unchecked, and would continue even in spite of us reaching out through this bill in this misguided way.

According to the U.S. State Department's 2008 Report on Cuban Human Rights released last week:

. . . the government continued to deny its citizens their basic human rights and committed numerous, serious abuses.

The government denied citizens the right to change their government.

In describing these abuses of human rights, the report states:

The following human rights problems were reported: beatings and abuse of detainees and prisoners, including human rights activists, carried out with impunity; harsh and life-threatening prison conditions, including denial of medical care; harassment, beatings, and threats against political opponents by government-recruited mobs, police, and State Security officials; arbitrary arrest and detention of human rights advocates and members of independent professional organizations; denial of fair trial; and interference with privacy, including pervasive monitoring of private communications.

The report notes,

. . . severe limitations on freedom of speech and press; denial of peaceful assembly and association; restrictions on freedom of movement, including selective denial of exit permits to citizens and the forcible removal of persons from Havana to their hometowns; restrictions on freedom of religion; and refusal to recognize domestic human rights groups or permit them to function legally.

One of the political prisoners mentioned in the State Department report is a man named Tomas Ramos Rodriguez, who was released on June 16 after 18 years in prison.

Following his release, Tomas Ramos noted that ''prison authorities beat prisoners with truncheons on a near-daily basis with impunity. Families of prisoners continued to report that prison staff sometimes goaded inmates with promises of rewards [if they would] beat a political prisoner.''

In describing the prison conditions, Tomas Ramos recalled the ''cell floors that had standing pools of water contaminated with sewage.''

Additionally, the report tells the story of a physician named Rodolfo Martinez Vigoa, who complained to the Ministry of Public Health about the condition of the local health clinic in Artemisa as well as the salaries of his employees.

In response, instead of taking care of the problem, the regime stood by as ''approximately 300 persons arrived at Martinez's house and shouted insults, calling him a traitor and a counter revolutionary. The government later stripped Martinez of his medical license.''

There is a long litany of the human rights abuses that exist in Cuba. The fact is, with these conditions, we would dare not have a free-trade agreement with Colombia because of concerns about human rights. President Obama, during his campaign, indicated he was concerned about human rights conditions in Colombia so, therefore, he would not be for a free-trade agreement with Colombia. It would seem to me that to be consistent, he would have to veto this bill if, in fact, it contains a relaxation of trade with Cuba, particularly if it gets into the area of providing credits, which is what this bill would do, to those in Cuba who do not pay their bills.

The fact is, there have been some pretend changes in Raoul Castro's regime since he took over Cuba. Citizens are allowed to use cell phones. That sounds like a great thing. The problem is the average Cuban makes $17 a month. The average cell phone in Cuba costs about $64. With the activation fee as high as $120, never mind the contract fee on a month-to-month basis.

Another change is Cuban citizens can now stay in hotel rooms that have been historically reserved only for tourists. The problem is, hotel rooms cost as much as 11 times the average monthly salary of a Cuban. These are not changes, these are sham assurances aimed at hiding the regime's struggle to remain financially solvent.

One clear change that has occurred is the rise of short-term arrests for so-called dangerous activity. Arbitrary detentions of prodemocracy activists have increased five times, from 325 in 2007 to 1,500 in 2008. These are just those that have been documented. Hundreds more, I am sure, take place that would be difficult to document because they happened in parts of the country where our diplomats certainly are not allowed to travel, and certainly there are no human rights organizations that could monitor it.

The regime's promise of change has fallen short of what the Cuban people want and deserve. Where are the anticipated reforms? There have been 2 years of Raoul's rule and nothing has happened.

Even the most modest calls for reform go unanswered. Since the average Cuban earns $17 a month, but the prices of goods and services are almost what they are here, many families find it very difficult to get by.

For those Cubans who have family members living abroad, here in the U.S. or Spain or elsewhere, they can receive remittances without a Government penalty. But the Cuban Government, unlike any other Government in the world, takes 20 percent from any incoming money.

A person living in the United States who sends funds to Brazil, Ecuador, Colombia, or China, they can expect to pay a private transaction fee of somewhere in the neighborhood of 2.5 percent. The Cuban Government takes a 20-percent cut right off the top. In this bill we will unilaterally be letting the Cuban Government receive unlimited remittances, asking them to do nothing—unilaterally lifting the restrictions on remittances while asking the Cuban Government to do nothing.

Would it not be nice if we were to tell the Cuban Government that in exchange for allowing them to now receive unlimited remittances, which may not be a bad thing, then they should, in fact, act in a way that allows the poor people of Cuba and those here sacrificing to send them help, not to be taking a 20-percent cut from the moneys they send to their relatives and loved ones in Cuba. These are not measures designed to serve the interests of the Cuban people.

But there is another yet darker side to this regime, as the anti-Americanism and the antagonism to our country has exemplified the actions of this regime throughout its time. Cuba and its anti-Americanism has fallen in line with Venezuela.

Mr. President, I ask unanimous consent I be allowed to have 5 additional minutes to conclude my remarks.

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

Mr. MARTINEZ. The relationship between Venezuela and Cuba is very close and obviously designed in their alliance to exercise an anti-American policy. But it does not stop there. It also includes the very dangerous Government of Iran.

Fidel Castro visited Iran in 2001. Mahmoud Ahmadinejad visited Cuba in 2006, following a visit in 2000 by then-President Khatami. The fact is, Chavez is in and out of Cuba regularly. The fact is, these governments are functioning as an alliance of sorts in the region, trying to thwart and provoke an anti-American attitude.

Before voting on this spending bill, we ought to give serious consideration to what changing the U.S. policy toward Cuba would mean going forward. While some may feel that the U.S. policy is punitive, it was created with the interests of the Cuban people in mind. Relaxing restrictions and allowing additional remittances would provide the regime with additional revenue, cash that would help it maintain its repressive policies.

According to the Cuban Assets Control Regulation: Persons visiting a member of the immediate family, who is a Cuban national, for a period not to exceed 14 days, those are allowed today once every 3 years.

What is likely to happen under these proposed changes in the omnibus is a spike increase in tourist travel under the guise of humanitarian activity. That does not serve the interest of the Cuban people and those who seek freedom inside Cuba.

In addition to that, this legislation before us would extend credit through the U.S. banking system to a Cuban nation that recently disclosed it owes more than $29 billion to the Paris Club, a debt they stopped making payment on back in the 1980s.

In fact, Cuba has the second worst credit of any nation in the world. And to that country, we are now proposing, in this legislation, in these financial times we are living in, to provide the Cuban Government with credit that can purchase agricultural goods in this country and also medicine, in fact, to the tune of some $780 million a year.

They have been doing just fine paying cash on the barrel head. This bill will give them credit. Why would we do that to this Cuban Government? Why would we do that to this enemy of the United States, when we would not sign and ratify a free-trade agreement with a country such as Colombia, which is a friend, a partner, an ally.

As we consider changing U.S. policy regarding Cuba, why are we doing it in a way where we ask for nothing? We tie neither of the changes called for in this omnibus to any yardstick of improvement. We do not call for the release of political prisoners; we do not call for lowering of the remittance fee from 20 percent to something more reasonable; we do not ask for any signs of positive behavior. We just lay the changes out there and then hope for the best. That is not the way we ought to approach a regime that has rebuffed our overtures for normal relations and humanitarian aid and instead seeks to undermine our alliances and our interests in the region.

The fact is, the Cuban Government is no friend of the United States. This is not just some benign dictator in Latin America; this is a government that purposely, during the entire time that it has existed, has had an antagonism and has exhibited every type of hostility toward the United States, which it continues to exhibit to this day.

Now, there are those who believe that Raul Castro is a reformer. After 2 years in power, as I pointed out earlier, little or no reforms have taken place. Great hopes were raised by him with many who are hoping for some sign. Yesterday, those signs of change were even further dashed when he had a major shakeup in his Government, and Carlos Lage, who has essentially been the Prime Minister of the Cuban Government, and one of those people whom folks believed was, in fact, a reformer, and the hopes were all pinned that if Lage would take over, that he might be the next President—in fact, he was fired yesterday, and he is no longer any sign of hope for undermining change in Cuba.

In fact, what happened yesterday in Cuba, by any other standard, by any other measure in any other country would be considered a military coup. We already have a totalitarian system. Now Raul Castro has put all of his friends from the military, all aging people in their seventies and older, as close to him as he can put them. Some of them are the most radical, the most vicious of those who have enforced Cuba's totalitarian regime over the years that it has existed, and they are now in the throes of government.

So, essentially, what we have here is not an example of a change in regime but one that is only consolidating power, trying to only exact more repression from its people, while at the same time exhibiting hostility and anti-Americanism anywhere that it goes and anywhere that it speaks.

So I would hope we can have this debate outside of this omnibus bill because it would be great to have a discussion on what our policy ought to be on Cuba—not to have it lumped into this massive spending measure that has to be passed by Friday. I would love for us to talk about Cuba in terms of how we encourage respect for human rights, how we encourage this Government to behave as a normal, law-abiding nation. The fact is, this unilateral act which, frankly, would not be met with any reciprocity is a mistake. It is a sign that we are trying now to legislate policy in a bill that is about spending and a very dramatic change in U.S. foreign policy.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 596

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 596 be called up.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 596.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this Act)

On page 1120, between lines 6 and 7, insert the following:

PROHIBITION ON NO-BID EARMARKS

SEC. 414. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient.

Mr. COBURN. Mr. President, I have to identify with the words of Senator

HUTCHISON about how the American public have to view this bill, especially in light of the fact of the stimulus bill we just passed. I will add some more to those comments as we go through this amendment.

This is a very straightforward amendment. It has been voted on by the Senate several times. Last time it passed 97 to 0. All it requires is that the money expended in this, where appropriate, be competitively bid.

I am sure there is going to be people who vote against this this time because of the situation in which we find ourselves. I wonder how you go back to your State and say that you do not think we ought to competitively bid the money we are going to spend on behalf of the American people. But some are going to say that.

We will hear all sorts of things. What this requires is all contracts, all grants, and cooperative agreements awarded under this act to be competitively bid. What do we know about competitive bids and what do we know that President Obama campaigned on? His campaign was, anything over $25,000 in the Federal Government ought to be competitively bid. So I have no doubt that my friend, the President, will endorse this idea. It is an essential part of his campaign to help us clean up the corruption, clean up the cost excesses, and clean up the overruns that we have seen.

The other thing is, we already have several laws that require it. But then we have words in the appropriations bill that exempt us from those laws requiring competitive bidding. So what do we do in this bill? We actually take away the enforcement of existing statutes so we do not have to competitively bid. Is it not interesting that the reason we do not want competitive bids mainly has to do with earmarks. It has to do with the fact that people have earmarks in the bill that they want to go to a certain set of people; maybe not the best qualified to perform that function or task under which the Government wants this service to be done, but you can bet your bottom dollar it is where the Senator or the Congressman wants it to go so he can get credit for it.

So not only do we have a tendency for less than sunshine, what we have bred is tremendous inefficiency. And it goes back to the very idea of why earmarks are so damaging to this country, which is because they give elevation and attention to the politically entitled money class. That is where 80 percent of the 7,700 earmarks in this bill are; they are to the politically entitled money class in this country, the people who can give campaign donations. That is who they are to.

So we do not want competitive bidding because the person we are counting on sending money back for a campaign contribution will not get the contract. So the deal does not get completed. In May 2006, the Senate voted 98 to 0 to require that we have competitive bidding on the stimulus package. We voted 97 to 0. What did we do in conference? They took it out so their friends do not have to competitively bid. Where I come from, in Oklahoma, we call that corruption. We call it corruption. That is a tough word. But that is what is going on with a lot of the money that our grandchildren are going to pay back that is going to go on this bill and in the stimulus bill.

The other reason we should do this is because no-bid contracts historically, when you look at them, never give value. What we get is cost overruns.

Great example: The census this next year is going to cost close to $20 billion. The census in 2000 cost $10 billion. Now we have to be scratching our head to say, why would it double? Well, $1 billion of that is because the Census Bureau had a no-bid contract for electronic data collection that fell on its face.

In spite of oversight by this body, in spite of assurances that it would not happen, we wasted $800-plus million on one contract that we cannot utilize anything from. That is the competency of no-bid contracts. If we do a review of this bill in the future, and we did not put in competitive bidding, we are going to see that same thing to a lesser degree across the whole board.

The other thing, the reason we should use competitive bidding, is that all of us would do it if it was our own money. We would want to get value. We would want to make sure we got the most value for the dollar that was spent.

We do not do that because it is not our money. Now there is a Congressman on the other side from Arizona who has above his desk written in great big red ink: The greatest pleasure in the world is to spend somebody else's money. But it instills all sorts of mischief when we do it.

So this is very straightforward, very direct. There are no tricks. It just says: Let's do what everybody else in the country would do who was making the decision about spending $410 billion. They would make sure each segment of it got some competitive bidding so we could reassure ourselves that at least we were getting value. It is not hard to do. It is easy guidelines. It is straightforward. Let's not exempt this bill from that.

AMENDMENT NO. 608

I ask unanimous consent to set aside the pending amendment and call up amendment 608.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 608.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds for the Emmett Till Unsolved Civil Rights Crime Act from funds already provided for the Weed and Seed Program)

On page 135, line 6, strike the period and insert ''of which $10,000,000 shall be available for grants to state or local law enforcement for expenses to carry out prosecutions and investigations authorized by the Emmett Till Unsolved Civil Rights Crime Act established under Public Law 110-344.''.

Mr. COBURN. This is an amendment that is about a serious issue. I agree that $10 million in a bill of $410 billion is not a lot of money in relationship, but let me tell you what this $10 million is going to do. There are 100 unsolved civil rights murders from the 1950s and 1960s and 1970s that have not been investigated, that have not come forward because Congress hasn't put the money there.

Last year, under great fanfare, several of my colleagues were critical of me because I wanted to pay for it as we passed the Emmett Till Unsolved Civil Rights Crime bill. What I said in opposing that bill initially, which I never was successful in getting it paid for, was that there is plenty of money at the Justice Department if we just direct the Justice Department to put $10 million to this. There are three cases recently that are coming due, three that have been solved now. We have several other leads. Timing is of the essence.

What I was told is: No, we will appropriate this money this year. That is what we were told. I won't go into the five pages of quotes by the general cosponsors of the Emmett Till Unsolved Civil Rights Crime bill, about how they would put the money in right now. Guess what is not in this bill. What is not in this bill is any money to the Justice Department to be directed to the Emmett Till unsolved civil rights crimes. They said to my staff: Don't worry about it. There is plenty of money at the Justice Department to do it. So the same argument that was not good enough last year when we tried to pay for it is now turned around, and they say: It is the same amount of money. We now have it, in their judgment. But we didn't last year.

The fact is, there is a sham being perpetrated. It is to claim a moral position and say you will fund something and then, when it comes time to have to give up an earmark or have to eliminate something else, you can't quite have the courage to pull up to the level of moral transparency and keep your commitments.

The information is fading away quickly. They are old crimes. People who have testimony are dying and won't be available for the future. Yet we have the insistence to say it doesn't matter to spend that money now.

There is nothing in this bill more important than solving unsolved civil rights crimes. The reason is because it says something about our justice system. It says we realize that justice delayed is justice denied, and the hurt and trauma that came out of this country in the civil rights movement will

only get closed when we have true justice. For us to now in a petty way say: We will get it next year, do you realize that ''next year'' is coming September 30, and 6 months from now, two or three more witnesses will be gone, two or three more people who committed a crime will not get convicted because the evidence and the testimony will be gone? Yet we can't bring ourselves to the point of saying this is a priority. This says something about who we are, that we are going to give up a few earmarks so we can actually stand on the side of justice. The hypocrisy of the debate we heard last year and then what we hear today at the staff level about why we can't fund this is unfortunate.

I advise the Senator from Connecticut, I have two more amendments to offer. I will talk a very short time and then be finished, if that is OK with him.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend. I have come over to speak in morning business, and I will be happy to wait until he is done.

Mr. COBURN. I will come back to the floor and discuss these amendments again, but I will give the courtesy to my friend from Connecticut of being fairly short.

AMENDMENT NO. 623

The next amendment is amendment No. 623. I ask unanimous consent that the pending amendment be set aside and amendment number 623 be called up.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. LIEBERMAN. I object on behalf of the Democratic leader.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I renew my request to set aside the pending amendment and call up amendment No. 623.

Mr. LIEBERMAN. Mr. President, having heard from higher authorities, I withdraw my objection.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 623.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit taxpayer dollars from being earmarked to 14 clients of a lobbying firm under Federal investigation for making campaign donations in exchange for political favors for the group's clients)

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

(1) DIRECT Methanol Fuel Cell (IN);

(2) Solar Energy Windows and Smart IR Switchable Building Technologies (PA);

(3) Adaptive Liquid Crystal Windows (OH);

(4) Anti-idling Lithium Ion Battery Program, California (CA) ;

(5) Advanced Engineering Environment for Sandia National Lab (MA);

(6) Multi-Disciplined Integrated Collaborative Environment (MDICE) (MO);

(7) Hydrogen Optical Fiber Sensors (CA);

(8) Flexible Thin-Film Silicon Solar Cells (OH);

(9) CATALYST: Explorations in Aerospace and Innovation education program;

(10) Carnegie Mellon University, Pittsburgh, PA, for renovation and equipment;

(11) Mount Aloysius College, Cresson, PA, for college preparation programs;

(12) Washington & Jefferson College, Washington, PA, for science education outreach programs;

(13) DePaul University, Chicago, IL, for math and science teacher education in Chicago Public Schools; and

(14) Nazareth Hospital, Philadelphia, PA, for renovation and equipment.

Mr. COBURN. I gave my assurance yesterday to the majority leader that I would offer no division of any amendments so he would not worry that we would have more votes than he wanted. But I will make the point at this time, at the rate we are going, we will have less than 12 amendments on a $410 billion bill that spends $363 million a page. I would love for every American to know we are so good in the committee that none of us should be able to have significant amendments to modify this bill that I guarantee has $50 billion worth of waste, fraud, abuse, or lack of direction in how the money is spent. So to be able to get four amendments on the floor, just four on a $410 billion bill, which we are only going to spend 3 days on, I have to agree to limit what the American people should know about this bill. That tells you where we are in the Senate. But I agreed to do that to be able to at least bring some forward.

This amendment is entitled PMA earmarks. We are in the midst of an investigation of a lobbying firm that is alleged to have committed some very serious felonies. It is uniquely curious that as this has progressed, they have decided to shut down. However, within the bill, not through necessarily their clients' fault, and not saying what they are trying to do was necessarily wrong in terms of the intent of the earmark, within this bill are 14 earmarks that you can see, if you have any common sense, if you look at the lobbying efforts of the PMA firm and then look at campaign contributions in the Congress, you can see a very worrisome pattern. That is the very reason I don't do earmarks. If I did earmarks, the last thing I would do would be take any campaign money from somebody for whom I did an earmark.

Needless to say, the accusation and the alleged straw donor technique used by this lobbying firm to funnel campaign funds to Members who then give earmarks through this bill, 14 of them listed in this bill—all this amendment does is say: In the cloud of this and the way it looks, ought we be continuing to do that under the cloud of what look to be very serious allegations of impropriety at the least and, at the worst, quid pro quos for placing earmarks in campaign funds?

We will vote on this amendment. It probably won't pass. Then the American people make a judgment about how well connected we are to reality. The stench associated with this investigation is at the root cause of us having $300 billion worth of waste a year in Congress in the money we spend. It is at the root cause that we can't get commonsense amendments passed that lack competition, lack funding, real priorities in a timely fashion, such as the Emmett Till bill. This is at the root of it. It is the pay-to-play game. All this amendment does is wipe out those. It just strikes them. It won't delay the bill. It does nothing but strike them. If they are legitimate, let them come back in this next year's bill and be done in an ethical, straightforward, aboveboard, transparent manner that doesn't utilize the concept of under-the-table, false campaign contributions, allegedly.

AMENDMENT NO. 610

I ask unanimous consent that that amendment be set aside, and I call up amendment No. 610.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 610.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit funding for congressional earmarks for wasteful and parochial pork projects)

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

(1) the Pleasure Beach Water Taxi Service Project of Connecticut;

(2) the Old Tiger Stadium Conservancy of Michigan;

(3) the Polynesian Voyaging Society of Hawaii;

(4) the American Lighthouse Foundation of Maine;

(5) the commemoration of the 150th anniversary of John Brown's raid on the arsenal at Harpers Ferry National Historic Park in West Virginia;

(6) the Orange County Great Park Corporation in California;

(7) odor and manure management research in Iowa;

(8) tattoo removal in California;

(9) the California National Historic Trail Interpretive Center in Nevada;

(10) the Iowa Department of Education for the Harkin grant program; and

(11) the construction of recreation and fairgrounds in Kotzebue, Alaska.

Mr. COBURN. This is a simple little amendment. Out of the 7,700 earmarks,

I took 11 that looked a little stinky to me, a little questionable—just 11. If I had my way, I would offer an individual amendment on every earmark in this bill, but just 11. I will go through them very lightly for a moment, and then I will come back and talk on it later, maybe this evening.

I want you to put this in your mind, that this year we are borrowing $6,000 from every man, woman, and child. That is how much we are going into debt, $6,000 for every man, woman, and child. Put that in your mind as we talk about whether these ought to be a priority: A $1.9 million earmark for the Pleasure Beach water taxi service in Connecticut. That may be great to do, but we are borrowing all this from our grandkids. Our kids are already broke, so now we are borrowing from our grandkids. Our kids will never have the same standard of living we have. Now we are going into our grandkids, and next year we will be going into our great grandkids. Should we spend $2 million on a water taxi service? I will show the pictures later of where this is to. It will knock your socks off.

There is a $3.8 million earmark to preserve the remnants of the old Tiger Stadium in Detroit. It may be a good idea to preserve that. Should we be doing that now when we are borrowing all that money? Is that a priority for the Congress? If it is really a priority for the Congress, I don't belong here. I just don't think the same way the Congress thinks if that is a priority right now for us, to preserve an old stadium that we are not going to do anything with, and we can preserve it later, spending that kind of money.

There is $238,000 for the Polynesian Voyaging Society of Honolulu, which organization runs sea voyages in ancient-style sailing canoes. Tell me, as we borrow $6,000 from every man, woman, and child in this country, that is a priority. I can't see it being a priority. I don't think anybody from my State can see that being a priority. I don't know about the rest of the States. I would be interested to hear the answers of the Senators who are going to vote against this amendment and what they tell people. I would like to have it in my repertory. I would like to know what to tell people about this kind of foolishness.

There is a $300,000 earmark to commemorate the 150th anniversary of John Brown's raid on the arsenal at Harper's Ferry National Historic Park in West Virginia. Let's do it for no money. Let's just commemorate it, and let's save 300 grand for our grandkids.

There is $1.719 million for pig odor and manure management in Ames, IA. That goes to Iowa State University. Pigs stink. We know why. We know where they live. So is that a priority for us right now?

There is $475,000 for the Orange County Great Park in California. More millionaires live there than anywhere else in the world. Yet we are going to spend money for a new park now when we are borrowing this amount of money?

Here is my favorite: $200,000 earmarked for tattoo removal in Mission Hills, CA. We are going to take Federal money, send it to California, and say: You can have this money to remove tattoos. I would think under a personal responsibility platform if you were responsible for getting a tattoo put on you, you might ought to be responsible for getting it taken off, and I do not think our grandchildren ought to be paying for it.

There is $1.5 million for the California National Historic Trail Interpretive Center. We are going to build another interpretive center at a time of economic malaise—as President Obama calls it, a crisis. I do not think it is a crisis. I think we are in a deep slump, but I do not think it is a crisis yet. It is a crisis to those people who have lost their job. But the more we say ''crisis,'' the worse we make it. But we are going to do an interpretive center now? Is now the time we should be doing it, knowing we are borrowing the money? Remember, for every $1 million we borrow, we are going to pay back $3 million. I am not including long-term interest costs in any of these numbers.

Then there is a $5,471,000 earmark for the Harkin grant program in Iowa, which says Iowa gets treated differently than every other State in this country. They actually get direct money going directly for public education outside all the other programs. We have been doing it for years, but everybody else in this country gets to pay so Senator HARKIN can look good in Iowa. I have attacked this earmark before. It is wrong. It is unfair. It is not befitting the body. But it is going to stay in. So we have brandnew schools in Iowa, and the rest of us deal with what we have in our States.

Then we have $380,000 for the construction of recreation and fairgrounds in a town in Alaska. It may be a good idea. But should we do it now? Should we do it at that cost?

AMENDMENT NO. 623, AS MODIFIED

Madam President, I ask unanimous consent that on amendment No. 623, lines 19 through 21 be removed.

The PRESIDING OFFICER. Would the Senator clarify the language to be stricken from his amendment.

Mr. COBURN. On amendment No. 623, lines 19 through 21.

The PRESIDING OFFICER. The Chair thanks the Senator.

Is there objection?

Without objection, it is so ordered.

The amendment (No. 623), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

(1) DIRECT Methanol Fuel Cell (IN);

(2) Solar Energy Windows and Smart IR Switchable Building Technologies (PA);

(3) Adaptive Liquid Crystal Windows (OH);

(4) Anti-idling Lithium Ion Battery Program, California (CA);

(5) Advanced Engineering Environment for Sandia National Lab (MA);

(6) Multi-Disciplined Integrated Collaborative Environment (MDICE) (MO);

(7) Hydrogen Optical Fiber Sensors (CA);

(8) Flexible Thin-Film Silicon Solar Cells (OH);

(9) CATALYST: Explorations in Aerospace and Innovation education program;

(10) Carnegie Mellon University, Pittsburgh, PA, for renovation and equipment;

(11) Mount Aloysius College, Cresson, PA, for college preparation programs;

(12) Washington & Jefferson College, Washington, PA, for science education outreach programs;

(14) Nazareth Hospital, Philadelphia, PA, for renovation and equipment.

Mr. COBURN. Madam President, I will end now so I can yield to my friend, the chairman of my committee, the Senator from Connecticut, so he will have an opportunity to speak on the floor but not before I ask unanimous consent to have printed in the RECORD a listing of the earmarks provided today by Taxpayers for Common Sense. I ask unanimous consent that list be printed in the RECORD.

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

Senator	Solo earmarks	Number of earmarks	Solo and with other members	Number of earmarks	Solo, with other members, and president	Number of earmarks
Cochran	$75,908,475	65	$470,857,775	204	$563,152,775	210
Wicker	4,324,000	9	390,993,300	143	453,735,300	146
Landrieu	10,328,500	31	332,099,063	177	487,845,063	179
Harkin	66,860,000	56	292,360,036	177	370,123,036	185
Vitter	4,034,000	16	249,182,063	142	403,558,063	154
Bond	85,691,491	54	248,160,991	86	333,429,191	98
Feinstein	76,899,425	46	235,027,932	153	776,706,649	183
Inouye	46,380,205	42	225,077,157	106	225,893,157	110
Shelby	114,484,250	64	219,398,750	125	219,398,750	125
Grassley	355,000	8	199,144,486	119	276,907,486	127
Murkowski	74,000	,75071	181,499,75	093	181,595,750	95
Murray	39,228,250	44	170,960,050	155	500,923,962	177
Lincoln	0	0	167,348,125	93	298,025,125	97
Pryor	0	0	167,048,125	92	297,725,125	96
Menendez	0	0	159,759,300	171	273,276,160	182
Lautenberg	760,450	3	158,760,500	173	272,277,360	184

Senator	Solo earmarks	Number of earmarks	Solo and with other members	Number of earmarks	Solo, with other members, and president	Number of earmarks
Hutchison	9,851,000	35	152,859,250	106	267,153,966	113
Levin, Carl	3,800,000	2	152,111,836	178	158,521,836	181
Stabenow	0	1	152,024,336	178	158,434,336	181
Byrd	122,804,900	60	151,786,400	76	175,459,400	80
Cardin	1,271,000	7	149,835,1501	22	357,955,150	127
Mikulski	8,229,625	9	142,020,875	89	350,140,875	94
Boxer	7,546,250	16	139,495,021	116	515,511,738	133
Schumer	21,952,250	37	137,959,867	209	724,706,765	218
Bingaman	13,807,750	22	134,582,375	107	214,165,375	117
Akaka	835,000	2	132,775,702	50	132,775,702	51
Durbin	35,577,250	48	132,418,750	97	218,058,154	108
Dorgan	36,547,100	10	127,910,091	62	197,896,091	66
Specter	25,320,000	134	126,771,246	265	168,471,246	267
Domenici*	19,588,625	13	125,081,702	82	281,468,702	99
Webb	8,568,000	7	112,710,750	71	202,031,858	74
Coleman*	1,055,000	8	109,183,625	83	208,071,685	90
Reid	26,628,613	56	108,705,429	108	142,048,429	113
Martinez	18,758,000	8	106,711,896	62	502,217,592	73
Casey	27,169,750	11	103,440,139	137	145,140,139	140
Nelson, Ben	5,506,000	10	103,316,050	80	512,740,050	90
Klobuchar	4,740,000	6	100,155,625	67	175,108,685	70
Kerry	0	0	97,015,450	123	132,015,450	126
Wyden	427,750	3	94,859,425	104	266,537,425	115
Dole*	9,162,250	19	93,974,205	72	126,670,205	79
Bennett, Robert	18,026,500	23	93,568,150	63	195,731,150	66
Warner	95,000	1	91,702,750	56	181,023,858	59
Sessions, Jeff	4,250,500	12	89,930,750	31	89,930,750	31
Smith, Gordon*	0	0	88,696,675	84	260,374,675	95
Kennedy, Ted	714,000	1	86,416,450	124	121,416,450	127
Cornyn	2,518,000	5	85,965,000	52	199,738,716	58
Johnson, Tim	12,341,000	23	81,570,400	65	114,340,400	66
Inhofe	53,133,500	34	80,161,625	73	80,161,625	74
Cantwell	143,000	2	78,327,050	96	132,096,380	102
McConnell	51,186,000	36	75,548,325	53	267,789,325	57
Baucus	2,496,750	9	75,402,750	62	134,250,750	65
Tester	1,863,000	4	71,504,000	52	130,352,000	55
Voinovich	13,501,000	6	70,528,820	103	76,969,820	107
Kohl	23,832,000	44	63,496,500	89	70,696,500	93
Hatch	711,000	7	63,219,650	42	164,926,650	44
Burr	1,284,000	3	61,940,500	35	61,940,500	35
Thune	4,275,000	6	59,589,400	38	92,359,400	39
Leahy	36,161,125	52	58,197,375	75	62,025,375	76
Ensign	0	0	52,589,000	26	55,289,000	28
Biden	0	0	52,061,420	55	52,061,420	55
Dodd	0	0	49,462,574	61	49,462,574	61
Brownback	12,020,048	21	47,721,273	68	72,711,273	74
Roberts	2,202,000	11	46,908,875	60	82,664,875	68
Brown, Sherrod	3,161,500	8	46,738,860	86	56,816,860	89
Carper	0	0	46,232,420	53	46,232,420	53
Chambliss	4,253,000	7	45,706,125	67	48,372,125	69
Craig*	1,012,000	2	44,921,389	45	45,421,389	46
Salazar, Ken*	7,500,000	20	44,639,900	69	191,969,110	79
Lieberman	1,164,000	2	43,742,976	59	43,742,976	59
Conrad	0	0	42,290,313	40	42,290,313	40
Graham	9,545,000	14	40,634,500	37	45,214,500	39
Crapo	100,000	1	39,439,389	52	74,390,389	55
Hager	7,195,000	5	38,830,550	41	43,450,550	43
Reed	10,755,750	24	38,399,822	71	38,399,822	71
Nelson, Bill	5,715,750	11	37,632,965	58	37,632,965	58
Lugar	3,276,000	10	35,481,153	52	35,481,153	52
Alexander, Lamar	5,544,500	11	32,116,000	37	179,765,000	41
Allard*	5,798,750	7	30,655,900	43	154,408,110	49
Isakson	1,425,000	2	29,993,375	48	30,902,375	50
Collins	380,000	1	28,724,500	45	32,174,500	47
Snowe	0	0	26,807,500	42	30,257,500	44
Whitehouse	0	0	26,456,572	45	26,456,572	45
Kyl	4,950,000	3	25,768,000	10	60,262,000	12
Gregg	10,028,000	19	24,175,000	39	24,253,000	40
Sununu*	3,207,500	8	17,756,500	23	17,756,500	23
Corker	760,000	1	17,716,500	16	165,365,500	19
Bayh	1,188,000	4	14,957,760	17	14,957,760	17
Barrasso	2,713,000	4	12,373,350	19	12,373,350	19
Sanders	5,877,725	16	10,942,725	26	10,942,725	26
Enzi	1,725,000	5	10,894,350	18	10,894,350	18
Bunning	735,000	5	10,618,175	13	10,618,175	13
Clinton*	0	0	6,714,000	3	6,714,000	3
Rockefeller	0	0	5,019,000	1	5,019,000	1
Coburn	0	0	0	0	0	0
DeMint	0	0	0	0	0	0
Feingold	0	0	0	0	0	0
McCain	0	0	0	0	0	0
McCaskill	0	0	0	0	0	0
Obama*	0	0	0	0	0	0
Stevens*	0	0	0	0	0	0

Mr. COBURN. With that, Madam President, I yield the floor, and I thank the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Oklahoma.

(The remarks of Mr. LIEBERMAN are printed in today's RECORD under ''Morning Business.'')

Mr. LIEBERMAN. 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. INOUYE. 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. INOUYE. Madam President, the motion offered by the Senator from Texas, Mrs. HUTCHISON, is very similar to the motion of the Senator from Nevada that the Senate defeated. There is only one difference between the two motions. This motion allows for the cost of inflation to be provided, and the previous one did not.

I have already informed the Senate why making reductions in this bill is not a good idea, but I wish to remind my colleagues once again that the level of funding in this bill is consistent with the amount approved by the Congress in the budget resolution. Second, as the Senator from Texas knows, the omnibus bill was written by the Appropriations subcommittees in a bipartisan process and these bills were reported out of the committee—five of them unanimously and two almost unanimously. The subcommittees worked with their House counterparts to craft this legislation. It reflects a fair compromise between the two bodies.

But, once again, the argument in favor of cutting the omnibus is that there is overlap between the funds in the Recovery Act and in the omnibus bill. As I have noted previously, this simply is not the case. The funds in the Recovery Act are either unrelated to the omnibus or were assumed in the levels approved by the Recovery Act.

This motion also suggests that the committee should cut nonessential spending. I, for one, would argue that this bill contains only essential funds, but I recognize for a few of my colleagues nonessential spending equates to earmarks. I wish to remind my colleagues once again that on the question of earmarks, there is $3.8 billion in congressionally directed spending in this bill. This represents less than 1 percent of the total bill. If you eliminated all of the earmarks in this bill, including those of Hawaii and Texas, you would still have to cut at least $8 billion more from other valid programs. If we have to cut this bill to the fiscal year 2008 level, that means there are a number of worthy projects that will have to be reconsidered.

For example, the State and Foreign Operations chapter of the bill provides a total of $5.5 billion for programs to combat HIV/AIDS—$388 million above former President Bush's request and $459 million above the fiscal year 2008 request. This increase was supported by Democrats and Republicans. Of this amount, $600 million is provided for the Global Fund to fight HIV/AIDS, which is $400 million above the request. Additionally within the total, $350 million is provided for USAID programs to combat HIV/AIDS. These additional funds, which pay for life-sustaining and antiretroviral drugs, prevention and care programs, would be lost to the detriment of 1 million people who would receive lifesaving treatment this year. With this funding, 2 million additional HIV infections would be prevented this year. Instead of 10 million lives we are saving today, we have the opportunity to save 12 million people. We have the opportunity with this bill to save or care for 1 million more orphans and vulnerable children who are either infected with HIV or have been orphaned because a parent died from HIV. Do we think that the Senate wants to reconsider this item?

Freezing funding would mean $350 million less for the FBI to protect our Nation and our communities from terrorism and violent crime. The FBI would have to institute an immediate hiring freeze of agents, analysts, and support staff. This will mean 650 fewer FBI special agents and 1,250 fewer intelligence analysts and other professionals fighting crime and terrorism on U.S. soil. Surely the Senator from Texas doesn't want us to go back and reduce funding for the FBI.

More than 30 Members requested the committee add funds for operations of our national parks. If we have to cut program goals, we will lose 3,000 park rangers. While there are funds in the Recovery Act for the Park Service, these funds were not for rangers or park operations; they were to cover deferred maintenance projects. These are projects that are ready to go and can be started almost immediately to stimulate the economy as intended. There is no duplication between the Recovery Act and the omnibus for our national parks.

I could stand here all day and list example after example of the types of programs that are funded in this omnibus bill with the increases that the Senator's amendment would eliminate. These examples shouldn't come as any surprise to the Members of the Senate, if they remember that these bills were written by our subcommittee chairmen and ranking members in a bipartisan fashion. They were marked up in open session with all Members able to offer amendments and the final product was drafted with our House colleagues on a bipartisan basis. Once again, the omnibus bill is a good package of bills. It is bipartisan, it is noncontroversial, and it is in compliance with the budget resolution totals for the committee. The idea of stimulus overlap is not based on fact. The question of earmarks is a minor point in the significant bill that protects Democratic priorities. So I believe this bill deserves the support of every Member of the Senate. I urge my colleagues to vote against this motion.

If I may speak on another subject, the Senator from Oklahoma raised questions regarding the Polynesian Voyaging Society. Students learn in different ways, and educators are constantly pressed to find inspiring ways to educate our young people, particularly those who are considered at risk. That is what the Polynesian Voyaging Society offers. The voyages organized by the Society help to train educators and scientists in ocean resource stewardship. In addition, through the use of the Internet, the society interactively communicates with students during the voyage to share the knowledge gained.

This initiative supports cultural education programs geared toward enhancing leadership skills and cultural knowledge through deep sea voyaging for students. These traditional voyaging skills utilize noninstrument navigation skills whereby participants have to rely upon themselves and their crews to arrive safely at their destination. The voyage is much more than one of miles; it is a voyage of young people discovering that they are able to accomplish more than they ever thought possible.

This knowledge of self-reliance and interdependence helps to transform students, especially native Hawaiian students, so they may chart a positive future. The program also makes science more accessible to school students as they follow the journey. Many students are encouraged to study science and care about the environment because of this program. Numerous college science majors mentioned activities on the Polynesian Voyaging Society as the reason why they chose to study science.

This leadership opportunity has been shown to be especially effective with at-risk youth diagnosed with mental illness. The success of traditional methods of addressing mental illness in adolescents involves a strong family support system. One study revealed the students who participated in this program showed great improvement regardless of the support that the student received from family. In effect, this program has been able to transcend existing social problems within the student's own family so that these young people can grow and develop into contributing members of the community.

As noted in the National Academies' Study, ''Rising Above The Gathering Storm,'' creating opportunities and incentives for students to pursue science studies is a critical component of ensuring America's future competitiveness. The Polynesian Voyaging Society's programs are geared toward providing such opportunities.

On a personal note, the program is geared to assist Native Hawaiians, in particular. As we find in Native societies throughout the United States, Native Americans have not only been mistreated and victims of discrimination, they have been deprived of their culture. In earlier days, they were forced to become Christians. They were forced to wear suits. They were forced not to wear feathers.

While in this Polynesian program, I have spoken to many of the students, and there are certain points that should be made. Several students came up to me, for example, and said, ''I am proud to be a Hawaiian.'' That is one of the things we have found lacking in Native Hawaiian youth—pride in their ancestry—especially when they learn their ancestors took a voyage much longer than the one Columbus took across the Atlantic, double the length, and the Hawaiians knew where they were headed—to Hawaiki, which is presently the State of Hawaii. Columbus thought he was going elsewhere, and he got lost. It makes them a bit proud of their ancestry. They learned their ancestors were great warriors, great voyagers, great administrators, and great farmers. This is a very inexpensive way to restore the pride that is much in need among our Native Hawaiian youth.

I have been told that the assistant leader will be seeking recognition. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, before I make a few remarks about the underlying bill, I want to say that those following this debate on the floor are witnessing a piece of history. Senator DAN INOUYE of Hawaii has made such amazing contributions to this country. As a young man, his service in World War II led to his being honored

with the Congressional Medal for his bravery in battle. He has carried the wounds of that battle now for many years. He used his time in the service to inspire him to higher levels of public service in our Government and beyond the military, serving in Congress and as a U.S. Senator from the State of Hawaii. He is, in fact, a legend in the history of the Senate. I am honored to call him a colleague. Parenthetically, 6 years ago, when I was sworn in to my second term, I chose Senator INOUYE to escort me for that swearing-in ceremony because of my great respect for him and all he has meant to our country, his State of Hawaii, and to me personally.

What you just heard in his comments about Native Hawaiians you could have heard as well about his commitment to Native Americans. From the beginning, DANNY INOUYE has been there to fight for those who oftentimes were not given the same treatment, same respect, and same rights as other Americans. His voice has made a difference time and time again. When he comes to us and talks about this underlying Omnibus appropriations bill and some of the programs that will help Native Hawaiians and Native Americans, it is with a commitment from the heart. He really believes in helping these people, many of whom have been treated badly by the United States in our founding years.

I wanted to preface my remarks by saying, for those looking for a reason to support this bill, Senator DANNY INOUYE, our chairman, has given a good, solid reason, so that we can balance the books and right the wrongs that occurred in previous generations.

I want to come down to practical considerations. The pending amendment would dramatically cut this bill. Some of the cuts would make a big difference. I look back and remember what happened not that long ago, over two holiday seasons, when parents and families across America were frightened that the toys they were buying were dangerous. The paint contained lead that could have a negative physical impact on a child. We traced many of the toys back to China and found that not only were they careless in their manufacture, but we were careless, as a government, in our inspection.

The agency responsible for it, the Consumer Product Safety Commission, was one of the small agencies that most people never heard of. When it became a scare and concern for parents in America, we started to pay attention. In my subcommittee, we had this particular Commission. I decided to make a substantial change in the funding and staffing so that this Commission could protect Americans not just from dangerous toys but dangerous products all around. So what we did in the bill was provide $105 million for the Consumer Product Safety Commission, an increase of $25 million over last year's spending, and $10 million above the committee's report. The idea is to put the people and resources there and overseas to make sure we protect American families and consumers from dangerous products. I think most people would agree that is money well spent. When any of us go into a store and buy a product, we assume some agency of the Government took a look at it. It turns out that, in many cases, this small Commission could not keep up with that challenge. If the pending amendment by Senator HUTCHISON prevails, that money won't be there. This agency will be cut back again, and families will be vulnerable again. I don't want that to happen.

We also put in $943 million for the Securities and Exchange Commission. It is an increase of $37 million over the previously enacted level. The additional money we are putting into the SEC is a direct result of reports of dereliction of duty and their failure to respond to serious challenges. We all know about the Bernard Madoff scandal, where that man created a Ponzi scheme that went undetected and unpunished until there were innocent victims all across the United States of this man's chicanery. The SEC, it turns out, had been warned years before and didn't follow through.

The SEC has an important role in our free market economy to make certain that stocks and other financial instruments are done in a transparent and honest way. That is why we are increasing the size of the appropriation for this agency. The pending amendment would cut that back at a time when we are in such economic turmoil. We need to have certainty as Americans that we are safe when we invest and that somebody in the Government is keeping an eye on those transactions and those companies.

The same is true for the Commodity Futures Trading Commission. It is an important Commission that deals with financial instruments, such as futures, and those instruments that relate to things such as the cost of oil. We paid close attention to that when gasoline was $4.50 a gallon. I provide $146 million through my committee to the CFTC. That is a 31-percent increase over last year's appropriation. Why? So they can buy the computers to keep up with the hundreds of thousands and millions of transactions, so they can detect wrongdoing and correct it before innocent people lose their life savings, and before people who count on the integrity of the American financial institutions are defrauded. I think that is money well spent, and it is money we should spend in this instance.

I say to those who are cutting back and say: We are just making across-the-board cuts, it is not really going to touch us, there are three specific examples where money is included in this appropriations bill to protect American families and consumers, money that is small in comparison to larger appropriations but can make a significant difference in the role of Government and, I guess, the fact that the function of Government to help the helpless and protect those who need it is honored. I hope everybody will come to the floor and think long and hard about this bill.

I will add one closing fact. Many people remember the flooding that occurred in Cedar Rapids, IA, last year. It was devastating. One of the buildings devastated was the courthouse in Cedar Rapids. As a result, I had a request from Senators CHARLES GRASSLEY and TOM HARKIN to come up with emergency funds to rebuild this courthouse in the right way, so that it could be safe and functional after the flooding. We had $182 million in the 2009 Consolidated Security, Disaster Assistance, and Continuing Appropriations bill for that purpose. It is an earmark, make no mistake about it. We earmarked the funds for that courthouse that was devastated by floodwaters at the request of Senators GRASSLEY and HARKIN. I believe this was the right expenditure. It is an earmark that we can justify as being important not just to Iowa but to the Nation. I hope both Senators know we listen carefully to them in our subcommittee. With Senator BROWNBACK of Kansas, we work to be responsive to the real needs of our colleagues across America. This is a responsible bill. I commend it to my colleagues. I hope we can enact it soon because on Friday our temporary spending measures will expire, and we need a long-term Omnibus appropriations bill so that we can get to work on the next fiscal year in an orderly manner, under the leadership of Chairman INOUYE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, I am overwhelmed by the generous remarks of the distinguished Senator from Illinois. Thank you very much.

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. REID. 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. REID. Madam President, I ask unanimous consent that at 5:45 today, the Senate vote in relation to the Hutchison amendment, with the 4 minutes prior to the vote equally divided and controlled between Senators HUTCHISON and INOUYE or their designees, and that the previous order prohibiting amendments prior to a vote remain in effect. Madam President, the 4 minutes will cause a vote not to be right at 5:45, but it will be close.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I alert all Members that we have a number of people who want to speak in relation to the Coburn amendments. We also are told by the Republican staff that there

are a number of Senators who would be willing to offer amendments on the Republican side. I have spoken to the Republican staff, and they say they can lay down two of those and debate them tonight. That is fine with us.

Tomorrow, of course, we are going to come in at 9:30. Then we have to go to the House because Prime Minister Brown is here. That is at 10:30. And then there are other things going on. The Republican leader and I have been invited to a lunch with Prime Minister Brown, and there are other things. We have a steering meeting of the Republicans, I understand, during the lunch hour—I think that is what it is called. We have a chairman lunch. We are not going to be able to have the votes on any of these amendments until after we finish these things tomorrow. That will give us the afternoon to have some votes and find out where we are on this bill tomorrow.

We have had some good debate today. These have been very difficult amendments. I think they go to the heart of the bill, especially those offered by Senator MCCAIN, Senator ENSIGN, and Senator HUTCHISON. The rest of them I will have comments on at a later time.

I hope Senators understand where we are and where we are headed on this legislation.

Mr. INOUYE. Madam President, I yield back the remainder of the time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion.

Mr. INOUYE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNS) and the Senator from Alabama (Mr. SESSIONS).

The ACTING PRESIDENT pro tempore (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced yeas 40, nays 55, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—40

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennett	Graham	McConnell
Brownback	Grassley	Murkowski
Bunning	Gregg	Nelson (NE)
Burr	Hatch	Risch
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Klobuchar	Voinovich
Corker	Kyl	Wicker
Cornyn	Lincoln	
Crapo	Lugar	

NAYS—55

Akaka	Gillibrand	Reed
Baucus	Hagan	Reid
Begich	Harkin	Rockefeller
Bennet	Inouye	Sanders
Bingaman	Johnson	Schumer
Bond	Kaufman	Shaheen
Boxer	Kerry	Shelby
Brown	Kohl	Snowe
Burris	Landrieu	Specter
Byrd	Lautenberg	Stabenow
Cantwell	Leahy	Tester
Cardin	Levin	Udall (CO)
Carper	Lieberman	Udall (NM)
Casey	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feingold	Nelson (FL)	
Feinstein	Pryor	

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

The motion was rejected.

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

AMENDMENT NO. 607

Mr. WICKER. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up my amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 607.

Mr. WICKER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization)

On page 927, strike line 14 and all that follows through page 929, line 20, and insert the following:

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading ''International Organizations and Programs'' in this Act that are available for UNFPA and are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the ''Global Health and Child Survival'' account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under ''International Organizations and Programs'' may be made available for the UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under ''International Organizations and Programs'' for fiscal year 2006 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) DEDUCTION.—If a report submitted under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the President to deny funds to any organization by reason of the application of another provision of this Act or any other provision of law.

Mr. WICKER. Madam President, I also ask unanimous consent that the following Senators be added as cosponsors of amendment No. 607: Senator ENZI, Senator BUNNING, Senator INHOFE, Senator COBURN, Senator VITTER, and Senator GRASSLEY.

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

Mr. THUNE. Madam President, would the Senator yield?

Mr. WICKER. I will yield to the Senator.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I ask unanimous consent to be added as a cosponsor to the Senator's amendment.

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

Mr. WICKER. Madam President, I spoke at some length yesterday about this amendment. It deals with one issue and one issue only—whether U.S. taxpayer dollars will be provided in this omnibus bill to help fund coercive population control policies, such as China's one-child policy—a policy that relies on coerced abortion and forced sterilization.

Specifically, this pro-child, pro-family, pro-woman amendment would restore the Kemp-Kasten antipopulation control provision, which has been a fundamental part of our foreign policy for almost a quarter century. As it has always done, Kemp-Kasten allows the President of the United States to certify that funds are not used for coercive family practices. As it has always done, the provision would allow the President to release those funds after he has made such a certification.

My amendment is needed because the underlying bill reverses this longstanding provision. The omnibus bill

that we have before us purports to retain Kemp-Kasten, but then it also includes six troubling words that effectively kill the provision. In addition to Kemp-Kasten, the bill directs funds to the United Nations Population Fund, or UNFPA ''notwithstanding any other provision of law.''

Perhaps these words were added inadvertently. I don't know. But the words that are added—those six little words—represent a loophole that in effect guts Kemp-Kasten and alters this longstanding bipartisan foreign policy in the process.

Some people may ask why restoring Kemp-Kasten is important, and here is why. The U.N. Population Fund, a group that is in line to receive some $50 million in this bill, has actively supported, comanaged, and whitewashed crimes against women under the cover of family planning. Under the Kemp-Kasten provision, the last administration withheld money from UNFPA for this very reason. I would like to quote then-Secretary of State Colin Powell, who stated:

> UNFPA support of and involvement in China's population planning activities allows the Chinese Government to implement more effectively its program of coercive abortion. Therefore, it is not permissible to continue funding UNFPA at this time.

That is the end of the quote from our Secretary of State.

A further analysis by the U.S. State Department of the Chinese program on family planning reveals this—I will quote from the State Department analysis:

> China's birth limitation program retains harshly coercive elements in law and practice, including coercive abortion and involuntary sterilization.

Does anyone in this Senate want to spend U.S. funds to support these activities: coercive abortion and involuntary sterilization? I think we ought to have a unanimous consensus in the Congress that we have no business spending our taxpayers' dollars on such things. The report goes on to say:

> The State Department summarized these practices in its 2007 China Country Report on Human Rights Practices. . . . These measures include the implementation of birth limitation regulations, the provision of obligatory contraceptive services, and the use of incentives and penalties to induce compliance.

Further in the report, and I continue to quote:

> China's Birth Limitation Program relies on harshly coercive measures such as so-called ''social maintenance'' fees.

And to skip down further:

> In families that already have two children, one parent is often pressured to undergo sterilization. A number of provinces have legal provisions that require a woman to have an abortion if her pregnancy violates government regulations. . . .

I wish we could stop this practice worldwide. China is a sovereign nation, and they have the power to impose these laws on their people. But taxpayer funds should not be spent from the U.S. Treasury to assist an organization that funds such practices in China.

The most recent State Department report on UNFPA activities shows that their funds are indeed funneled to Chinese agencies that coercively enforce the very practices I just read about. Are we to believe that in less than a year the UNFPA has changed its practices? That is not a bet I am willing to take with the taxpayers' money.

The Wicker amendment should be adopted to once again give the President, President Obama, the opportunity to certify that UNFPA, or any other organization, is not participating in family planning techniques such as the harsh techniques I just read about.

My amendment does not represent a radical shift or departure from what is normal. In fact, it simply returns the language in this bill to language that was agreed upon by both Republicans and Democrats in last year's Foreign Operations appropriations bill during a time when Democrats controlled the House of Representatives and controlled the Senate of the United States. The language that I am offering was agreed upon by Republicans and Democrats.

Finally, there have been concerns voiced about the need not to make changes in this bill. We have been told this bill has been preconferenced. Persons say that in doing so we might delay the bill's passage by sending it back to the House for approval. I admit the funding contained in this bill is important, but that does not mean we can forget about our jobs as legislators. I do not believe the other body will let this bill die simply because we are doing what is right, by clarifying our country's policy of standing against coercive population control practices like forced abortion and forced sterilization.

I realize opinions in this Chamber and across our country vary greatly on the issue of abortion. I am pro-life and I am mindful that some Members in this body would describe themselves as pro-choice. But regardless of where we come down on that issue, can't we agree that we do not want to spend taxpayer dollars to force this on women who do not want this procedure? We ought to all be able to agree that is wrong and that is a misuse of American taxpayer funds.

The United States should not turn its head on coercive family control programs like sterilization and forced abortion, and our taxpayers should not have their dollars used to help fund such horrible acts. My amendment will help stop that from happening. It restores a longstanding foreign policy provision. It reflects our Nation's commitment to promoting human rights. I urge its adoption.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I rise to speak on the underlying bill just for a moment. I know some of my colleagues are on the floor of the Senate, and I will be very brief.

I come to the floor to support the underlying bill and also to give a few brief remarks about the legislative branch, which I chair, for the record. The legislative branch in this bill is funded at $4.4 billion—not an insignificant amount of money but very small relative to the overall bill. There is a $43 million increase over last year, which is an 11-percent increase, which would seem on the face of it rather significant, so I thought I would like to explain.

It is more than the cost of living, more than inflation, but there are three very good reasons we thought—both Republican and Democrat on our committee—that this was the right thing to do. First of all, building up Congress's oversight responsibilities at this time is critical. We have seen much of the scandal and corruption and unregulated situations that have led us to the place we are. Congress needs to make sure we are doing a better job with our inspector general offices, with our general oversight, particularly because we are stepping up so much additional spending for stimulus and investment. Our committee thought that was the responsible thing to do, to actually invest in greater oversight. So about 38 percent of this increase is related to that.

Second, there is a backlog of life safety issues related to this great Capitol complex. Trust me, there is no money in here for carpet or fancy lighting or extra offices for anyone. This is for basically asbestos removal—which can be life threatening, as you know, and cause serious harm to those people who work in this Capitol, both our staffs and the workforce. That is an unmet need. There is over $1 billion of unmet needs. This bill attempts to just deal with some immediate situations.

Finally, now that the Capitol Visitor Center is open, there are some additional security requirements of our Capitol Police. This project was started many years ago. It was supported by both Democrats and Republicans. It is now open, was dedicated recently, but we have to operate it appropriately. We have to make sure it is secure, not just for ourselves and our staff, but for the millions of visitors who come. There is some increased funding for Capitol Police that reflects that this Capitol Visitor Center is the greatest expansion of this building in over 100 years. It was not just a small addition, it was quite a large addition, and we need that extra security.

Finally, there is a full request, that was met, by the Library of Congress to provide new modern technology for the visually impaired. It is something that was a high priority for the community of the blind and the visually impaired, millions of Americans who have no access to books as we normally read them but need these digital talking

books. Not only does it help the Library of Congress but ensures every library in America, including school libraries, has access, so children who do not have their sight, and adults, can read and remain part of this economy.

Those are the reasons this bill has been expanded by 11 percent. I hope my colleagues understand. We have gotten pretty much broad-based support.

As I said Madam President, 38 percent of the total increase goes towards increased staffing for the Government Accountability Office and the Congressional Budget Office to allow for greater oversight of the Federal Government. The help of these agencies is more critical than ever during this time of economic uncertainty and national crisis. GAO and CBO intend to beef up their staffing levels to meet Congress's needs as we tackle the many critical issues facing us today.

Nearly 23 percent of the overall fiscal year 2009 increase goes to the Architect of the Capitol for fire and life safety projects in the Capitol Complex—including $56 million for asbestos removal and structural repairs in the utility tunnels which provide steam and chilled water throughout the entire complex.

Congress is facing a tremendous backlog of structural problems in our aging infrastructure here on Capitol Hill which has grown to over $1.4 billion. This bill provides a small but much-needed step towards addressing this backlog. Many of our buildings in the Capitol Complex lack the adequate fire and life safety requirements to keep Congress in compliance with health and safety regulations. As I said, I am proud of the funding included in this bill which will address these inadequacies and help make the Capitol safer for our staff and for our visitors. It would be irresponsible not to tackle these problems now—we will just be kicking them down the road where they will be more expensive and more difficult to repair.

The bill includes funding for the United States Capitol Police to hire and train additional personnel to provide security for the now open Capitol Visitor Center. The CVC which opened December 5 is a huge success and a much-needed addition to our Complex providing security, educational opportunities, restaurant facilities and many other amenities to the millions of visitors who arrive on our doorsteps each year. The bill also provides funding to fully implement the merger of the Library of Congress Police force with the Capitol Police. This long-awaited merger is essential to maintaining streamlined security throughout the Capitol Complex. Quite simply, this bill will provide the resources needed to the Capitol Police to effectively perform their required missions without putting more on their plate than they can do.

This bill fully funds the Library of Congress, including the Library's request for the Books for the Blind and Physically Handicapped. The Library's fiscal year 2009 budget includes $29 million to move forward on the Digital Talking Book for the blind project. This project is a high priority for this Congress and for the blind community. It is vital that the blind receive uninterrupted access to something the rest of us take for granted—books and other reading materials that allow us to work and learn. This bill supports that important goal allowing this project to proceed on schedule and provide more titles than originally anticipated. This is a key issue of fairness which we can and must address now.

The funding in this bill puts the Legislative Branch on solid footing for the future and invests in the right priorities. We should strongly support it.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

AMENDMENT NO. 635

Mr. THUNE. Madam President, I ask unanimous consent that the pending amendment be set aside and I be able to call up amendment No. 635 and make it pending.

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

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], proposes an amendment numbered 635.

Mr. THUNE. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for the Emergency Fund for Indian Safety and Health, with an offset)

On page 458, after line 25, insert the following:

EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH

For deposit in the Emergency Fund for Indian Safety and Health established by subsection (a) of section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c), for use by the Attorney General, the Secretary of Health and Human Services, and the Secretary of the Interior in accordance with that section, $400,000,000, to be derived by transfer of an equal percentage from each other program and project for which funds are made available by this Act.

Mr. THUNE. Let me explain very simply what this amendment does.

Last summer, President Bush signed into law a $50 billion foreign aid bill; HIV and AIDS was the purpose, the direction of the bill. Included as part of that PEPFAR bill was a $2 billion authorization that I and a bipartisan group of Senators worked on, including that redirected money to critical public safety, health care, and water needs in Indian Country. All of the Senators who worked on the amendment's inclusion in the final package, including now Vice President BIDEN and Secretary of State Clinton, recognized there are great needs internationally, but they also realized we have equal or maybe even greater needs right here at home on our Nation's reservations.

The final PEPFAR bill created a $2 billion, 5-year authorization beginning in fiscal year 2009 for an emergency fund for Indian health and safety. Over the 5-year authorization, $750 million could be spent on public safety, $250 million on health care, and $1 billion for water settlements.

In order to ensure that the emergency fund for Indian health and safety was funded as quickly as possible, I and six of my colleagues sent a letter to President Bush last year asking that he include funding in the fiscal year 2010 budget for the emergency fund. Then we worked to get a total of 21 Senators to send a similar letter to President Obama on November 24, 2008. I believe this continued bipartisan effort underscores the support for addressing the needs that exist in Indian Country.

What the amendment does is seek to remedy this without raising the overall cost of the omnibus bill. It simply reduces discretionary spending throughout the bill by $400 million, the fiscal year 2009 authorized amount from PEPFAR, and redirects that money to the emergency fund for Indian safety and health. This amounts to less than one-tenth of 1 percent cut from each program funded in the omnibus bill.

Bear in mind the omnibus bill includes an overall funding increase of 8.3 percent over last year's appropriated level—that on top of the stimulus bill that passed earlier this year that, as we all know, poured billions of dollars into many of these Federal agencies. So what I am suggesting is we carve out one-tenth of 1 percent of the cost of this bill. As I said, take the overall increase in this year's bill from 8.3 percent over last year's appropriated amount to an 8.2-percent increase over last year's amount.

Since this appropriations bill was put together—I think it was put together in very short order behind closed doors, not to mention the fact that none of the nine appropriations bills were ever voted on in the Senate—I believe my amendment is a commonsense proposal that will ensure that we allocate tax dollars where they are needed the most.

The needs are great in Indian Country and I know many of my colleagues on both sides of the aisle would agree.

Nationwide 1 percent of the U.S. population does not have safe and adequate water for drinking and sanitation needs. On our Nation's reservations this number climbs to an average of 11 percent and in the worst parts of Indian Country to 35 percent.

This lack of reliable safe water leads to high incidences of disease and infection. The Indian Health Service has estimated that for each $1 it spends on safe drinking water and sewage systems it gets a twentyfold return in health benefits.

The Indian Health Service estimates that in order to provide all Native Americans with safe drinking water and sewage systems in their home they would need over $2.3 billion.

Nationally, Native Americans are three times as likely to die from diabetes compared to the rest of the population.

An individual that is served by Indian Health Service is 50 percent more likely to commit suicide than the general population.

On the Oglala Sioux Reservation in my home State of South Dakota the average life expectancy for males is 56 years old. In Iraq it is 58, Haiti it is 59, and in Ghana it is 60, all higher than right here in America.

One out of every three Native American women will be raped in their lifetime.

According to a recent Department of the Interior report, tribal jails are so grossly insufficient when it comes to cell space, that only half of the offenders who should be incarcerated are being put in jail.

That same report found that constructing or rehabilitating only those detention centers that are most in need will cost $8.4 billion.

The South Dakota attorney general released a study at the end of last year on tribal criminal justice statistics and found: homicide rates on South Dakota reservations are almost 10 times higher than those found in the rest of South Dakota and forcible rapes on South Dakota reservations are seven times higher than those found in the rest of South Dakota.

Clearly there are great needs in Indian County and my commonsense amendment would be a good step forward in addressing some of these needs because the emergency fund for Indian safety and health can be used for: detention and IHS facility construction, rehabilitation, and replacement; investigations and prosecutions of crimes in Indian Country; cross-deputization and other cooperative agreements between State or local governments and Indian tribes; IHS contract health care; and water supply projects approved by Congress.

Passage of my original amendment to PEPFAR clearly shows a commitment by the Senate to addressing domestic priorities for Native Americans.

I urge support for my amendment to fund this authorized emergency fund for fiscal year 2009.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

AMENDMENT NO. 599

Ms. MURKOWSKI. Madam President, I ask unanimous consent to set the pending amendment aside for the purpose of calling up an amendment.

Mrs. MURRAY. Madam President, I would ask the Senator from Alaska which amendment she is sending.

Ms. MURKOWSKI. This is amendment No. 599.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself, Mr. BEGICH, and Mr. INHOFE, proposes an amendment numbered 599.

Mrs. MURRAY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify a provision relating to the repromuglation of final rules by the Secretary of the Interior and the Secretary of Commerce)

On page 541, strikes lines 1 through 10 and insert the following:

(1) the Secretary of the Interior and the Secretary of Commerce may withdraw or repromulgate the rule described in subsection (c)(1) in accordance with each requirement described in subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), except that the public comment period shall be for a period of not less than 60 days; and

(2) the Secretary of the Interior may withdraw or repromulgate the rule described in subsection (c)(2) in accordance with each requirement described in subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), except that the public comment period shall be for a period of not less than 60 days.

Ms. MURKOWSKI. The amendment I bring forward this evening would modify section 429 of the bill we have before us. This amendment does not cost us any money. It will, in fact, eliminate a major obstacle to job creation, including many of the construction projects that were funded under the recently passed stimulus bill.

To be more specific, I am introducing an amendment to modify section 429 to require the Departments of Interior and Commerce to follow the process provided by existing law to withdraw and alter two provisions that were essential ingredients last year in the decision by former Secretary of the Interior Dirk Kempthorne when he listed the polar bears of northern Alaska as threatened under the Endangered Species Act.

Section 429, as it now stands, would allow those agencies to withdraw those regulations arbitrarily and then reissue them immediately without public comment. My amendment does not overturn the listing of the polar bears as threatened, even though up in Alaska most of us feel the listing was premature and perhaps totally unnecessary, but it will require the Department to follow existing public notice and comment statutes, if they want to modify last year's listing decision and the related carbon emissions rule in the future.

We are asking that you follow the process that is in place. Section 429 of the omnibus provides a provision that allows the Secretaries of Interior and Commerce to withdraw the final rule relating to the interagency cooperation under the Endangered Species Act and the final rule relating to endangered and threatened wildlife plants, the special rule for the polar bear.

This section allows the Secretaries of either Commerce or Interior, or both, to withdraw the two Endangered Species Act rules promulgated under section 7 of that act within 60 days of adoption of the omnibus bill and then reissue the rule without having to go through any notice or any public comment period, or be subject to any judicial review as to whether their actions were responsible.

Last year, after years of comment and review, the Interior Department elected to list the polar bear as threatened, solely because of the fear that greenhouse gas emissions will raise temperatures sufficiently in the future, causing the Arctic pack ice that the bear relies on for habitat to melt, making it more difficult for the bears to feed.

During the scientific review that was conducted before the listing decision, there was very little to no evidence that indicated that neither very carefully limited subsistence hunting activities by the Alaska Natives, nor onshore or offshore oil and gas exploration or production activities in any way would disturb the bears or place stress on their population.

So it was for that reason, based on all the science and the research, for that reason that the listing decision specifically provided, and this was set forth in section 4(d) of the act, it provided that oil or gas development or subsistence hunting will not be impacted by any action plan the Department will craft to remedy bear population issues in the future. Those provisions were added after extensive public comment and based on a full scientific review.

Now, without any scientific review, at the last minute, someone in the House of Representatives has decided to impose as fact their opinion that the bears should be listed as threatened without limitation. This provision makes a mockery of what we know and accept and applaud with the scientific review process.

In all the science leading up to the listing, there was no evidence that oil or gas exploration and development were having any effect on the bears which are already carefully regulated under the Marine Mammal Protection Act. In fact, the populations of both the Beaufort and Chukchi Sea areas have actually risen by around 500 bears since 1972, and any anecdotal evidence of minor recent declines is purely anecdotal.

Now, yes, Fish and Wildlife researchers have some evidence that bears may have dietary issues that may impact juvenile survival rates if the ice melt causes dislocation of the seal populations. But that problem has nothing to do directly with oil or gas or subsistence activities.

Withdrawal of the 4(d) protections could prompt lawsuits to stop any action that would increase carbon dioxide or any greenhouse gas emissions anywhere in the country, not just in the State of Alaska but anywhere in the country, if the project had not first consulted with U.S. Fish and Wildlife on potential impacts.

What this means, the potential for this is that every powerplant permit anywhere that might increase carbon emissions could face a lawsuit. Damage could extend past fossil fuel projects to include an incredible array, agricultural practices, any increase in livestock numbers, new road construction, literally any project or activity that might increase greenhouse gas emissions.

Suits that could be triggered by this seemingly limited change could stop many of the construction projects that this body has provided funding for in this stimulus bill to help get this Nation's economy moving again.

Now, the Center for Biological Diversity has already stated it intends to use the polar bear listing to regulate greenhouse gas emissions. But I am afraid such overreaching could actually harm environmental protections. That is because such an effort to overreach could trigger such a backlash that it harms support for the entire Endangered Species Act.

The administration is planning to ask Congress to pass cap-and-trade legislation this year to regulate greenhouse gasses. Debate over that bill is the proper place for this issue to be tackled, not through a back-door amendment to this key appropriations bill that will not permit public process.

For my home State of Alaska, the amendment's impacts are immediate and they are far reaching. It is almost certain to result in lawsuits to stop oil and gas development in northern Alaska, both onshore and off. Such suits certainly could stop the exploration needed to produce new natural gas finds. We know this is vital to the viability of an Alaska natural gas line to bring our clean-burning natural gas to the lower 48.

This project has been supported by the administration and most every Member of this body. We recognize that such sites could endanger Native subsistence activities, not just for the bears and marine mammals that the bears prey upon but for any species, such as the western and central Arctic caribou herds. These are vital food sources for our Alaska Natives.

So what my amendment does is it requires that if either the carbon emissions consultation rule or the polar bear 4(d) rule is to be withdrawn or reissued, such action is subject to the requirements of the Administrative Procedures Act, with at least a 60-day comment period.

What this does, it essentially gets us back to the status quo, where the Secretaries can now withdraw or repromulgate these regulations, but they have to follow the APA. Nothing Earth shattering, we are not plowing new ground. We are saying, follow the process we set up. The provision in the budget bill does much more than overturn Bush administration rules, it violates the public process and scientific review called for in the Endangered Species Act, and by doing that it weakens and risks support for the act.

As it stands, under section 429, the Secretaries can make dramatic and far-reaching changes with their rules and regulations and do so without having to comply with the longstanding Federal process requiring public notice and comment by the American public and by knowledgeable scientists. We should not make a mockery of the formal ESA review process and the APA, the Administrative Procedures Act. We should support this amendment to strike the House waiver of those acts and require that those laws be enforced.

I cannot stress how important this is to the Nation, to the American energy production of the workings of the stimulus bill, and eventually to the integrity of the Endangered Species Act and this Nation's administrative process.

Now, this afternoon President Obama issued a new directive on the ESA. But it is only pertaining to the optional consultation portion of section 7. The directive requests the Secretaries of the Interior and Commerce to review the regulation issued on December 16, 2008, and determine whether to undertake new rulemaking. Until such review is completed, the President requested the heads of all agencies to exercise their discretion, under the new regulation, to follow the prior longstanding consultation and concurrence process.

But this Presidential order did not address the issue of the polar bear 4(d) rule and does not remove the House omnibus rider. It does not maintain the Administrative Procedures Act requirement, and it does not negate the need for my amendment.

I yield the floor.

Mrs. MURRAY. I ask unanimous consent that the Senate proceed to a period of morning business with the time equally divided in the usual form.

Mr. COBURN. I would ask if the Senator would modify her amendment to allow for me to speak on the Wicker amendment. Could we do that?

Mrs. MURRAY. Madam President, I modify my request and ask unanimous consent that Senator COBURN be allowed to speak for 5 minutes on the amendment, and following his remarks, the Senate move to a period of morning business, with the time equally divided in the usual manner with a 10-minute limitation.

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

The Senator from Oklahoma.

AMENDMENT NO. 607

Mr. COBURN. Madam President, I wanted to spend a minute talking about the Wicker amendment No. 607. I am having trouble, from a philosophical viewpoint, understanding why the language is in this bill the way it is. There is no confusion as to my stand on pro-life issues, pro-choice versus pro-life. I stand in the corner of pro-life. But I want to debate this issue as if I were pro-choice, that I believe that the law as we have it today should be enforced. If, in fact, we believe that if, in fact, women have a right to choose, why in the world would we send money to UNFP that is going to take that right away from women in other countries? It is beyond me that these little six words in the bill, ''notwithstanding any other provision of law,'' are intended to eliminate the ability of the President to certify that our UNFP money is going to be used for coercive abortions and coercive sterilizations. I am having trouble understanding why those in this body who absolutely believe without a doubt that a woman has a definite right to choose on whether to carry a pregnancy to term, have a definite right to choose the number of children they are going to have or have none, we would allow this bill to go through here this way that will deny that ability to Chinese women.

If somebody in our body can explain that to me, I would love them to do so. You can't be on both sides of this issue. Either you believe in a woman's right to choose or you do not or you only believe in a woman's right to choose in America. And because the Chinese have too many people, you don't think that same human right ought to be given to women in China. I won't go into the details. There is no question that UNFP will mix this money, and we will fund forced abortions in China. That is what these six words do. They mean American taxpayer dollars are going to go to China to enforce coercive abortion against the will of women and force sterilization against the will of women in China. China is not in bad shape. They don't need our money in the first place. But then we are going to send that money over there to enable and allow that policy to progress. I find it disconcerting that anybody who is pro-choice could not vote for the Wicker amendment. Because what it says is, you are double minded. The standard applying in this country is one thing, but human beings throughout the rest of the world, that same standard doesn't apply. I think it is unfortunate that this was put in here. We will rue the day it was.

In fact, we lessen our own human rights campaigns for equal treatment and the protection of human rights around the world as we do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I request the regular order.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

U.N. TAXATION

Mr. INHOFE. Madam President, I was misled into thinking that we would be able to introduce some amendments tonight and then was told, when I got down, that they are confining those amendments to only three. Let me mention that I have an amendment I feel very strongly about that I want to take up first thing in the morning. I will explain what it is. It is amendment No. 613.

I can remember back in 1996, the United Nations Secretary General announced that the U.N. was interested in pursuing a global tax scheme. In response, Congress passed—and President Clinton signed into law—a policy rider on the Foreign Operations and State Department appropriations bills that would prevent the United Nations from using any U.S. funds to pursue a global tax scheme. The idea was that if we had a United Nations that wanted to have a global tax—they have been attempting to do this for many years because they don't want to be held accountable to anyone—then every time something comes up that is against the interests of the United States, we normally will pass a resolution saying that we are going to withhold a percentage of our dues to the United Nations until they change this policy. In 1996 and every year since, 13 years, we have had, as a part of that, language that says that the U.N. could not use any of the funds of the United States to pursue a global tax scheme of any type. The provision has appeared in every annual appropriations since 1996. This year marks the first time an annual appropriations bill will not contain this policy provision preventing U.S. tax dollars from funding U.N. global tax schemes.

According to page 64 of division H of the joint explanatory statement, this policy provision has been intentionally left out of the fiscal year 2009 Omnibus Appropriations bill. Preventing U.S. taxpayers funding U.N. global taxes in annual appropriations bills has been a bipartisan U.S. policy for over a decade. It is very difficult for me to understand, because I haven't seen any explanation as to who is opposed to this. It was put in by Democrats and Republicans on a bipartisan basis. Now we find that it was left out. The amendment very simply puts back the language that we have had historically in the law for the past 13 years.

Let me serve notice that I will make every effort to be first in line tomorrow morning to try to get this amendment in. I would invite any opposition that is out there, because I don't know of any opposition to it. Being fair, I think it is probably the fact that they wanted to shorten tonight to restrict it to three amendments.

I ask unanimous consent that my time be extended to whatever time I shall pursue. I will not be more than 15 minutes from this point.

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

CHANGES TO THE ESA RULES

Mr. INHOFE. Madam President, I was listening with some interest to the Senator from Alaska and what she is trying to do. I think, once again, we are faced with a backhanded attempt to regulate greenhouse gases without the transparency of public debate. Section 429 of the omnibus currently includes yet another congressional handout to some of the extremist groups and to the trial bar. This rider is clearly an attempt to legislate on a spending bill, the sort of bad habit that Democrats in Congress and the White House promised to give up during the last election.

As ranking member of the Environment and Public Works Committee, I strongly support the bipartisan amendment offered by Senators MURKOWSKI and BEGICH to revise the omnibus section 429. This subject is particularly important to me since the EPW Committee holds jurisdiction over all issues impacted by the offending provision, including endangered species, the regulation of greenhouse gases, and the transportation infrastructure which we are going to be pursuing in the next few weeks.

Without the amendment, section 429 allows the agencies to make dramatic changes to the Endangered Species Act rules and regulations without having to comply with longstanding Federal laws that require public notice and public comment by the American people and knowledgeable scientists. These changes have the potential for far-reaching and unintended consequences in our economy.

Specifically, this activist-friendly rider would allow the Secretary of Interior and the Secretary of Commerce to undo a regulation making commonsense adjustments to the ESA as well as withdraw a special rule and listing for the polar bear. By ignoring the protections of the Administrative Procedures Act, the rules in question could be withdrawn within 60 days of adoption of the omnibus bill and then reissued in whatever form the agencies preferred, without having to go through any notice or public comment period and without being subject to any judicial review as to whether their actions were responsible or justified.

This is exactly what the two Senators from Alaska are attempting to correct. Existing ESA rules clearly lay out the U.S. Fish and Wildlife Service position that oil and gas development in the Arctic and Alaska Native subsistence activities are not the reason for the polar bear's recent listing status and are not affecting polar bear population. I might add that we have made quite a study of the 13 polar bear populations in Canada. All but one are increasing. The one that is not is the western Hudson Bay. That is due to some regulations in hunting that have adversely affected them. That is being corrected at this time. So if you stop and realize over the last 40 years, we have increased the population of polar bears in the world by fivefold, then there isn't a problem. However, let's assume that there is a problem, and we want to be sure that we are able not to have the intended consequences.

If enacted, implementation of section 429 would mean that any increase in carbon dioxide or greenhouse gas emissions anywhere in the country could be subject to legal challenges due to assertions that those activities are harming a polar bear or that there has not been sufficient consultation with the U.S. Fish and Wildlife Service regarding activities that are funded, carried out, and authorized by the Federal Government.

In other words, you could have someone who is cooking on his Hasty Bake in his backyard in Tulsa, OK and have a lawsuit filed saying: You are emitting greenhouse gases; therefore, you are affecting the polar bear. Any permit for a powerplant, refinery, or road project that increases the volume of traffic anywhere in the United States could be subject to litigation, if it contributes to local carbon emissions. Lawsuits and ESA-prompted delays could extend to past fossil fuel-linked projects, if those projects could increase greenhouse gas emissions or reduce natural carbon dioxide intake.

If this provision is allowed to stand, it will likely endanger the delivery of the majority of the construction projects funded by the recent stimulus bill since these projects have not gone through a section 7 consultation regarding their impact to the polar bear. In other words, we passed the stimulus which I opposed. I had an amendment that would have actually provided a lot of jobs. That amendment they would not let me bring up. I believed that since it was an Inhofe-Boxer amendment, it would have passed. But it didn't.

So now we have a few jobs out there, a few things that are going to contribute to the employment problem of this country. If this provision is in there without the correction found in the bipartisan amendment by the two Senators from Alaska, then it is going to say the very thing we are trying to stimulate—in terms of jobs, construction, roads, bridges, and highways—cannot be done because of the section 7 consultation regarding the impacts on the polar bear. Ironically, President Obama today announced the release of $28 billion from the American Recovery and Reinvestment Act to States and local transportation authorities to repair and build highways, roads, and bridges. This investment will lead to

150,000 jobs saved or created by the end of 2010. State highway departments have already identified more than 100 transportation projects throughout the country, totaling more than $750 million, where construction can start within the month. In other words, we have already undergone all of the environmental requirements. We have the environmental impact statements. We are ready right now. In my State of Oklahoma, we have $1.1 billion worth of work that could be started tomorrow.

Now, President Obama stated that the projects funded under the ARRA are deemed so important to America's economic recovery that they will bear a newly designed emblem. The emblem is a symbol of President Obama's commitment to the American people to invest their tax dollars wisely and to put Americans back to work. Rest assured that section 429 of the omnibus bill will not bear this emblem.

I applaud the President for highlighting infrastructure spending as a main driver of immediate job growth in the stimulus plan, but I am concerned by the conflicting priorities created by section 429. You cannot support large infrastructure spending as an economic stimulus while simultaneously endangering its translation into job growth with more redtape.

The Murkowski-Begich amendment correctly requires that if these ESA rules are withdrawn or revised, the action is subject to the requirements of the Administrative Procedures Act, with at least a 60-day comment period. This is a good government amendment. The fact that this amendment is even needed to restore the public participation protections is exactly the sort of nonsense that makes the American taxpayer so suspicious of Congress. From the public's perspective, the effect of this amendment would be to bring us back to the longstanding process where the agencies may withdraw and revise regulations by following the law established to do so.

We have heard from the Democratic managers of this bill that nothing new was added to this bill since last year. We have been told there is no controversial legislative language in this bill.

We have been misinformed. This rider was not a part of the negotiations or the appropriations bills last year, and I assure you, it is very controversial. I urge the leadership to allow the Senate to vote on the Murkowski-Begich amendment, and I ask for my colleagues' support for ensuring regulatory transparency.

I believe this is very important because, without this, there is so much uncertainty as to what the application would be in terms of the Endangered Species Act. So I encourage the adoption of that amendment.

I yield the floor.

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

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

ORDER OF PROCEDURE

Mr. INHOFE. Madam President, it is my understanding we are in a period of morning business. I ask unanimous consent to be recognized for what time I shall consume.

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

FAIRNESS DOCTRINE AND LOCALISM

Mr. INHOFE. Madam President, last week I joined 86 of my colleagues to pass Senate amendment No. 573, offered by Senator DEMINT to the DC Voting Rights Act, which prohibited the Federal Communications Commission from reinstating the fairness doctrine.

This has become an issue over the years where you can recall the action that took place back in the middle 1980s—I think 1986—that recognized the fact that we have so many opportunities for people to get at information that it is no longer necessary to have what they call the fairness doctrine.

Last week's vote was the first nail in the coffin of the fairness doctrine, but it was not the end of the attempt on the part of some people to regulate the airwaves. I have long been outspoken on this issue. It gives me great satisfaction that so many of my colleagues voted in favor of free speech over Government regulation last week. But the debate has changed. In a straight party-line vote, Democrats chose to adopt Senator DURBIN's amendment No. 591, which calls on the FCC to ''encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.''

Essentially, it makes an end run around the fairness doctrine. Those on the other side of the aisle believed this would allow them to proclaim their opposition to a reinstatement of the fairness doctrine, which has always been a losing issue for them, while at the same time replacing it with an equally heinous piece of legislation that gives the FCC unfettered authority to interpret that language however they please.

So we have potentially taken away the threat of the fairness doctrine, which requires broadcasters to ''present controversial issues of public importance in an equitable and balanced manner,'' and replaced it with ''encouraging and promoting diversity in communication media ownership.'' At least with the fairness doctrine, broadcasters had an initial choice of how to interpret ''controversial issues of public importance'' before answering to the FCC, but this new authority gives all the power to a Government agency and none to the people of the broadcast industry.

One thing I know: When you take choice out of the market, and when you impose the Government's will on an industry, that market and that industry will suffer, and that is exactly what Senator DURBIN's legislation attempts to accomplish. What was once the fairness doctrine has now become the Durbin doctrine.

What, I ask, does ''encourage and promote diversity in communication media ownership'' really mean? I certainly cannot tell you what it means, and that is what concerns me because it is up to someone else's interpretation. The legislation offers no words of clarification or specificity. If I were an FCC commissioner, I would not know what to do with this language, and in any other line of work, I would send it directly back with a little note attached asking to please be more specific. But Federal agencies love this kind of language because it gives them greater leeway to interpret it however they like—which could be interpreted differently by different governmental agencies—and impose their will upon the industry they regulate.

My Democratic colleagues who promoted this amendment like this type of language because it, first, means that they do not have to spend the time drafting quality legislation aimed at solving a specific problem, and, two, it means they can disavow their true intention of having greater Government regulation of the airwaves. Now, at the same time, they can say: Well, I voted for the DeMint amendment. So that offered cover for these individuals.

This legislation is so incredibly vague and so potentially far reaching that I cannot say with any certainty what the end result will be. This is not good governance, and it is not good legislative practice to cede such authority to any agency of our Government, especially when the right to speak freely over the airwaves will most certainly be impacted.

Another threat to our freedom of speech is a stealth proposal called ''localism,'' which could force local radio stations to regulate the content they broadcast. It is important to note that ''localism'' as FCC policy already exists, but new policies that have been proposed reach far beyond ensuring that broadcasters serve their local communities.

The FCC gave notice of proposed rulemaking. This was back on January 24, I believe it was, of 2008. While the regulations were ultimately dropped, they are indicative of future attempts to regulate the airwaves through localism and something about which all Americans need to know.

Among other things, the proposal would have required radio stations to, one, adhere to programming advice from community advisory boards; two, report every 3 months on the content

of their programming, the producers of their programming, and how their programming reflects community interests; and, three, meet burdensome license renewal requirements.

The localism rule, had it been promulgated, would have meant that radio stations would have to comply with blanket regulations and broadcast programming that may not be commercially viable, rather than taking into account the diverse needs of communities across the country.

One of my constituents, Dan Lawrie, who is vice president and manager of Cox Radio Tulsa, and president of the Oklahoma Association of Broadcasters, stated that:

> regulations requiring additional and unnecessary documentation of programming in order to show proof of broadcasting that we already provide to our local communities is entirely unnecessary. To burden our Tulsa radio group with this type of ascertainment documentation would cause us to lay off several staff members to offset the expense of completing the increased paperwork.

As you can see, this is a real threat to broadcast media as a whole.

Let's look at this from a market standpoint. I have often said: People who think maybe the content is too progressive or not progressive enough or too conservative—I have heard some pretty heated accusations made at various popular talk radio hosts—forget about the fact that this is market oriented. The market is determining how this should be. I can remember it was not too long ago—last year—I believe Senator HARKIN wanted to regulate the type of content that was going over the airwaves to our troops who were listening overseas, and we were able to stop that because they overwhelmingly wanted, in their eyes, conservative content to be broadcast. We won that one. But the effort is still out there.

Look at it from a market standpoint. Stations strive to endear themselves to the local community to be successful. It makes programming sense to cover local news and events because it increases the ratings. Why should Washington regulate what local stations are already doing? They are doing this now because people who listen to the radio may want to hear some talk show host, but you find right through intermingled within these comments, every 15 minutes or so, or every 10 minutes, they stop and tell what the local weather is, they tell of different activities, what is happening in the local community. They are doing this already. That is just good business sense, and that is why in the highly competitive environment we find our local radio stations, they have to do these things. They are already doing it.

The reason is this: These community advisory boards, or local content boards, coupled with the threat of license renewal requirements, are just one more way liberals can affect what is broadcast over the airwaves. They have created a regulatory avenue by which to accomplish their goal of silencing talk radio because they are incapable of competing in the broadcast radio market.

President Obama has expressed support for new localism regulations, and it is expected to come up again under his administration. All those who value their right to listen to the things that are important to them, and important to their community, must be aware of the great potential for infringement on free speech that localism will bring.

What is perhaps most concerning to me is the enforcement procedure for breaches of localism and diversity promotion. We simply do not know which pathway the FCC will choose when it comes time to enforce these nebulous regulations. License revocation is a real threat to the willingness of the broadcasters to appeal to their market rather than to conform to FCC regulations. Senator DURBIN's amendment requires affirmative action on the part of the FCC, stating: ''The Commission shall take actions to encourage and promote diversity.'' It doesn't stipulate what actions or to what degree but instead leaves the enforcement mechanism up to the determination of the FCC. I find this to be extremely dangerous.

Any enforcement of Government regulation of the airwaves could have a serious detrimental effect, not only on talk radio but also on the willingness of Christian broadcasters to air political and perhaps even religious messages. It is well known that the only radio station ever taken off the airwaves was a Christian radio station, WGCB in Red Lion, PA. In that particular instance, the supposed offense was a personal attack against the author of a political publication. The ACLU and other liberal organizations could attempt to file lawsuits against anyone who presents a message that they deem to be counter to Federal localism and diversity regulation, and though I believe these lawsuits would ultimately fail on first amendment grounds, the chilling effect that the mere threat of a lawsuit will have on religious broadcasters could be substantial.

Free speech is fundamental to what it means to be an American, and we must protect it. Reimposing any form of a fairness doctrine threatens first amendment rights. Some on the left of the political spectrum are frustrated that more talk show hosts have conservative political leanings than liberal political leanings. In response, I say the content is market driven. When the market is on the other side, they will do that. The market has worked well throughout the history of this country, and people listen to it.

I think we are also forgetting about the fact that the broadcasting industry is very competitive. We have companies that own broadcast media. They are not making a lot of money. It is competitive. A lot of them go broke every year. What they are trying to do is come up with something they know people want and is sellable. They depend on people buying advertisement for them to exist. So this is what this is all about. I believe there are two attacks out there. I applaud Senator DEMINT for the language he was able to get in, and I applaud all the Republicans and most of the Democrats for voting for it. But to turn around and pass something that undoes what he did with that amendment I think is something that needs to be looked at.

So I am concerned. I am concerned that so many of these stations out there that are right on the border of surviving in this very difficult economy we have are now looking at another threat, another bunch of regulations that are there, as well as the fear of the unknown, the nebulous language that says what a localism is, what power does the local community have. So that is a difficult thing.

I will only say to those individuals who think the problem of the fairness doctrine being reinvoked is not over: It is there, and our first amendment rights are threatened at this time.

I would anxiously pursue any effort we can that is going to preclude the fairness doctrine, and I think the first thing we should do would be to rename the fairness doctrine because it is certainly not fair and not fair to the people in the broadcast industry.

SECRETARY OF STATE VISIT TO THE MIDDLE EAST

Mr. LIEBERMAN. Madam President, Secretary of State Hillary Clinton is in the Middle East this week on her first trip to the region as America's top diplomat. The Secretary traveled to Egypt earlier in the week to attend the international summit in Sharm El Sheikh, and she is now visiting Israel and the Palestinian Authority.

I rise to praise Secretary Clinton for the strong and principled diplomacy she has undertaken on America's behalf on this trip, that is as reflected in her comments, both prior to her departure from Washington and since arriving in the region.

Secretary Clinton is no stranger to the Middle East, having spent significant time there as First Lady and then as our colleague in the Senate. As a result, she brings a depth of familiarity with the Middle East's complexities and challenges, an appreciation for our friends and allies in the region, and a clear-eyed understanding of the interests and values that must guide American foreign policy there.

In particular, I believe Secretary Clinton deserves praise for her strong statements on this visit strengthening the forces of moderation in the Middle East and challenging the forces of extremism. Having recently returned from the region myself, I am convinced, with a clarity greater than ever before, that the true dividing line in the Middle East today is not between Arabs and Israelis or between Sunni Muslims and Shia Muslims. The true dividing line in the Middle East today is between moderates and extremists.

In every case, it is important to note, the extremist camp is sponsored and supported, often trained and equipped, by the Government of the Islamic Republic of Iran in Tehran.

Secretary Clinton deserves praise for her promise to vigorously promote peace between Israelis and Palestinians, as well as her recognition that success in this crucial effort is inseparably linked with strengthening the moderate forces among the Palestinians, in particular, the Secretary was absolutely correct to make clear that aid to the Palestinians should be directed toward bolstering the leaders of the Palestinian Authority, President Abbas and Prime Minister Fayyad, rather than directly or indirectly rewarding or supporting the extremist terrorist leaders of Hamas.

I am also pleased Secretary Clinton has made clear that any reconciliation between Hamas and Fatah must be contingent on Hamas accepting the conditions of the so-called Quartet; namely, that Hamas must renounce violence, recognize Israel's right to exist, and honor the agreements made by previous Palestinian Governments. There should be no compromise or confusion on this point by anyone. If the leaders of Hamas refuse to accept these conditions, they are dooming themselves to further isolation from the international community, and they are standing in the way of the aid that the world wants to provide the Palestinian people who live in Gaza.

Secretary Clinton, I believe, also deserves commendation for her realistic and hardheaded comments about the danger posed by the Government of the Islamic Republic of Iran. Our friends in the Middle East want to know that the U.S. Government understands this threat, that we are committed to taking the tough actions necessary to address it, and that whatever strategy we adopt, we will do so in real and close partnership with them.

What our friends and allies in the Middle East are asking of us is reasonable and very much in America's national security interest.

I will say that based on my recent visits to Saudi Arabia, Egypt, Israel, and the Palestinian Authority, I can attest that there is great anxiety in the region about Iran and its intentions, its aggressiveness, its extremism, its expansionism. But there is also some uncertainty about the direction of American policy toward the Government in Tehran.

The hard truth is that Iranians are determined to acquire nuclear weapons. Everything we know about what they are up to tells us that and, therefore, we must be even more determined than they if we are to stop them from obtaining nuclear weapons.

Our friends and allies in the Middle East are looking to the United States now for leadership and strength. President Obama and Secretary Clinton have been very clear that they are committed to preventing Iran from going nuclear on their watch. We in Congress have a responsibility in turn to work together with the administration to achieve this result, which is so critical to our national security and to the world's security in the years ahead.

Again, I thank Secretary Clinton for her leadership, for her words, for her outreach, for her representation of America's best interests on this, her first trip to the Middle East.

SELECT COMMITTEE ON INTELLIGENCE RULES OF PROCEDURE

Mrs. FEINSTEIN. Madam President, paragraph 2 of Senate rule XXVI requires that not later than March 1 of the first year of each Congess, the rules of each committee shall be published in the RECORD.

In compliance with this provision, I ask that the rules of the Select Committee on Intelligence be printed in the RECORD.

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

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Tuesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as the Chairman may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—At the direction of the Chairman or Vice Chairman, testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit any question in writing to the Committee and request the Committee to propound such question to the counsel's client or to any other witness. The counsel also may suggest the presentation of other evidence or the calling of other witnesses. The Committee may use or dispose of such questions or suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—Witnesses may make brief and relevant statements at the beginning and conclusion of their testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, the Committee may provide to a witness those parts of testimony given by that witness in executive session which are subsequently quoted or made part of a public record, at the expense of the witness.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely that person's reputation, may request to appear personally before the Committee to testify or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to oppose such contempt or subpoena enforcement proceeding either in writing or in person, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, appearing before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is prohibited except as is necessary for the conduct of Committee business, and in conformity with Rule 10.3 hereof. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. ''Committee sensitive'' means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information in the possession of the Committee to any other person, except as specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff of the House Permanent Select Committee on Intelligence, and the members and staff of the Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office); (2) for all

information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. The Chairman may authorize the Staff Director and the Staff Director's designee, and the Vice Chairman may authorize the Minority Staff Director and the Minority Staff Director's designee, to communicate with the media in a manner that does not divulge classified or committee sensitive information.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. As a precondition for employment on the Committee staff, each member of the Committee staff must agree in writing to notify the Committee of any request for testimony, either during service as a member of the Committee staff or at any time thereafter with respect to information obtained by virtue of employment as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director and/or Minority Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Measures referred to the Committee may be referred by the Chairman and/or Vice Chairman to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Chairman and Vice Chairman.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A

S. RES. 400, 94TH CONG., 2D SESS. (1976)

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the ''select committee''). The select committee shall be composed of not to exceed fifteen Members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(4) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(5) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(C) The Defense Intelligence Agency.

(D) The National Security Agency.

(E) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(F) The intelligence activities of the Department of State.

(G) The intelligence activities of the Federal Bureau of Investigation.

(H) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), (C) or (D); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (E), (F), or (G) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (E), (F), or (G).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1), (2), (5)(A), or (5)(B) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and

adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Ethics) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of National Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of National Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader and the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the Chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Ethics to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided,* That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence

activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) The activities of the Defense Intelligence Agency.

(4) The activities of the National Security Agency.

(5) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(6) The intelligence activities of the Department of State.

(7) The intelligence activities of the Federal Bureau of Investigation.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and

(2) not less than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a)(1) Except as otherwise provided in subsection (b), the select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

(2) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

(2) If, upon the expiration of the period described in paragraph (1), the select Committee has not reported the nomination, such nomination shall be automatically discharged from the select Committee and placed on the Executive Calendar.

APPENDIX B—INTELLIGENCE PROVISIONS IN S. RES. 445, 108TH CONG., 2D SESS. (2004) WHICH WERE NOT INCORPORATED IN S. RES. 400, 94TH CONG., 2D SESS. (1976)

TITLE III—COMMITTEE STATUS

* * * * *

SEC. 301(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

APPENDIX C—RULE 26.5(b) OF THE STANDING RULES OF THE SENATE (REFERRED TO IN COMMITTEE RULE 2.1)

Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

HONORING OUR ARMED FORCES

CORPORAL ZACHARY RAY NORDMEYER

Mr. BAYH. Madam President, I rise today with a heavy heart to honor the life of CPL Zachary Ray Nordmeyer from Indianapolis, IN. Zachary was 21 years old when he lost his life on February 23, 2009, from injuries sustained when he and others came under attack from small-arms fire in Balad, Iraq. He was a member of the 5th Squadron, 1st Cavalry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division of Fort Wainwright, AK.

Zachary, a graduate of the JROTC program at Ben Davis High School in Indianapolis, joined the Army in July 2007 and was sent to Iraq in September for a 12-month tour. He was an avid sports fan, playing football and baseball at Ben Davis and never missing an opportunity to watch his favorite NASCAR driver, Jeff Gordon, in action. He was a member of Lakeview Church and Harmony Baptist Church, and also enjoyed fishing, hunting, and spending time with his family and friends.

Today, I join Zachary's family and friends in mourning his death. Zachary will forever be remembered as a loving brother, son, grandson, and friend to many. Zachary is survived by his fiancée, Chrissy Purdy; father, Michael Nordmeyer; step-parents, Kevin and Cindy Bereman; brothers, Josh and David Nordmeyer; step-sisters, Rachel Klop, Kendra Gregg, and Karen Piehl; step-brother, Kristopher Bereman; grandparents, Nancy and Bill Harman, Tim and Susan Fair; grandfather, Paul Nordmeyer; grandmother, Marilyn Fair; great-grandparents, Herman and Evona Fair; aunts and uncles, Tom and Mindy Nordmeyer, Brian and Stephanie Nordmeyer, Brad and Kim Nordmeyer; uncles, Kevin and Brandon Fair and Steven Harman; aunt, Stephanie Harman; many nieces and nephews; and a host of other friends and relatives. Zachary was preceded in death by his mother, Kimberly Bereman; and great-grandparents, Lester and Elenor Baker, George and Eve Nordmeyer, and Paul and Dorothy Fisher.

While we struggle to express our sorrow over this loss, we can take pride in the example Zachary set as a soldier. Today and always, Zachary will be remembered by family, friends, and fellow Hoosiers as a true American hero, and we cherish the sacrifice he made while dutifully serving his country.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Zachary's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Zachary Nordmeyer in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. I pray that Zachary's family can find comfort in the words of the prophet Isaiah who said:

> He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Zachary.

PEACE CORPS ANNIVERSARY

Ms. MURKOWSKI. Madam President, Sunday marked the 48th anniversary of the Peace Corps. As we wrap up Peace Corps Week here in the United States, I would like take this opportunity to extend my heartfelt congratulations and appreciation to all current and former volunteers.

Since its creation in 1961, approximately 190,000 volunteers have served in 139 countries around the world. The fields Peace Corps volunteers work in are as varied as the countries in which they serve, but they offer us a snapshot of the breadth of global development challenges we face as a planet: HIV/AIDs; food security; environmental degradation; expanding the reach of technology; improving access to clean water and sanitation; and providing education and professional opportunities to those who might not otherwise have a chance to go to school or open a business.

Not only the host countries benefit from all the good work these volunteers do. Each of these volunteers gives the United States an opportunity to showcase our values and goals to the rest of the world in a grassroots way. The volunteers have the chance to learn foreign languages, live and work in new cultures, and develop skills which will aid them in their future careers. The skills these intrepid volunteers learn during their tours will also be a credit to the United States in the future as they return home and put their on-the-ground knowledge to work in the States.

I am delighted to see that the spirit of this movement is still strong with Alaskans. This year, 32 Alaskans are serving in 27 different countries on five different continents in fields ranging from health to education to agriculture to small business development. When they return to Alaska it will be with the knowledge that they can achieve any task set before them with innovation and hard work. I am excited to see what great things they will do next for our State and the Nation as a whole.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy

prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

You have asked for input as to helpful solutions regarding the energy crisis.

I am attaching three resolutions that came from a national committee that I chair—the Energy, Natural Resource & Agriculture Policy Committee for the National Foundation for Women Legislators (NFWL). These resolutions were passed by my Committee in October of 2007. Each ''Where As'' tells the story of why we are where we are today and then finally gives recommendations for solutions. Please submit these into the Congressional Record as you seek to tell stories about what Idahoans are doing to offer help and why energy solutions are needed.

Thank you for this opportunity to tell our story from the Energy, Natural Resource & Agriculture Committee to the U.S. Senate. And, thank you for all that you do.

ANN, *Idaho Falls.*

NFWL ENERGY, NATURAL RESOURCES & AGRICULTURE POLICY COMMITTEE

RESOLUTION ON A BALANCED PORTFOLIO OF ENERGY CHOICES

(Introduced October 12, 2007)

Whereas, the United States of America has become excessively dependent upon foreign sources of oil, and the dependence threatens the security of the American people and economy; and

Whereas, it is in the best interests of the United States to become as energy independent and diversified as possible to avoid economic dislocations instigated by foreign oil interests, markets and the effects of natural disasters; and

Whereas, comprehensive federal energy legislation signed into law in 2005 advocates the expansion of nuclear energy for the production of electrical power and hydrogen, as well as the development of bio-energy and other alternative fuels to reduce dependence on foreign sources of oil, a truly balanced portfolio of energy options; and

Whereas, the United States Department of Energy (DOE) is the federal agency that has primary responsibility for carrying out the directives of the President and the Congress relative to enabling and enhancing the energy security of the nation; and

Whereas, the DOE Laboratories and other Federal Laboratories are a key national research, development and demonstration resource wherein the federal government has invested significant tax dollars to establish such unique and globally important assets all of which demand continued, or even expanded, use to assure maximum return on tax dollar investment; and

Whereas, the Idaho National Laboratory has been designated as the lead DOE lab for nuclear energy technology and development and is expected to have a key role in an international initiative; and

Whereas, the Federal Laboratory Consortium (FLC) for Technology Transfer can assist in identifying federal labs with a variety of expertise to help states, including energy, through their website;

Be it resolved that the NFWL Energy, Natural Resource & Agriculture Policy Committee supports execution of an enhanced and balanced portfolio of nuclear, bio-energy, hydropower, fuel reforming and related alternative and renewable energy research, and hereby requests the DOE, the Administration and the Congress identify, commit and sustain the funding necessary to allow continued performance of this and other multi-program energy and national security enhancing work so critical to the long-term well-being of these United States.

Be it further resolved, that NFWL forward a copy of this resolution to the President of the United States, the Secretary of the U.S. Department of Energy, to the President of the Senate and the Speaker of the House of Representatives of Congress.

NFWL ENERGY, NATURAL RESOURCES & AGRICULTURE POLICY COMMITTEE

RESOLUTION ON THE ENERGY POLICY ACT OF 2005 LOAN GUARANTEE PROGRAM

(Introduced October 12, 2007)

Whereas, the National Foundation for Women Legislators (NFWL) Energy, Natural Resource & Agriculture Policy Committee commends Congress and the Administration on passage of the EPAct05 (Energy Policy Act of 2005) that reaffirms the federal commitment to establish and maintain a national energy policy; and

Whereas, the EPAct05 authorizes the U.S. Department of Energy to issue loan guarantees to eligible projects that ''avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases'' and ''employ new or significantly improved technologies as compared to technologies in service in the United States at the time the guarantee is issued''; and

Whereas, loan guarantees will be another tool that DOE will use to promote commercial use of innovative technologies; and

Whereas, a principal purpose of the Title XVII loan guarantee program is to encourage early commercial use in the United States of new or significantly improved technologies in energy projects; and

Whereas, this NFWL Policy Committee submits that energy independence must be a primary goal of the United States and that short- and long-term strategies that provide adequate energy supplies with efficient utilization and optimum cost effectiveness must be developed; and

Whereas, it is believed that accelerated commercial use of new or improved technologies will help to sustain economic growth, yield environmental benefits, and produce a more stable and secure energy supply; and

Whereas, the national energy policy and loan guarantee program should promote and provide incentives for the development and optimal use of all energy resources; and

Whereas, nuclear energy is not currently listed in FY 2008 House Energy & Water Appropriations legislation as an included technology area to participate in the loan guarantee program, and is a technology project that avoids, reduces, or sequesters air pollutants or anthropogenic emissions of greenhouse gases;

Now, therefore be it resolved that the NFWL Energy, Natural Resource & Agriculture Policy Committee requests the DOE, the Administration and the Congress to include nuclear energy in the projects for the loan guarantee program.

Be it further resolved, that NFWL forward a copy of this resolution to the President of the United States, the Secretary of the U.S. Department of Energy, to the President of the Senate and the Speaker of the House of Representatives of Congress as well as appropriate House and Senate Committees.

NFWL ENERGY, NATURAL RESOURCES & AGRICULTURE POLICY COMMITTEE

RESOLUTION ON NATIONAL ENERGY POLICY

(Introduced October 12, 2007)

Whereas, the National Foundation for Women Legislators (NFWL) Energy, Natural Resource & Agriculture Policy Committee commends Congress and the Administration on passage of the Energy Policy Act of 2005 that reaffirms the federal commitment to establish and maintain a national energy policy; and

Whereas, the primary goals of a national energy policy should develop a comprehensive energy conservation strategy, with the most efficient use of energy, promote reliable sources of domestic energy supplies as well as develop and promote the use of alternative, renewable and non-renewable energy sources; and

Whereas, a national energy policy should ensure affordable priced energy with an adequate supply available, and ensure an efficient and environmentally-sound manner so that the needs of all citizens, economy and national security interests are met and be a balanced portfolio of energy options; and

Whereas, this NFWL Policy Committee submits that energy independence must be a primary goal of the United States and that short and long-term strategies that provide adequate energy supplies with efficient utilization and optimum cost effectiveness must be developed; and

Whereas, a comprehensive strategy is needed to increase U.S. and global energy security, encourage clean development around the world, recycle nuclear fuel using new proliferation-resistant technologies to recover more energy and reduce waste, and improve the environment; and

Whereas, the national energy policy should promote and provide incentives for the development and optimal use of all energy resources and new facility infrastructure which assures that various domestic energy sources are continually developed, maintained and stored to prevent supply emergencies and to promote energy independence; and

Now, therefore be it resolved that the NFWL Energy, Natural Resource & Agriculture Policy Committee encourages the DOE, the Administration and the Congress to develop a balanced portfolio of energy choices, implement and maintain an expansive, cost-effective, environmentally-sensitive national energy policy.

Be it further resolved, that NFWL forward a copy of this resolution to the President of the United States, the Secretary of the U.S. Department of Energy, to the President of the Senate and the Speaker of the House of Representatives of Congress.

I am a little more than concerned about the rising costs of fuel. It hits every economic level of income but mostly the middle to low incomes. We are in the $50,000 income range. I own a small business and my husband works for the State. Increase in the price of fuel is directly felt every time a person drives a vehicle. It is double what it was last year. I drive a 2000 Nissan Sentra. It is a little car. We live on a budget. A paycheck only stretches so far. For a small business this means an increase in freight costs. Some

of those costs are passed to the consumer and some are absorbed. A small business is the least likely to be able to handle this. The costs passed to the consumer are on top of the gas prices they are already paying. I live in a small rural community. Because in the past so many people have done their shopping out of town, our town has less to offer which in turn makes going out of town to shop a very costly experience. The whole situation is a catch-22.

America needs to use its own resources and not let foreign companies do it (drilling for oil off the coast). We also need to be responsible for our overindulgences and use smaller more economical vehicles. We are paying for our gluttony. We do need to explore alternative energy also. We also need to curb our spending in congress. Our country is broke and nobody wants to fix it. Pork barrel spending is breaking this country. Why are we attaching appropriations to bills that have nothing to do with the original bill? Please start making upright and morally responsible decisions. I think Congress is totally out of control.

A desperate citizen,

SUE, Grangeville.

I appreciate your interest in this issue. I must say I am quite fortunate that my 94 Ford escort gets 37 MPG and suits most my needs quite adequately. In addition, I live just a few miles from work in Boise, so I usually ride my bicycle to work. I do recognize that this is not an option for many Idahoans, such as my mom who lives 10 miles outside of Blackfoot.

Frankly, as far as this last e-mail you sent me goes, it sounds like you are listening too much to lobbyists from the energy industries. More gas exploration is not a long term solution—I cannot imagine that new finds are going to even come close to offsetting increased demand from Asia. (If you have numbers that suggest otherwise, I would love to see them.) More exploration is a mere band-aid that just kicks the problem down the road to whomever gets your seat next. To me, it sounds almost as pointless as Senator Clinton's gas tax holiday she was talking about.

Instead of typical Washington [solutions], Senator, we need real leadership. We need to be pouring our resources into building alternative modes of transit that can aid this inevitable transition from cheap fossil fuels. We need to bring rail transit back to Southern Idaho. We need a rural bus system with park-and-ride spots along state highways (much like the system used for the buses that run to INL). We need higher fuel-efficiency standards from Detroit. (You may have to tell some industry folks to jump in a lake—that is what we pay you for.) As far as helping people cope with this transition, perhaps you could give tax cuts to small farmers and people who live more than 15 miles from a bus or train stop. But basically any incentives should go towards helping people use less fossil fuel, not more.

ALEX, Boise.

First off I want to state that I do not consider this fuel problem to be as big of a crisis as it was when we had the fuel shortages back a few decades. This is becoming more of an issue because the dollar is so weak right now, and it does not seem to be getting any better. With that said, my family and I have noticed the problems with fuel prices across the board. I am in the process of trying to make a choice in a new job that would put me back in the classroom doing what I really love, but with gas prices and me riding the ACHD van that is a big cost change for us. I am amazed that with all of the possibilities out there that our energy and gas prices are going up. Why are we not building more wind power plants like California to produce endless power that is also very expandable? Why are we not taking advantage of the man who invented the super fuel efficient engine right here in Idaho who resides in Weiser? There are answers besides drilling right here and we seem to overlook them. I am not against more nuclear power, but the hazards really do not justify those means of power any more. I really hope that we can see some changes soon with the addition of a transit system from Caldwell to Boise or maybe even Weiser. I do know that something has to change or the US will have too many poor people to help. Thank you for your time.

RICHARD, Boise.

You asked for and so here goes. I am so upset with all of the members of Congress and our Government in general for not having an energy plan already in place in the United States. Not only should we not be dependent on foreign countries for our oil sources but we should most definitely have invested in other sources of energy long before now. Off-shore drilling and massacring the Alaskan Wilderness is not the answer. There is absolutely no reason for us not to have automobiles running on other sources of power other than to line the pockets of the oil industry and those ''in the trough''. The technology is there and I think we need government mandates and incentives in place now to force (if necessary) people to create and use these alternative sources. We should reward those companies and those people who produce and use hybrid and other alternative energy-sourced vehicles and mass transit and severely tax those people who insist on driving the big SUVs and Hummers in the U.S. as well as those who are the big wasters of energy. ''Going Green'' should not only be the right thing to do for us and the world (and the U.S. should be leading the world as the ''example'') but should be the most economical thing to do and we need to reward those who do and assess those who do not. If companies are not going to take the initiative to make this happen on their own, then the government has to give the free enterprise system and the general public incentives to make it happen.

There is no one person in the U.S. who is not feeling the effects of the high prices. Whether it be gas, food or other products we buy and use in our life activities, they are all affected by the high gas prices. Those with high incomes can most likely absorb these increased costs but those on fixed incomes and the low- and middle-income cannot sustain these high prices for long. We are in a crisis situation here and I only see it getting worse. And I blame all of you in Congress for not addressing it much sooner (like some 10–20 years ago) and I blame John Q. Public for re-electing all of you time and again. It seems to me that Congress is completely out of touch not only with John Q. Public but with reality. Let me reiterate, more drilling in our own country is not the answer. We must use other alternative energy sources be it electric, wind, nuclear, etc. What kind of country are we leaving for our grandkids? Not a very good one at this rate—if we even have one left!

MELODIE.

You write that my country is too dependent on foreign oil and we must develop alternate energy sources. You, your party, and many of the Democrats have voted consistently against all such alternatives for one reason or another. It is of no use to write about my experience with the rise in gas prices. If Congress and this Administration need stories, then it further proves that our elected government does not give a damn about the citizens—an expansion of Katrina/New Orleans. You have held hearings with the oil representatives which resulted in the usual shameful display of sucking-up to the industry. Thank you for your inattention to this response.

HARRY.

Does anyone in Washington remember the huge deal it was when gasoline broke $2/gallon about 4 years ago? How about when it reached $3/gallon briefly in 2005 and caused a minor panic about skyrocketing prices? I remember newspaper articles asking ''Will we ever see $2/gallon gasoline again?'' and we wondered if that time had passed. Then prices came back down and did a bit of an up-down over the next couple of years. Through all of that, combatting high oil prices was a top priority for Congress and the White House, which led to the ethanol debacle.

Now, the Democrat powers-that-be in Washington and around the country have seemingly embraced $4/gallon gasoline as the impetus to make us explore ''alternate energy sources,'' while completely ignoring the agonizing inflationary pressure these price increases are causing. Now we hear, ''Blame Bush!'' ''No war for oil!'' ''Save the polar bears!'' How in the world do we expect to be able to maintain our economic strength while we simultaneously insist on crippling the economy?

I would urge you, Senator, to work to allow us to pursue oil reserves wherever they might be found in our country. We should seek to be wise stewards of the land, but also acknowledge that if we do not do it here, it will be done elsewhere by people who do not seem to care as much about the environment. ''Not in my backyard'' is the most environmentally irresponsible decision we could possibly make.

DAVID, *Boise*.

Gas prices are outrageous. If it does cost that much for the oil, why not get out of there and drill on our own grounds, or even Canada? What is happening is someone is making a lot of money off this, and they know that they can keep raising the price and people will pay it, people have to pay it.

CJ.

We appreciate your interest in the high cost of gasoline and energy, but even if the government started drilling today, we do not have refineries up and running nor do we have enough of them to process the gas we discover. So who and where will we have to transport this ''new gas'' to, to make it useable for the people of the U.S.? Obama stated he wished the price would have increased a little more slowly so this sounds like it is been planned a looong time in Congress.

Who has got the truth on any of our economy and energy issues?

Thanks for your efforts.

CHUCK.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, 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.)

MESSAGE FROM THE HOUSE

At 2:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 81. An act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

H.R. 326. An act to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes.

H.R. 844. An act to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 81. An act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; to the Committee on Commerce, Science, and Transportation.

H.R. 326. An act to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes; to the Committee on Indian Affairs.

H.R. 844. An act to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services:

Special Report entitled ''Report on the Activities of the Committee on Armed Services, 110th Congress, First and Second Sessions'' (Rept. No. 111–5).

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. DURBIN (for himself, Mr. GREGG, Mr. KENNEDY, Mr. BURR, Mr. DODD, Mr. ALEXANDER, and Mr. ISAKSON):

S. 510. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself and Mr. TESTER):

S. 511. A bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. KOHL, Mr. DURBIN, and Mr. FEINGOLD):

S. 512. A bill to amend chapter 1 of title 9, of United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. SANDERS:

S. 513. A bill to require the Board of Governors of the Federal Reserve System to publish information on financial assistance provided to various entities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 514. A bill to amend title 38, United States Code, to enhance vocational rehabilitation benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. CRAPO, Mr. WHITEHOUSE, Mr. RISCH, and Mrs. GILLIBRAND):

S. 515. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. DODD:

S. 516. A bill for the relief of Majan Jean; to the Committee on the Judiciary.

By Mr. DODD:

S. 517. A bill for the relief of Alejandro Gomez and Juan Sebastian Gomez; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. REED, Mr. CASEY, and Mr. LEVIN):

S. 518. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. CHAMBLISS):

S. 519. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention and the LRTAP POPs Protocol; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN:

S. 520. A bill to designate the United States Courthouse under construction at 327 South Church Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''; considered and passed.

By Mr. INHOFE:

S. 521. A bill to enhance the oversight authority of the Comptroller General of the United States with respect to certain expenditures by financial institutions participating in the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States relative to parental rights; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. MCCAIN):

S. Res. 62. A bill establishing a select committee of the Senate to make a thorough and complete study and investigation of the facts and circumstances giving rise to the economic crisis facing the United States and to make recommendations to prevent a future recurrence of such a crisis; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 321

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 321, a bill to require the Secretary of Homeland Security and the Secretary of State to accept passport cards at air ports of entry and for other purposes.

S. 345

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2009'', and for other purposes.

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 422

At the request of Ms. STABENOW, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diesases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 442

At the request of Mr. DORGAN, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 442, a bill to impose a limitation on lifetime aggregate limits imposed by health plans.

S. 450

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 450, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 475

At the request of Mr. BURR, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 478

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 478, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 487

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 487, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 491

At the request of Mr. WEBB, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 495

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 495, a bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process.

S. 496

At the request of Ms. CANTWELL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 496, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 501

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 501, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs.

S. RES. 57

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 57, a resolution designating the first week of April 2009 as ''National Asbestos Awareness Week''.

AMENDMENT NO. 592

At the request of Mr. MCCAIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 592 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 596

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 596 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 601

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of amendment No. 601 intended to be proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 607

At the request of Mr. WICKER, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. COBURN), the Senator from Louisiana (Mr. VITTER), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Dakota (Mr. THUNE), the Senator from Kansas (Mr. ROBERTS) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of amendment No. 607 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 608

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 608 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 610

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 610 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 611

At the request of Mr. THUNE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 611 intended to be proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. GREGG, Mr. KENNEDY, Mr. BURR, Mr. DODD, Mr. ALEXANDER, and Mr. ISAKSON):

S. 510. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I rise to introduce the FDA Food Safety Modernization Act.

When I introduced this bill in the last Congress, we were in the middle of one of the largest food-borne illness outbreaks in the history of our country. Nearly 1500 people fell sick last spring and summer because of Salmonella Saintpaul, leading to a Government investigation that pointed the finger first at tomatoes and then at jalapeno peppers in Texas before settling on Serrano peppers in Mexico. In the meantime, more people got sick and the tomato industry lost up to hundreds of millions of dollars.

Less than a year later, we find ourselves in the middle of yet another nationwide outbreak: peanut butter tainted with Salmonella, the second case of its kind in 2 years. There is not a day that goes by that we don't hear about another recalled peanut butter product or another person sick with Salmonella. More than 660 people have been sickened, half of them children. At least nine people are dead. Over 2,600 products have been recalled, in a recall that goes back to March 2005 and could continue for at least another couple of years, making this one of the biggest food recalls in our Nation's history.

Unfortunately, these problems seem to be par for the course. In the last couple of years we have seen Salmonella in our peppers and peanut butter and E. coli in our spinach. Our food safety problems do not just start and stop at home: we have also seen chemically tainted pet food, milk products, and seafood from China.

These problems are only the tip of the iceberg. Every year, more than 76 million Americans become sick because of a food-borne illness, 325,000 are hospitalized, and 5,000 die.

It is clear that the Food and Drug Administration, who regulates these foods and 80 percent of our food supply, including virtually all food imports, can not keep up. The agency is underfunded and overwhelmed. It operates under an obsolete, largely reactive 1938 law. Its food safety program has not kept up with the dramatic changes in our food system, and it does a poor job of preventing and responding to food safety problems. As a result, consumers suffer and so do businesses something we can never afford, but especially in these trying economic times.

Our food safety system is in crisis and it is time that we act. That's why Senator GREGG and I are introducing

the FDA Food Safety Modernization Act, a bipartisan bill that gives the FDA the new authorities and resources it needs to stop food safety problems before they start.

For the first time in history, our bill gives the FDA a mandate to inspect: to increase the inspections at all food facilities, including annual inspections of high risk facilities. It requires the food industry to have in place plans that address identified hazards with the right preventive measures. It requires all testing and sampling for regulatory purposes to be done by labs accredited by the FDA, and requires those results to be sent to the agency. It also enables the FDA to more effectively respond to an outbreak by giving the agency new authorities to order recalls, shut down tainted facilities, and access records.

This bill is proof that food safety is not a Democratic issue or a Republican one. Everyone eats. All Americans have a right to know that the food we buy for our families and our pets is safe. We should not have to worry about getting sick, or worse. If there's a problem, our Government should be able to catch it and fix it before people die.

I thank Senators KENNEDY, DODD, KLOBUCHAR, BURR, ALEXANDER, and CHAMBLISS for joining me in this effort. I also want to thank the consumer, public health, and industry groups who have helped us craft a strong bill for their support: Consumer Federation of America, Center for Science in the Public Interest, Consumers Union, Trust for America's Health, Grocery Manufacturers of America, American Feed Industry Association, American Frozen Food Institute, Food Marketing Institute, National Fisheries Institute, and American Spice Trade Association.

This bill is a comprehensive, bipartisan effort that improves the FDA's ability to prevent, detect, and respond to food safety problems, whether this means Salmonella-tainted peanut butter from Georgia or melamine-spiked candy from China. It's the first step towards building a food safety system that is science and risk-based, accountable to consumers, more transparent, and focused on prevention. I urge my colleagues to support this bill.

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 placed in the RECORD, as follows:

S. 510

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

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FDA Food Safety Modernization Act''.

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

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

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

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

Sec. 101. Inspections of records.
Sec. 102. Registration of food facilities.
Sec. 103. Hazard analysis and risk-based preventive controls.
Sec. 104. Performance standards.
Sec. 105. Standards for produce safety.
Sec. 106. Protection against intentional adulteration.
Sec. 107. Authority to collect fees.
Sec. 108. National agriculture and food defense strategy.
Sec. 109. Food and Agriculture Coordinating Councils.
Sec. 110. Building domestic capacity.
Sec. 111. Final rule for prevention of Salmonella Enteritidis in shell eggs during production.
Sec. 112. Sanitary transportation of food.
Sec. 113. Food allergy and anaphylaxis management.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

Sec. 201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.
Sec. 202. Recognition of laboratory accreditation for analyses of foods.
Sec. 203. Integrated consortium of laboratory networks.
Sec. 204. Enhancing traceback and recordkeeping.
Sec. 205. Surveillance.
Sec. 206. Mandatory recall authority.
Sec. 207. Administrative detention of food.
Sec. 208. Decontamination and disposal standards and plans.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

Sec. 301. Foreign supplier verification program.
Sec. 302. Voluntary qualified importer program.
Sec. 303. Authority to require import certifications for food.
Sec. 304. Prior notice of imported food shipments.
Sec. 305. Review of a regulatory authority of a foreign country.
Sec. 306. Building capacity of foreign governments with respect to food.
Sec. 307. Inspection of foreign food facilities.
Sec. 308. Accreditation of qualified third-party auditors and audit agents.
Sec. 309. Foreign offices of the Food and Drug Administration.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Funding for food safety.
Sec. 402. Jurisdiction; authorities.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

SEC. 101. INSPECTIONS OF RECORDS.

(a) IN GENERAL.—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the heading and all follows through ''of food is'' and inserting the following: ''RECORDS INSPECTION.—

''(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is'';

(2) by inserting '', and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,'' after ''relating to such article'';

(3) by striking the last sentence; and

(4) by inserting at the end the following:

''(2) USE OF OR EXPOSURE TO FOOD OF CONCERN.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

''(3) APPLICATION.—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.''.

(b) CONFORMING AMENDMENT.—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking ''section 414 when'' and all that follows through ''subject to'' and inserting ''section 414, when the standard for record inspection under paragraph (1) or (2) of section 414(a) applies, subject to''.

SEC. 102. REGISTRATION OF FOOD FACILITIES.

(a) UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking ''conducts business and'' and inserting ''conducts business, the e-mail address for the contact person of the facility or, in the case of a foreign facility, the United States agent for the facility, and''; and

(B) inserting '', or any other food categories as determined appropriate by the Secretary, including by guidance)'' after ''Code of Federal Regulations'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) BIENNIAL REGISTRATION RENEWAL.—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.''.

(b) SUSPENSION OF REGISTRATION.—

(1) IN GENERAL.—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: ''The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) SUSPENSION OF REGISTRATION.—

''(1) IN GENERAL.—If the Secretary determines that food manufactured, processed, packed, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of the facility under this section in accordance with this subsection.

''(2) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 days after the issuance of the order, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

''(3) POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.—

''(A) CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan in a timely manner.

''(B) VACATING OF ORDER.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

''(4) EFFECT OF SUSPENSION.—If the registration of a facility is suspended under this subsection, such facility shall not import food or offer to import food into the United States, or otherwise introduce food into interstate commerce in the United States.

''(5) REGULATIONS.—The Secretary shall promulgate regulations that describe the standards officials will use in making a determination to suspend a registration, and the format such officials will use to explain to the registrant the conditions found at the facility.

''(6) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.''.

(2) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting ''(or for which a registration has been suspended under such section)'' after ''section 415''.

(c) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting ''415,'' after ''404,''.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period ''for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)''.

SEC. 103. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

''(a) IN GENERAL.—Each owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent their occurrence and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

''(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

''(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism; and

''(2) develop a written analysis of the hazards.

''(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

''(1) hazards identified in the hazard analysis conducted under subsection (b) will be significantly minimized or prevented; and

''(2) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

''(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures that a facility will implement if the preventive controls implemented under subsection (c) are found to be ineffective through monitoring under subsection (d).

''(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

''(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

''(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

''(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e); and

''(4) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, as well as to conditions and processes in the facility, and to new and emerging threats.

''(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of nonconformance material to food safety, instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

''(h) WRITTEN PLAN AND DOCUMENTATION.—Each owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted to address those hazards under subsection (c). Such written plan, together with documentation that the plan is being implemented, shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

''(i) REQUIREMENT TO REANALYZE.—Each owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is commenced. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding.

''(j) DEEMED COMPLIANCE OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—An owner, operator, or agent in charge of a facility required to comply with 1 of the following standards and regulations with respect to such facility shall be deemed to be in compliance with this section, with respect to such facility:

''(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

''(k) EXCEPTION FOR FACILITIES IN COMPLIANCE WITH SECTION 419.—This section shall not apply to a facility that is subject to section 419.

''(l) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the production of food for animals other than man or the storage of packaged foods that are not exposed to the environment.

''(m) DEFINITIONS.—For purposes of this section:

''(1) CRITICAL CONTROL POINT.—The term 'critical control point' means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce it to an acceptable level.

''(2) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.

''(3) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would have employed to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (a) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

''(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

''(B) Supervisor, manager, and employee hygiene training.

''(C) An environmental monitoring program to verify the effectiveness of pathogen controls.

''(D) An allergen control program.

''(E) A recall contingency plan.

''(F) Good Manufacturing Practices (GMPs).

''(G) Supplier verification activities.''.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall promulgate regulations to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(2) CONTENT.—The regulations promulgated under paragraph (1) shall provide sufficient flexibility to be applicable in all situations, including in the operations of small businesses.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to apply specific technologies, practices, or critical controls to an individual facility.

(4) REVIEW.—In promulgating the regulations under paragraph (1), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of this Act to ensure that the program under such section 418 is consistent, to the extent practicable, with applicable internationally recognized standards in existence on such date.

(c) GUIDANCE DOCUMENT.—The Secretary shall issue a guidance document related to hazard analysis and preventive controls required under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(oo) The operation of a facility that manufacturers, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418.''.

(e) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(f) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined by the Secretary) after the date that is 2 years after the date of enactment of this Act; and

(B) the amendments made by this section shall apply to a very small business (as defined by the Secretary) after the date that is 3 years after the date of enactment of this Act.

SEC. 104. PERFORMANCE STANDARDS.

The Secretary shall, not less frequently than every 2 years, review and evaluate relevant health data and other relevant information, including from toxicological and epidemiological studies and analyses, to determine the most significant food-borne contaminants and, when appropriate to reduce the risk of serious illness or death to humans or animals or to prevent the adulteration of the food under section 402 of the Federal Food, Drug, or Cosmetic Act, (21 U.S.C. 342) or to prevent the spread of communicable disease under section 361 of the Public Health Service Act (42 U.S.C. 264), shall issue contaminant-specific and science-based guidance documents, actions levels, or regulations. Such guidance, action levels, or regulations shall apply to products or product classes and shall not be written to be facility-specific.

SEC. 105. STANDARDS FOR PRODUCE SAFETY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 103, is amended by adding at the end the following:

''SEC. 419. STANDARDS FOR PRODUCE SAFETY.

''(a) PROPOSED RULEMAKING.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in consultation with the Secretary of Agriculture and representatives of State departments of agriculture, shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

''(2) PUBLIC INPUT.—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

''(3) CONTENT.—The proposed rulemaking under paragraph (1) shall—

''(A) include, with respect to growing, harvesting, sorting, and storage operations, minimum standards related to soil amendments, hygiene, packaging, temperature controls, animal encroachment, and water; and

''(B) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism.

''(4) PRIORITIZATION.—The Secretary shall prioritize the implementation of the regulations for specific fruits and vegetables that are raw agricultural commodities that have been associated with food-borne illness outbreaks.

''(b) FINAL REGULATION.—

''(1) IN GENERAL.—Not later than 1 year after the close of the comment period for the proposed rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum standards for those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

''(2) FINAL REGULATION.—The final regulation shall—

''(A) provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

''(B) provide for coordination of education and enforcement activities by State and local officials, as designated by the Governors of the respective States; and

''(C) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

''(c) CRITERIA.—

''(1) IN GENERAL.—The regulations adopted under subsection (b) shall—

''(A) set forth those procedures, processes, and practices as the Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402; and

''(B) permit States and foreign countries from which food is imported into the United States, subject to paragraph (2), to request from the Secretary variances from the requirements of the regulations, where upon approval of the Secretary, the variance is considered permissible under the requirements of the regulations adopted under subsection (b)(2)(C) and where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 to the same extent as the requirements of the regulation adopted under subsection (b).

''(2) APPROVAL OF VARIANCES.—A State or foreign country from which food is imported into the United States shall request a variance from the Secretary in writing. The Secretary may deny such a request as not reasonably likely to ensure that the produce is not adulterated under section 402 to the same extent as the requirements of the regulation adopted under subsection (b).

''(d) ENFORCEMENT.—The Secretary may coordinate with the Secretary of Agriculture and shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

''(e) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture and representatives of State departments of agriculture, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce.

''(f) EXCEPTION FOR FACILITIES IN COMPLIANCE WITH SECTION 418.—This section shall not apply to a facility that is subject to section 418.''.

(b) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 103, is amended by adding at the end the following:

''(pp) The production or harvesting of produce not in accordance with minimum standards as provided by regulation under section 419(b) or a variance issued under section 419(c).''.

(c) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

SEC. 106. PROTECTION AGAINST INTENTIONAL ADULTERATION.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 105, is amended by adding at the end the following:

''SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERATION.

''(a) IN GENERAL.—Not later than 24 months after the date of enactment of the FDA Food Safety Modernization Act, the

Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act.

''(b) CONTENT OF REGULATIONS.—Regulations under subsection (a) shall only apply to food—

''(1) for which the Secretary has identified clear vulnerabilities (such as short shelf-life or susceptibility to intentional contamination at critical control points);

''(2) in bulk or batch form, prior to being packaged for the final consumer; and

''(3) for which there is a high risk of intentional contamination, as determined by the Secretary, that could cause serious adverse health consequences or death to humans or animals.

''(c) DETERMINATIONS.—In making the determination under subsection (b)(3), the Secretary shall—

''(1) conduct vulnerability assessments of the food system;

''(2) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration at vulnerable points; and

''(3) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

''(d) EXCEPTION.—This section shall not apply to food produced on farms, except for milk.

''(e) DEFINITION.—For purposes of this section, the term 'farm' has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) CONTENT.—The guidance document issued under paragraph (1) shall—

(A) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food;

(B) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate;

(C) include a model assessment for a person to use under subparagraph (A);

(D) include examples of mitigation strategies or measures described in subparagraph (B); and

(E) specify situations in which the examples of mitigation strategies or measures described in subparagraph (D) are appropriate.

(3) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in consultation with the Secretary of Homeland Security, may determine the time and manner in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) PERIODIC REVIEW.—The Secretary shall periodically review and, as appropriate, update the regulation under subsection (a) and the guidance documents under subsection (b).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 105, is amended by adding at the end the following:

''(qq) The failure to comply with section 420.''.

SEC. 107. AUTHORITY TO COLLECT FEES.

(a) FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by inserting after section 740 the following:

''PART 5—FEES RELATED TO FOOD

''SEC. 740A. AUTHORITY TO COLLECT AND USE FEES.

''(a) IN GENERAL.—

''(1) PURPOSE AND AUTHORITY.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

''(A) each domestic facility (as defined in section 415(b)) subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year;

''(B) each domestic facility (as defined in section 415(b)) and importer subject to a food recall in such fiscal year, to cover food recall activities performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for such year;

''(C) each importer participating in the voluntary qualified importer program under section 806 in such year, to cover the administrative costs such program for such year; and

''(D) each importer subject to a reinspection in such fiscal year at a port of entry, to cover reinspection-related costs at ports of entry for such year.

''(2) DEFINITIONS.—For purposes of this section—

''(A) the term 'reinspection' means—

''(i) with respect to domestic facilities (as defined in section 415(b)), 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction; and

''(ii) with respect to importers, 1 or more examinations conducted under section 801 subsequent to an examination conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction; and

''(B) the term 'reinspection-related costs' means all expenses, including administrative expenses, incurred in connection with—

''(i) arranging, conducting, and evaluating the results of reinspections; and

''(ii) assessing and collecting reinspection fees under this section.

''(b) ESTABLISHMENT OF FEES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

''(2) FEE METHODOLOGY.—

''(A) FEES.—Fees amounts established for collection—

''(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

''(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

''(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

''(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

''(B) OTHER CONSIDERATIONS.—

''(i) VOLUNTARY QUALIFIED IMPORTER PROGRAM.—

''(I) PARTICIPATION.—In establishing the fee amounts under subparagraph (A)(iii) for a fiscal year, the Secretary shall provide for the number of importers who have submitted to the Secretary a notice under section 806(e) informing the Secretary of the intent of such importer to participate in the program under section 806 in such fiscal year.

''(II) RECOUPMENT.—In establishing the fee amounts under subparagraph (A)(iii) for the first 5 fiscal years after the date of enactment of this section, the Secretary shall include in such fee a reasonable surcharge that provides a recoupment of the costs expended by the Secretary to establish and implement the first year of the program under section 806.

''(ii) CREDITING OF FEES.—In establishing the fee amounts under subparagraph (A) for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

''(3) USE OF FEES.—The Secretary shall make all of the fees collected pursuant to clause (i), (ii), (iii), and (iv) of paragraph (2)(A) available solely to pay for the costs referred to in such clause (i), (ii), (iii), and (iv) of paragraph (2)(A), respectively.

''(4) COMPLIANCE WITH INTERNATIONAL AGREEMENTS.—Nothing in this section shall be construed to authorize the assessment of any fee inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless appropriations for the Center for Food Safety and Applied Nutrition and the Center for Veterinary Medicine and related activities of the Office of Regulatory Affairs at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the Center for Food Safety and Applied Nutrition and the Center for Veterinary Medicine and related activities of the Office of Regulatory Affairs at the Food and Drug Administration for the preceding fiscal year (excluding the amount of fees appropriated for such fiscal year) multiplied by 1 plus 4.5 percent.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, under subsection (a), notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(3) LIMITATION ON AMOUNT OF CERTAIN FEES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section and subject to

subparagraph (B), the Secretary may not collect fees in a fiscal year such that the amount collected—

''(i) under subparagraph (B) of subsection (a)(1) exceeds $20,000,000; and

''(ii) under subparagraphs (A) and (D) of subsection (a)(1) exceeds $25,000,000 combined.

''(B) EXCEPTION.—If a domestic facility (as defined in section 415(b)) or an importer becomes subject to a fee described in subparagraph (A), (B), or (D) of subsection (a)(1) after the maximum amount of fees has been collected by the Secretary under subparagraph (A), the Secretary may collect a fee from such facility or importer.

''(d) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

''(e) COLLECTION OF FEES.—

''(1) IN GENERAL.—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

''(2) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

''(f) ANNUAL REPORT TO CONGRESS.—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under the other provisions of this section.''.

(b) EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.—

(1) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''a drug'' and inserting ''a food, drug'';

(B) in clause (i) by striking ''exported drug'' and inserting ''exported food, drug''; and

(C) in clause (ii) by striking ''the drug'' each place it appears and inserting ''the food, drug''.

(2) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

''(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.''.

SEC. 108. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) IMPLEMENTATION PLAN.—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) RESEARCH.—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) REVISIONS.—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) CONSISTENCY WITH EXISTING PLANS.—The strategy described in paragraph (1) shall be consistent with—

(A) the National Incident Management System;

(B) the National Response Framework;

(C) the National Infrastructure Protection Plan;

(D) the National Preparedness Goals; and

(E) other relevant national strategies.

(b) COMPONENTS.—

(1) IN GENERAL.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) GOALS.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) PREPAREDNESS GOAL.—Enhance the preparedness of the agriculture and food system by—

(i) conducting vulnerability assessments of the agriculture and food system;

(ii) mitigating vulnerabilities of the system;

(iii) improving communication and training relating to the system;

(iv) developing and conducting exercises to test decontamination and disposal plans;

(v) developing modeling tools to improve event consequence assessment and decision support; and

(vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) DETECTION GOAL.—Improve agriculture and food system detection capabilities by—

(i) identifying contamination in food products at the earliest possible time; and

(ii) conducting surveillance to prevent the spread of diseases.

(C) EMERGENCY RESPONSE GOAL.—Ensure an efficient response to agriculture and food emergencies by—

(i) immediately investigating animal disease outbreaks and suspected food contamination;

(ii) preventing additional human illnesses;

(iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

(I) the Federal Government; and

(II) State, local, and tribal governments;

(iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and

(v) ensuring consistent and organized risk communication to the public by—

(I) the Federal Government;

(II) State, local, and tribal governments; and

(III) the private sector.

(D) RECOVERY GOAL.—Secure agriculture and food production after an agriculture or food emergency by—

(i) working with the private sector to develop business recovery plans to rapidly resume agriculture and food production;

(ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

(iii) rapidly removing, and effectively disposing of—

(I) contaminated agriculture and food products; and

(II) infected plants and animals; and

(iv) decontaminating and restoring areas affected by an agriculture or food emergency.

SEC. 109. FOOD AND AGRICULTURE COORDINATING COUNCILS.

The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Secretary of Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

(1) facilitating partnerships between public and private entities to help unify and enhance the protection of the agriculture and food system of the United States;

(2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

(3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

(4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

(A) animal or plant disease outbreaks;

(B) food contamination; and

(C) natural disasters affecting agriculture and food.

SEC. 110. BUILDING DOMESTIC CAPACITY.

(a) IN GENERAL.—

(1) INITIAL REPORT.—The Secretary shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and security of food and to prevent outbreaks of food-borne illness and other food-related hazards that can be addressed through preventive activities. Such

report shall include a description of the following:

(A) Analysis of the need for regulations or guidance to industry.

(B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 109, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

(C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

(D) Communication systems to ensure that information about specific threats to the safety and security of the food supply are rapidly and effectively disseminated.

(E) Surveillance systems and laboratory networks to rapidly detect and respond to food-borne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

(F) Outreach, education, and training provided to States and local governments to build State and local food safety and food defense capabilities, including progress implementing strategies developed under sections 108 and 205.

(G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

(2) BIENNIAL REPORTS.—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

(A) reviews previous food safety programs and practices;

(B) outlines the success of those programs and practices;

(C) identifies future programs and practices; and

(D) includes information related to any matter described in subparagraphs (A) through (G) of paragraph (1), as necessary.

(b) RISK-BASED ACTIVITIES.—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to identify new and rapid analytical techniques, including techniques that can be employed at ports of entry and through Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities.

(d) INFORMATION TECHNOLOGY.—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) AUTOMATED RISK ASSESSMENT.—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) TRACEBACK AND SURVEILLANCE REPORT.—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in food-borne illness outbreaks during the 5-year period preceding the date of enactment of this Act involving fruits and vegetables that are raw agricultural commodities (as defined in section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(r)) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public, industry, and State and local governments, outbreak identification, and traceback.

(g) BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.—The Secretary and the Secretary of Agriculture shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of food-borne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the following 2-year period.

SEC. 111. FINAL RULE FOR PREVENTION OF SALMONELLA ENTERITIDIS IN SHELL EGGS DURING PRODUCTION.

Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule based on the proposed rule issued by the Commissioner of Food and Drugs entitled ''Prevention of Salmonella Enteritidis in Shell Eggs During Production'', 69 Fed. Reg. 56824, (September 22, 2004).

SEC. 112. SANITARY TRANSPORTATION OF FOOD.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

SEC. 113. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) ESEA DEFINITIONS.—The terms ''local educational agency'', ''secondary school'', ''elementary school'', and ''parent'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SCHOOL.—The term ''school'' includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) APPLICABILITY OF FERPA.—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(2) CONTENTS.—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following, and may be updated as the Secretary determines necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy, and any risk of anaphylaxis, if applicable;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual plan for food allergy management

that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program, such as non-academic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary determines necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) RELATION TO STATE LAW.—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) USE OF FUNDS.—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) DURATION OF AWARDS.—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) MAXIMUM AMOUNT OF ANNUAL AWARDS.—A grant awarded under this subsection may not be made in an amount that is more than $50,000 annually.

(7) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) MATCHING FUNDS.—

(A) IN GENERAL.—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by such local educational agency in carrying out the grant activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) ADMINISTRATIVE FUNDS.—A local educational agency that receives a grant under this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) PROGRESS AND EVALUATIONS.—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis management guidelines described in subsection (b).

(11) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $30,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) VOLUNTARY NATURE OF GUIDELINES.—

(1) IN GENERAL.—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

SEC. 201. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

(a) TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 106, is amended by adding at the end the following:

"SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

''(a) IDENTIFICATION AND INSPECTION OF FACILITIES.—

''(1) IDENTIFICATION.—The Secretary shall allocate resources to inspect facilities according to the risk profile of the facilities, which shall be based on the following factors:

''(A) The risk profile of the food manufactured, processed, packed, or held at the facility.

''(B) The facility's history of food recalls, outbreaks, and violations of food safety standards.

''(C) The rigor of the facility's hazard analysis and risk-based preventive controls.

''(D) Whether the food manufactured, processed, packed, handled, prepared, treated, distributed, or stored at the facility meets the criteria for priority under section 801(h)(1).

''(E) Whether the facility has received a certificate as described in section 809(b).

''(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(2) INSPECTIONS.—

''(A) IN GENERAL.—Beginning on the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall increase the frequency of inspection of all facilities.

''(B) HIGH-RISK FACILITIES.—The Secretary shall increase the frequency of inspection of facilities identified under paragraph (1) as high-risk facilities such that—

''(i) for the first 2 years after the date of enactment of the FDA Food Safety Modernization Act, each high-risk facility is inspected not less often than once every 2 years; and

''(ii) for each succeeding year, each high-risk facility is inspected not less often than once each year.

''(C) NON-HIGH-RISK FACILITIES.—The Secretary shall ensure that each facility that is not identified under paragraph (1) as a high-risk facility is inspected not less often than once every 4 years.

''(b) IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect articles of food imported into the United States according to the risk profile of the article of food, which shall be based on the following factors:

''(1) The risk profile of the food imported.

''(2) The risk profile of the countries of origin and countries of transport of the food imported.

''(3) The history of food recalls, outbreaks, and violations of food safety standards of the food importer.

''(4) The rigor of the foreign supplier verification program under section 805.

''(5) Whether the food importer participates in the voluntary qualified importer program under section 806.

''(6) Whether the food meets the criteria for priority under section 801(h)(1).

''(7) Whether the food is from a facility that has received a certificate as described in section 809(b).

''(8) Any other criteria deemed appropriate by the Secretary for purposes of allocating inspection resources.

''(c) COORDINATION.—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture to target food inspection resources.

''(d) FACILITY.—For purposes of this section, the term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.''.

(b) ANNUAL REPORT.—Section 903 (21 U.S.C. 393) is amended by adding at the end the following:

''(h) ANNUAL REPORT REGARDING FOOD.—Not later than February 1 of each year, the Secretary shall submit to Congress a report regarding—

''(1) information about food facilities including—

''(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

''(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

''(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

''(D) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary did not inspect in the previous fiscal year;

''(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

''(F) the number of high-risk facilities identified pursuant to section 421 that the Secretary did not inspect in the previous fiscal year;

''(2) information about food imports including—

''(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

''(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

''(C) the average cost of physically inspecting or sampling a food line subject to this Act that is imported or offered for import into the United States; and

''(3) information on the foreign offices established under section 309 of the FDA Food Safety Modernization Act including—

''(A) the number of foreign offices established; and

''(B) the number of personnel permanently stationed in each foreign office.

''(i) PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.''.

SEC. 202. RECOGNITION OF LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 201, is amended by adding at the end the following:

''SEC. 422. RECOGNITION OF LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

''(a) RECOGNITION OF LABORATORY ACCREDITATION.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(A) provide for the recognition of accreditation bodies that accredit laboratories, including laboratories run and operated by a State or locality, with a demonstrated capability to conduct analytical testing of food products; and

''(B) establish a publicly available registry of accreditation bodies, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies.

''(2) FOREIGN LABORATORIES.—Accreditation bodies may accredit laboratories that operate outside the United States, so long as such laboratories meet the accreditation standards applicable to domestic laboratories accredited under this section.

''(3) MODEL ACCREDITATION STANDARDS.—The Secretary shall develop model standards that an accreditation body shall require laboratories to meet in order to be included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall look to existing standards for guidance. The model standards shall include methods to ensure that—

''(A) appropriate sampling and analytical procedures are followed and reports of analyses are certified as true and accurate;

''(B) internal quality systems are established and maintained;

''(C) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is recognized;

''(D) individuals who conduct the analyses are qualified by training and experience to do so; and

''(E) any other criteria determined appropriate by the Secretary.

''(4) REVIEW OF ACCREDITATION.—To assure compliance with the requirements of this section, the Secretary shall—

''(A) periodically, or at least every 5 years, reevaluate accreditation bodies recognized under paragraph (1); and

''(B) promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

''(b) TESTING PROCEDURES.—

''(1) IN GENERAL.—Food testing shall be conducted by either Federal laboratories or non-Federal laboratories that have been accredited by an accreditation body on the registry established by the Secretary under subsection (a) whenever such testing is either conducted by or on behalf of an owner or consignee—

''(A) in support of admission of an article of food under section 801(a);

''(B) due to a specific testing requirement in this Act or implementing regulations, when applied to address an identified or suspected food safety problem;

''(C) under an Import Alert that requires successful consecutive tests; or

''(D) is so required by the Secretary as the Secretary deems appropriate to address an identified or suspected food safety problem.

''(2) RESULTS OF TESTING.—The results of any such testing shall be sent directly to the Food and Drug Administration. Such results may be submitted to the Food and Drug Administration through electronic means.

''(c) REVIEW BY SECRETARY.—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited by an accreditation body on the registry established by the Secretary under subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the purpose of determining the need for a national recall or other compliance and enforcement activities.

''(d) NO LIMIT ON SECRETARIAL AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Secretary to review and act upon information from food testing, including determining the sufficiency of such information and testing.''.

(b) FOOD EMERGENCY RESPONSE NETWORK.—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State food laboratories, including the sharing of data between State laboratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

SEC. 203. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify the means by which each laboratory network member could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

SEC. 204. ENHANCING TRACEBACK AND RECORDKEEPING.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and representatives of State departments of health and agriculture, shall improve the capacity of the Secretary to effectively and rapidly track and trace, in the event of an outbreak, fruits and vegetables that are raw agricultural commodities.

(b) PILOT PROJECT.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary shall establish a pilot project in coordination with the produce industry to explore and evaluate methods for rapidly and effectively tracking and tracing fruits and

vegetables that are raw agricultural commodities so that, if an outbreak occurs involving such a fruit or vegetable, the Secretary may quickly identify the source of the outbreak and the recipients of the contaminated food.

(2) CONTENT.—The Secretary shall select participants from the produce industry to run projects which overall shall include at least 3 different types of fruits or vegetables that have been the subject of outbreaks during the 5-year period preceding the date of enactment of this Act, and shall be selected in order to develop and demonstrate—

(A) methods that are applicable and appropriate for small businesses; and

(B) technologies, including existing technologies, that enhance traceback and trace forward.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot project under subsection (b) together with recommendations for establishing more effective traceback and trace forward procedures for fruits and vegetables that are raw agricultural commodities.

(d) TRACEBACK PERFORMANCE REQUIREMENTS.—Not later than 24 months after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish standards for the type of information, format, and timeframe for persons to submit records to aid the Secretary in effectively and rapidly tracking and tracing, in the event of an outbreak, fruits and vegetables that are raw agricultural commodities. Nothing in this section shall be construed as giving the Secretary the authority to prescribe specific technologies for the maintenance of records.

(e) PUBLIC INPUT.—During the comment period in the notice of proposed rulemaking under subsection (d), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(f) RAW AGRICULTURAL COMMODITY.—In this section, the term ''raw agricultural commodity'' has the meaning given that term in section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(r)).

SEC. 205. SURVEILLANCE.

(a) DEFINITION OF FOOD-BORNE ILLNESS OUTBREAK.—In this section, the term ''food-borne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) FOOD-BORNE ILLNESS SURVEILLANCE SYSTEMS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses by—

(A) coordinating Federal, State and local food-borne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data, and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a food-borne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of fingerprinting strategies for food-borne infectious agents, in order to identify new or rarely documented causes of food-borne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating food-borne illness surveillance systems and data with other biosurveillance and public health situational awareness capabilities at the Federal, State, and local levels; and

(J) other activities as determined appropriate by the Secretary.

(2) PARTNERSHIPS.—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food industry, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of food-borne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on food-borne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and between the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to food-borne illness surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(D) key barriers to improvement in food-borne illness surveillance and its utility for preventing food-borne illness at Federal, State, and local levels;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve food-borne illness outbreak response and containment.

(B) Accelerate food-borne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of food-borne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 108.

(2) REVIEW.—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) FOOD SAFETY CAPACITY BUILDING GRANTS.—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b–20(b)) is amended—

(1) by striking ''2002'' and inserting ''2010''; and

(2) by striking ''2003 through 2006'' and inserting ''2011 through 2014''.

SEC. 206. MANDATORY RECALL AUTHORITY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 202, is amended by adding at the end the following:

''SEC. 423. MANDATORY RECALL AUTHORITY.

''(a) VOLUNTARY PROCEDURES.—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

''(b) PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

''(1) immediately cease distribution of such article; or

''(2) immediately notify all persons—

''(A) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

''(B) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

''(c) HEARING ON ORDER.—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

''(d) POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.—

''(1) AMENDMENT OF ORDER.—If, after providing opportunity for an informal hearing

under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

''(A) amend the order to require recall of such article or other appropriate action;

''(B) specify a timetable in which the recall shall occur;

''(C) require periodic reports to the Secretary describing the progress of the recall; and

''(D) provide notice to consumers to whom such article was, or may have been, distributed.

''(2) VACATING OF ORDER.—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

''(e) COOPERATION AND CONSULTATION.—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

''(f) PUBLIC NOTIFICATION.—In conducting a recall under this section, the Secretary shall—

''(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

''(A) of the recall to consumers and retailers to whom such article was, or may have been, distributed; and

''(B) that includes, at a minimum—

''(i) the name of the article of food subject to the recall; and

''(ii) a description of the risk associated with such article; and

''(2) consult the policies of the Department of Agriculture regarding providing to the public a list of retail consignees receiving products involved in a Class I recall and shall consider providing such a list to the public, as determined appropriate by the Secretary.

''(g) NO DELEGATION.—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

''(h) EFFECT.—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall.''.

(b) CIVIL PENALTY.—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting ''or any person who does not comply with a recall order under section 423'' after ''section 402(a)(2)(B)''.

(c) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 106, is amended by adding at the end the following:

''(rr) The refusal or failure to follow an order under section 423.''.

SEC. 207. ADMINISTRATIVE DETENTION OF FOOD.

(a) IN GENERAL.—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking ''credible evidence or information indicating'' and inserting ''reason to believe''; and

(2) striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated or misbranded''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 208. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) DEVELOPMENT OF STANDARDS.—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) DEVELOPMENT OF MODEL PLANS.—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) EXERCISES.—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) MODIFICATIONS.—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) PRIORITIZATION.—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest-risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

SEC. 301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

''(a) IN GENERAL.—

''(1) VERIFICATION REQUIREMENT.—Each United States importer shall perform risk-based foreign supplier verification activities in accordance with regulations promulgated under subsection (c) for the purpose of verifying that the food imported by the importer or its agent is—

''(A) produced in compliance with the requirements of section 418 or 419, as appropriate; and

''(B) is not adulterated under section 402 or misbranded under section 403(w).

''(2) IMPORTER DEFINED.—For purposes of this section, the term 'importer' means, with respect to an article of food—

''(A) the United States owner or consignee of the article of food at the time of entry of such article into the United States; or

''(B) in the case when there is no United States owner or consignee as described in subparagraph (A), the United States agent or representative of a foreign owner or consignee of the article of food at the time of entry of such article into the United States.

''(b) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist United States importers in developing foreign supplier verification programs.

''(c) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a). Such regulations shall, as appropriate, include a process for verification by a United States importer, with respect to each foreign supplier from which it obtains food, that the imported food is produced in compliance with the requirements of section 418 or 419, as appropriate, and is not adulterated under section 402 or misbranded under section 403(w).

''(2) VERIFICATION.—The regulations under paragraph (1) shall require that the foreign supplier verification program of each importer be adequate to provide assurances that each foreign supplier to the importer produces the imported food employing processes and procedures, including risk-based reasonably appropriate preventive controls, equivalent in preventing adulteration and reducing hazards as those required by section 418 or section 419, as appropriate.

''(3) ACTIVITIES.—Verification activities under a foreign supplier verification program under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

''(d) RECORD MAINTENANCE AND ACCESS.—Records of a United States importer related to a foreign supplier verification program shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

''(e) DEEMED COMPLIANCE OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—An owner, operator, or agent in charge of a facility required to comply with 1 of the following standards and regulations with respect to such facility shall be deemed to be in compliance with this section with respect to such facility:

''(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

''(f) PUBLICATION OF LIST OF PARTICIPANTS.—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 206, is amended by adding at the end the following:

''(ss) The importation or offering for importation of a food if the importer (as defined in section 805) does not have in place a foreign supplier verification program in compliance with such section 805.''.

(c) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by adding ''or the importer (as defined in section 805) is in violation of such section 805'' after ''or in violation of section 505''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 301, is amended by adding at the end the following:

''SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

''(a) IN GENERAL.—Beginning not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(1) establish a program, in consultation with the Department of Homeland Security, to provide for the expedited review and importation of food offered for importation by United States importers who have voluntarily agreed to participate in such program; and

''(2) issue a guidance document related to participation and compliance with such program.

''(b) VOLUNTARY PARTICIPATION.—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program procedures established by the Secretary.

''(c) ELIGIBILITY.—In order to be eligible, an importer shall be offering food for importation from a facility that has a certification described in section 809(b). In reviewing the applications and making determinations on such requests, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

''(1) The nature of the food to be imported.

''(2) The compliance history of the foreign supplier.

''(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards.

''(4) The compliance of the importer with the requirements of section 805.

''(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

''(6) The potential risk for intentional adulteration of the food.

''(7) Any other factor that the Secretary determines appropriate.

''(d) REVIEW AND REVOCATION.—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

''(e) NOTICE OF INTENT TO PARTICIPATE.—An importer that intends to participate in the program under this section in a fiscal year shall submit a notice to the Secretary of such intent at time and in a manner established by the Secretary.

''(f) FALSE STATEMENTS.—Any statement or representation made by an importer to the Secretary shall be subject to section 1001 of title 18, United States Code.

''(g) DEFINITION.—For purposes of this section, the term 'importer' means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.''.

SEC. 303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.

(a) IN GENERAL.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: ''With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (p) that such food be accompanied by a certification or other assurance that the food meets some or all applicable requirements of this Act, then such article shall be refused admission.''.

(b) ADDITION OF CERTIFICATION REQUIREMENT.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

''(p) CERTIFICATIONS CONCERNING IMPORTED FOODS.—

''(1) IN GENERAL.—The Secretary, based on public health considerations, including risks associated with the food or its place of origin, may require as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity specified in paragraph (2) provide a certification or such other assurances as the Secretary determines appropriate that the article of food complies with some or all applicable requirements of this Act, as specified by the Secretary. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified entities, or in such other form as the Secretary may specify. Such certification shall be used for designated food imported from countries with which the Food and Drug Administration has an agreement to establish a certification program.

''(2) CERTIFYING ENTITIES.—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

''(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by such government or the Secretary; or

''(B) such other persons or entities accredited pursuant to section 809 to provide such certification or assurance.

''(3) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary may—

''(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is no longer valid or reliable.

''(4) ELECTRONIC SUBMISSION.—The Secretary shall provide for the electronic submission of certifications under this subsection.

''(5) FALSE STATEMENTS.—Any statement or representation made by an entity described in paragraph (2) to the Secretary shall be subject to section 1001 of title 18, United States Code.''.

(c) CONFORMING TECHNICAL AMENDMENT.—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking ''with respect to an article included within the provision of the fourth sentence of subsection (a)'' and inserting ''with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761,''.

(d) NO LIMIT ON AUTHORITY.—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct random inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

SEC. 304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) IN GENERAL.—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting ''any country to which the article has been refused entry;'' after ''the country from which the article is shipped;''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart I of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 305. REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 302, is amended by adding at the end the following:

''SEC. 807. REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY.

''The Secretary may review information from a country outlining the statutes, regulations, standards, and controls of such country, and conduct on-site audits in such country to verify the implementation of those statutes, regulations, standards, and controls. Based on such review, the Secretary shall determine whether such country can provide reasonable assurances that the food supply of the country is equivalent in safety to food manufactured, processed, packed, or held in the United States.''.

SEC. 306. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD.

(a) IN GENERAL.—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Agriculture, Secretary of State, Secretary of the Treasury, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, and nongovernmental organizations that represent the interests of consumers, and other stakeholders.

(c) PLAN.—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and detection techniques.

SEC. 307. INSPECTION OF FOREIGN FOOD FACILITIES.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 305, is amended by inserting at the end the following:

''SEC. 808. INSPECTION OF FOREIGN FOOD FACILITIES.

''(a) INSPECTION.—The Secretary—

''(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

''(2) shall direct resources to inspections of foreign facilities, suppliers, and food types,

especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

''(b) EFFECT OF INABILITY TO INSPECT.—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign facility registered under section 415 of which the owner, operator, or agent in charge of the facility, or the government of the foreign country, refuses to permit entry of United States inspectors, upon request, to inspect such facility. For purposes of this subsection, such an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge refuses such a request to inspect a facility more than 48 hours after such request is submitted.''.

SEC. 308. ACCREDITATION OF THIRD-PARTY AUDITORS AND AUDIT AGENTS.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 307, is amended by adding at the end the following:

''SEC. 809. ACCREDITATION OF THIRD-PARTY AUDITORS AND AUDIT AGENTS.

''(a) DEFINITIONS.—In this section:

''(1) ACCREDITED AUDIT AGENT.—The term 'accredited audit agent' means an audit agent accredited by an accreditation body under this section.

''(2) AUDIT AGENT.—The term 'audit agent' means an individual who is qualified to conduct food safety audits, and who may be an employee or an agent of a third-party auditor.

''(3) ACCREDITATION BODY.—The term 'accreditation body' means a recognized authority that performs accreditation of third-party auditors and audit agents.

''(4) ACCREDITED THIRD-PARTY AUDITOR.—The term 'accredited third-party auditor' means a third-party auditor accredited by an accreditation body under this section.

''(5) CONSULTATIVE AUDIT.—The term 'consultative audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act and with applicable industry standards and practices; and

''(B) the results of which are for internal facility purposes only.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means a foreign entity, including foreign facilities registered under section 415, in the food import supply chain that chooses to be audited by an accredited third-party auditor or audit agent.

''(7) REGULATORY AUDIT.—The term 'regulatory audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act; and

''(B) the results of which determine—

''(i) whether an entity is eligible to receive a certification under section 801(p); and

''(ii) whether the entity is eligible to participate in the voluntary qualified importer program under section 806.

''(8) THIRD-PARTY AUDITOR.—The term 'third-party auditor' means a foreign government, foreign cooperative, or any other qualified third party, as the Secretary determines appropriate, that conducts audits of eligible entities to certify that such eligible entities meet the applicable requirements of this section.

''(b) ACCREDITATION SYSTEM.—

''(1) ACCREDITATION BODIES.—

''(A) RECOGNITION OF ACCREDITATION BODIES.—Beginning not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors and audit agents to certify that eligible entities meet the applicable requirements of this Act.

''(B) NOTIFICATION.—Each accreditation body recognized by the Secretary shall submit to the Secretary a list of all accredited third-party auditors and audit agents accredited by such body.

''(C) REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.—The Secretary shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

''(2) MODEL ACCREDITATION STANDARDS.—The Secretary shall develop model standards, including audit report requirements, and each recognized accreditation body shall ensure that third-party auditors and audit agents meet such standards in order to qualify as an accredited third-party auditor or audit agent under this section. In developing the model standards, the Secretary shall look to standards in place on the date of the enactment of this section for guidance, to avoid unnecessary duplication of efforts and costs.

''(c) THIRD-PARTY AUDITORS AND AUDIT AGENCIES.—

''(1) REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR OR AUDIT AGENT.—

''(A) FOREIGN GOVERNMENTS.—Prior to accrediting a foreign government as an accredited third-party auditor, the accreditation body shall perform such reviews and audits of food safety programs, systems, and standards of the government as the Secretary deems necessary to determine that the foreign government is capable of adequately ensuring that eligible entities certified by such government meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import to the United States.

''(B) FOREIGN COOPERATIVES AND OTHER THIRD PARTIES.—Prior to accrediting a foreign cooperative that aggregates the products of growers or processors, or any other third party that the Secretary determines appropriate to be an accredited third-party auditor or audit agent, the accreditation body shall perform such reviews and audits of the training and qualifications of auditors used by that cooperative or party and conduct such reviews of internal systems and such other investigation of the cooperative or party as the Secretary deems necessary to determine that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity meets the requirements of this Act.

''(2) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—An accreditation body may not accredit a third-party auditor or audit agent unless such third-party auditor or audit agent agrees to issue a written and electronic certification to accompany each food shipment for import into the United States from an eligible entity certified by the third-party auditor or audit agent, subject to requirements set forth by the Secretary. The Secretary shall consider such certificates when targeting inspection resources under section 421.

''(B) PURPOSE OF CERTIFICATION.—The Secretary shall use evidence of certification provided by accredited third-party auditors and audit agents—

''(i) to determined the eligibility of an importer to receive a certification under section 801(p); and

''(ii) determine the eligibility of an importer to participate in the voluntary qualified importer program under section 806.

''(3) AUDIT REPORT REQUIREMENTS.—

''(A) REQUIREMENTS IN GENERAL.—As a condition of accreditation, an accredited third-party auditor or audit agent shall prepare the audit report for an audit, in a form and manner designated by the Secretary, which shall include—

''(i) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

''(ii) the dates of the audit;

''(iii) the scope of the audit; and

''(iv) any other info required by the Secretary that relate to or may influence an assessment of compliance with this Act.

''(B) SUBMISSION OF REPORTS TO THE SECRETARY.—

''(i) IN GENERAL.—Following any accreditation of a third-party auditor or audit agent, the Secretary may, at any time, require the accredited third-party auditor or audit agent to submit to the Secretary an onsite audit report and such other reports or documents required as part of the audit process, for any eligible entity certified by the third-party auditor or audit agent. Such report may include documentation that the eligible entity is in compliance with any applicable registration requirements.

''(ii) LIMITATION.—The requirement under clause (i) shall not include any report or other documents resulting from a consultative audit by the accredited third-party auditor or audit agent, except that the Secretary may access the results of a consultative audit in accordance with section 414.

''(4) REQUIREMENTS OF AUDIT AGENTS.—

''(A) RISKS TO PUBLIC HEALTH.—If, at any time during an audit, an accredited audit agent discovers a condition that could cause or contribute to a serious risk to the public health, the audit agent shall immediately notify the Secretary of—

''(i) the identification of the eligible entity subject to the audit; and

''(ii) such condition.

''(B) TYPES OF AUDITS.—An accredited audit agent may perform consultative and regulatory audits of eligible entities.

''(C) LIMITATIONS.—An accredited audit agent may not perform a regulatory audit of an eligible entity if such agent has performed a consultative audit or a regulatory audit of such eligible entity during the previous 24-month period.

''(5) CONFLICTS OF INTEREST.—

''(A) THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

''(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

''(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(B) AUDIT AGENTS.—An accredited audit agent shall—

''(i) not own or operate an eligible entity to be certified by such agent;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be certified by such agent; and

''(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(C) REGULATIONS.—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to ensure that there are protections against conflicts of interest between an accredited third-party auditor or audit agent and the eligible entity to be certified by such auditor or audit agent. Such regulations shall include—

''(i) requiring that audits performed under this section be unannounced;

''(ii) a structure, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors or audit agents to decrease the potential for conflicts of interest; and

''(iii) appropriate limits on financial affiliations between an accredited third-party auditor or audit agent and any person that owns or operates an eligible entity to be certified by such auditor or audit agent.

''(6) WITHDRAWAL OF ACCREDITATION.—The Secretary shall withdraw accreditation from an accredited third-party auditor or audit agent—

''(A) if food from an eligible entity certified by such third-party auditor or audit agent is linked to an outbreak of human or animal illness;

''(B) following a performance audit and finding by the Secretary that the third-party auditor or audit agent no longer meets the requirements for accreditation; or

''(C) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

''(7) NEUTRALIZING COSTS.—The Secretary shall establish a method, similar to the method used by the Department of Agriculture, by which accredited third-party auditors and audit agents reimburse the Food and Drug Administration for the work performed to establish and administer the accreditation system under this section. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue from such a reimbursement mechanism.

''(d) RECERTIFICATION OF ELIGIBLE ENTITIES.—An eligible entity shall apply for annual recertification by an accredited third-party auditor or audit agent if such entity—

''(1) intends to participate in voluntary qualified importer program under section 806; or

''(2) must provide to the Secretary a certification under section 801(p) for any food from such entity.

''(e) FALSE STATEMENTS.—Any statement or representation made—

''(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

''(2) by an accredited third-party auditor or an audit agent to the Secretary,

shall be subject to section 1001 of title 18, United States Code.

''(f) MONITORING.—To ensure compliance with the requirements of this section, the Secretary shall—

''(1) periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

''(2) periodically, or at least once every 4 years, audit the performance of each accredited third-party auditor and audit agent, through the review of audit reports by such auditors and audit agents, the compliance history as available of eligible entities certified by such auditors and audit agents, and any other measures deemed necessary by the Secretary;

''(3) at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor or audit agent, with or without the auditor or audit agent present; and

''(4) take any other measures deemed necessary by the Secretary.

''(g) PUBLICLY AVAILABLE REGISTRY.—The Secretary shall establish a publicly available registry of accreditation bodies and of accredited third-party auditors and audit agents, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies, auditors, and agents.

''(h) LIMITATIONS.—

''(1) NO EFFECT ON SECTION 704 INSPECTIONS.—The audits performed under this section shall not be considered inspections under section 704.

''(2) NO EFFECT ON INSPECTION AUTHORITY.—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.''.

SEC. 309. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall by October 1, 2010, establish an office of the Food and Drug Administration in not less than 5 foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Administration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) CONSULTATION.—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State and the United States Trade Representative.

(c) REPORT.—Not later than October 1, 2011, the Secretary shall submit to Congress a report on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices under subsection (a), the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FUNDING FOR FOOD SAFETY.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration—

(1) $825,000,000 for fiscal year 2010; and

(2) such sums as may be necessary for fiscal years 2011 through 2014.

(b) INCREASED NUMBER OF FIELD STAFF.—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

(1) 3,800 staff members in fiscal year 2010;

(2) 4,000 staff members in fiscal year 2011;

(3) 4,200 staff members in fiscal year 2012;

(4) 4,600 staff members in fiscal year 2013; and

(5) 5,000 staff members in fiscal year 2014.

SEC. 402. JURISDICTION; AUTHORITIES.

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes and regulations;

(2) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(3) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency involving products regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

By Mr. AKAKA:

S. 514. A bill to amend title 38, United States Code, to enhance vocational rehabilitation benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am introducing today the proposed Veterans Rehabilitation and Training Improvements Act of 2009. This measure would improve the program of rehabilitation and training for veterans who suffer from service-connected disabilities by offering an increase in the amount of subsistence allowances, reimbursing certain incidental costs, and repealing the limit on the number of individuals who may be enrolled in a program of Independent Living services.

Under current law, veterans who are enrolled in a program of rehabilitation under Chapter 31 receive a monthly subsistence allowance. This, in addition to the payment of the costs of the program of rehabilitation, is intended to offer the veteran a means of paying for basic living expenses while pursuing their training or education.

With the enactment of the new Post 9–11 GI Bill last year, P.L. 110–323, which adopted a tuition-and-fees plus a living allowance approach to the payment of benefits under the educational assistance program, I am concerned that there may be an inequity between the vocational rehabilitation and education programs and that individuals who would truly benefit from enrollment in a program of rehabilitation and employment under Chapter 31 will be tempted to enroll in the Chapter 33 education program in order to take advantage of the higher living allowance. Those who would make such an election might forgo valuable counseling, employment and placement, and other assistance from which they might benefit.

To address this concern, the measure I am introducing today would modify the Chapter 31 program by offering a subsistence allowance to enrollees equal to the national average for the Department of Defense's Basic Allowance for Housing, BAH, for members of the military at the E–5 level, adjusted for marital status. This is similar, although not identical to, the approach of the new chapter 33 program which

adopted a regionalized BAH approach based on the address of the institution.

This is intended to help ensure that individuals who could best benefit from enrollment in the Chapter 31 program are not faced with a disincentive to do so.

With regard to the second issue, VA is permitted to pay certain costs associated with enrollment of an individual in a program of rehabilitation—for example, fees, equipment, and supplies. However, there are other costs that an individual might incur that are not covered by VA and these costs could represent a substantial barrier to the successful completion of a program. An example could be that of a single young mother with young children who—in order to attend classes—needs child care. Another example might be a veteran who lost both legs in service and needs a new suit in order to make the most favorable impression at the interview with a prospective employer.

The legislation I am introducing today would require VA to issue regulations providing for the reimbursement of incidental costs associated with obstacles that pose substantial barriers to successful completion of a program. I believe that this will substantially increase the ability of many individuals to finish their rehabilitation programs and be placed in rewarding jobs.

I also believe we need to repeal the cap on the number of individuals who may be enrolled in a program of Independent Living services under the Chapter 31 program. Current law provides that individuals for whom a determination is made that a program of rehabilitation leading to employment is not reasonably feasible may be eligible for enrollment in a program of independent living services which is designed to help the individual achieve a maximum level of independence in daily life. However, the number of veterans who in any one year may enroll in these programs is capped at 2,600.

Even though the VA has testified in the past that this enrollment cap does not present any problem for the effective conduct of the program, I remain concerned—despite the fact that last year Congress raised the cap from 2,500 to 2,600 in P.L. 110–389—that the effect of the cap is to put downward pressure on VA's enrollment of eligible veterans in this very important program. This is of particular concern when so many of today's returning servicemembers suffer from disabilities that may require extensive periods of rehabilitation and assistance in achieving independence in their daily lives that can result from such conditions as traumatic brain injury or PTSD.

Disabled veterans are transitioning from military service into an economy that is changing, challenging, and contracting at historic rates. My bill will give these veterans more of the help they need by increasing program flexibility and boosting the living stipend for disabled veterans undergoing rehabilitation.

While there will be costs associated with this legislation, the veterans who are served by the chapter 31 rehabilitation and employment program are the highest priority for our Nation—individuals who have incurred service-connected disabilities in service to the country. This truly is one of the costs of war that must be borne.

I look forward to working with my colleagues in moving this legislation through the Congress.

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 placed in the RECORD, as follows:

S. 514

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 Rehabilitation and Training Improvements Act of 2009''

SEC. 2. SUBSISTENCE ALLOWANCE FOR VETERANS PARTICIPATING IN A PROGRAM OF REHABILITATION.

(a) MODIFICATION OF AMOUNT OF SUBSISTENCE ALLOWANCE.—Subsection (b) of section 3108 of title 38, United States Code, is amended to read as follows:

''(b) Except as otherwise provided in this section, the amount of the subsistence allowance to be paid to a veteran under this chapter for a month during which the veteran participates in a rehabilitation program under this chapter shall be the amount equal to the national average of the amount of basic allowance for housing payable under section 403 of title 37 for that month for a member of the uniformed services in pay grade E–5 with or without dependents, as applicable.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to subsistence allowances payable under chapter 31 of title 38, United States Code, for months beginning on or after that date.

SEC. 3. REIMBURSEMENT FOR COSTS OF PARTICIPATION IN A PROGRAM OF REHABILITATION FOLLOWING SUCCESSFUL COMPLETION OF PROGRAM OF REHABILITATION.

Section 3108 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) The Secretary may, under such regulations as the Secretary shall prescribe for purposes of this subsection, pay to each veteran who successfully completes participation in a rehabilitation program under this chapter an amount to reimburse the veteran for costs incurred by veteran as a direct consequence of participation in the program. The costs for which payment may be made under this subsection may include child care expenses, costs for clothing for interviews for employment, and such other costs as the Secretary may prescribe in such regulations. The amounts payable in reimbursement for any such costs shall be the amounts determined in accordance with such regulations.

''(2) Any payment of costs in reimbursement of a veteran under this subsection is in addition to the subsistence allowance payable to the veteran under this section.''.

SEC. 4. REPEAL OF LIMITATION ON NUMBER OF VETERANS ENROLLED IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.

Section 3120 of title 38, United States Code, is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. CRAPO, Mr. WHITEHOUSE, Mr. RISCH, and Mrs. GILLIBRAND):

S. 515. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, ingenuity and innovation have been a cornerstone of the American economy from the time Thomas Jefferson issued the first patent to today.

The Founding Fathers recognized the importance of promoting innovation, and the Constitution explicitly grants Congress the power to ''promote the progress and science and useful arts, by securing for limited times to . . . inventors the exclusive right to their respective . . . discoveries.'' The discoveries made by American inventors and research institutions, commercialized by our companies, and protected and promoted by our patent laws have made our system the envy of the world.

The legislation I introduce today with Senator HATCH, and many others and from across the political spectrum, will keep America in its longstanding position at the pinnacle of innovation. This bill will establish a more efficient and streamlined patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs, while making sure no party's access to court is denied.

Innovation and economic development are not uniquely Democratic or Republican objectives. I have been working on the Patent Reform Act on a bipartisan basis with Senator HATCH and others for several years—and Senator HATCH and I worked on various patent issues for many years before that.

Last Congress, I introduced, along with Senator HATCH, the Patent Reform Act of 2007, which is the precursor to the legislation we introduce today. That bill was the subject of consideration and amendments over four weeks of mark-up sessions in the Senate Judiciary Committee. After the Judiciary Committee voted to approve the bill in July 2007, we continued to hold numerous meetings, briefings, and stakeholder roundtables—again, on a bipartisan basis.

The legislation we introduce today picks up where we left off in those discussions. We have made some changes from the Committee-approved bill in response to concerns we heard from groups ranging from labor unions to small inventors to manufacturers. We have removed the requirement that all patent applications be published 18 months after they are filed and we have removed the requirement for Applicant Quality Submissions. We have also adopted the House approach to improving the current inter partes reexamination process, rather than creating a new second window post-grant review.

Perhaps the most hotly debated topic in the patent reform debate last Congress was the damages provision. The reasonable royalty language in the bill we introduce today is identical to the language approved by the Judiciary Committee last Congress. While I strongly support this language, I am prepared to continue the conversation and debate from the last Congress in order to find the best language we can.

There have been several positive developments since the Committee voted to report the legislation in July 2007. Senator SPECTER has made constructive suggestions about a ''gate keeping'' role for the court in damage calculations. The Supreme Court's Quanta decision may offer a useful way of describing the truly inventive feature of a patent. There is much work to do on this provision and I am optimistic that by continuing to work together, we will find the right language.

During consideration of the Patent Reform Act of 2007 in Committee last Congress, I offered an amendment, which was adopted, to codify the inequitable conduct doctrine. Senator HATCH has asked that the provision be removed on introduction this year. I understand that the issue of inequitable conduct is very important to Senator HATCH, and I will work with him to address any statutory changes.

It has been more than 50 years since Congress significantly updated the patent system. In the decades since, our economy has changed dramatically. No longer is the economy defined only by assembly lines and brick-and-mortar production. We are living in the Information Age, and the products and processes that are being patented are changing as quickly as the times themselves.

A patent system developed for a 1952 economy, needs to be reconsidered in light of 21st century realities, while staying true to our constitutional imperative. The patent laws that were sufficiently robust for promoting innovation and economic development are now actually impeding growth, harming innovators and raising prices on consumers.

The array of voices heard in this debate—representing virtually all sectors of the economy and all interests in the patent system—have certainly not been uniform, but three major areas of concern with the current patent system can be distilled from their discussions.

First, there is significant concern that the U.S. Patent and Trademark Office, PTO, is issuing low quality patents. Patent examiners are facing a difficult task given the explosion in the number of applications and the increasing complexity of those applications. When Congress last overhauled the patent system in 1952, the PTO received approximately 60,000 patent applications; in 2006, it received 440,000. Clearly, this puts a strain on the system and understandably affects the quality of patents issued.

Second, the costs and uncertainty associated with patent litigation have escalated in recent years, and are creating an unbearable drag on innovation. Damage awards are inconsistent and too often fail to focus on the value of the invention to the infringing product. This disconnect and uncertainty is a problem that also leads to unreasonable posturing during licensing negotiations.

Third, as business and competition become more global, patent applicants are increasingly filing patent applications in other countries for protection of their inventions. The filing system in the United States, known as ''first-to-invent,'' differs from that in other patent-issuing jurisdictions, which have ''first-to-file'' systems. This causes confusion and inefficiencies for American companies and innovators.

The Patent Reform Act of 2009 promotes innovation, and will improve our economy, by addressing these impediments to growth. As the administration endeavors to guide the economy out of the recession, as payrolls shrink and the jobless rate rises, Congress cannot afford to sit idly by while innovation—the engine of our economy—is impeded by outdated laws.

Our legislation ensures that, in the Information Age, we have the legal landscape necessary for our innovators to flourish. It will improve the quality of patents and remove the ambiguity from the process of litigating patent claims, which will promote innovation stifled by the current system. As innovation is encouraged, and excessive litigation costs are removed, competition will increase and the consumer cost of products will fall. In this way, the bill directly benefits both creators and consumers of inventive products.

Patent reform is ultimately about economic development. It is about jobs, it is about innovation, and it is about consumers. All benefit under a patent system that reduces unnecessary costs, removes inefficiencies, and holds true to the vision of our Founders that Congress should establish a national policy that promotes the progress of science and the useful arts.

When Thomas Jefferson issued that first patent in 1790—a patent that went to a Vermonter—no one could have predicted how the American economy would develop and what changes would be needed for the law to keep pace, but the purpose then remains the purpose today—promoting progress.

As I said when I introduced the Patent Reform Act last Congress: If we are to maintain our position at the forefront of the world's economy, if we are to continue to lead the world in innovation and production, if we are to continue to benefit from the ideas of the most creative citizens, then we must have a patent system that produces high quality patents, that limits counterproductive litigation over those patents, and that makes the entire system more streamlined and efficient.

Now is the time to bolster our role as the world leader in innovation. Now is the time to create jobs at home. Now is the time for Congress to act on patent reform.

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. 515

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 ''Patent Reform Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Right of the first inventor to file.
Sec. 3. Inventor's oath or declaration.
Sec. 4. Right of the inventor to obtain damages.
Sec. 5. Post-grant procedures and other quality enhancements.
Sec. 6. Definitions; patent trial and appeal board.
Sec. 7. Preissuance submissions by third parties.
Sec. 8. Venue and jurisdiction.
Sec. 9. Patent and trademark office regulatory authority.
Sec. 10. Residency of Federal Circuit judges.
Sec. 11. Micro-entity defined.
Sec. 12. Technical amendments.
Sec. 13. Effective date; rule of construction.
Sec. 14. Severability.

SEC. 2. RIGHT OF THE FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, is amended by adding at the end the following:

''(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

''(g) The terms 'joint inventor' and 'co-inventor' mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

''(h) The 'effective filing date of a claimed invention' is—

''(1) the filing date of the patent or the application for the patent containing the claim to the invention; or

''(2) if the patent or application for patent is entitled to a right of priority of any other application under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c), the filing date of the earliest such application in which the claimed invention is disclosed in the manner provided by the first paragraph of section 112.

''(i) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.

''(j) The term 'joint invention' means an invention resulting from the collaboration of inventive endeavors of 2 or more persons working toward the same end and producing an invention by their collective efforts.''.

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 of title 35, United States Code, is amended to read as follows:

''§ 102. Conditions for patentability; novelty

''(a) NOVELTY; PRIOR ART.—A patent for a claimed invention may not be obtained if—

''(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public—

''(A) more than 1 year before the effective filing date of the claimed invention; or

''(B) 1 year or less before the effective filing date of the claimed invention, other than

through disclosures made by the inventor or a joint inventor or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

''(b) EXCEPTIONS.—

''(1) PRIOR INVENTOR DISCLOSURE EXCEPTION.—Subject matter that would otherwise qualify as prior art based upon a disclosure under subparagraph (B) of subsection (a)(1) shall not be prior art to a claimed invention under that subparagraph if the subject matter had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

''(2) DERIVATION, PRIOR DISCLOSURE, AND COMMON ASSIGNMENT EXCEPTIONS.—Subject matter that would otherwise qualify as prior art only under subsection (a)(2), after taking into account the exception under paragraph (1), shall not be prior art to a claimed invention if—

''(A) the subject matter was obtained directly or indirectly from the inventor or a joint inventor;

''(B) the subject matter had been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed, directly or indirectly, from the inventor or a joint inventor before the effective filing date of the application or patent set forth under subsection (a)(2); or

''(C) the subject matter and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

''(3) JOINT RESEARCH AGREEMENT EXCEPTION.—

''(A) IN GENERAL.—Subject matter and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of paragraph (2) if—

''(i) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

''(ii) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(iii) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(B) For purposes of subparagraph (A), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

''(4) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVELY FILED.—A patent or application for patent is effectively filed under subsection (a)(2) with respect to any subject matter described in the patent or application—

''(A) as of the filing date of the patent or the application for patent; or

''(B) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b) or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon 1 or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.''.

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

''102. Conditions for patentability; novelty.''.

(c) CONDITIONS FOR PATENTABILITY; NONOBVIOUS SUBJECT MATTER.—Section 103 of title 35, United States Code, is amended to read as follows:

''§ 103. Conditions for patentability; nonobvious subject matter

''A patent for a claimed invention may not be obtained though the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.''.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 10 of title 35, United States Code, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 14 of title 35, United States Code, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) of title 35, United States Code, is amended by striking ''sections 115, 131, 135, and 157'' and inserting ''sections 131 and 135''.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 of title 35, United States Code, is amended by striking ''which is filed by an inventor or inventors named'' and inserting ''which names an inventor or joint inventor''.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 of title 35, United States Code, is amended by striking ''and the time specified in section 102(d)''.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) of title 35, United States Code, is amended by striking ''the earliest effective filing date of which is prior to'' and inserting ''which has an effective filing date before''.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 of title 35, United States Code, is amended by striking ''except as otherwise provided in section 102(e) of this title''.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 of title 35, United States Code, is amended by striking ''sections 102(e) and 154(d)'' and inserting ''section 154(d)''.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) of title 35, United States Code, is amended by striking ''Subject to section 102(e) of this title, such'' and inserting ''Such''.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) of title 35, United States Code, is amended by striking ''; but no patent shall be granted'' and all that follows through ''one year prior to such filing''.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking ''publication, on sale, or public use,'' and all that follows through ''obtained in the United States'' and inserting ''the 1-year period referred to in section 102(a) would end before the end of that 2-year period''; and

(ii) by striking ''the statutory'' and inserting ''that 1-year''; and

(B) in paragraph (3), by striking ''any statutory bar date that may occur under this title due to publication, on sale, or public use'' and inserting ''the expiration of the 1-year period referred to in section 102(a)''.

(h) REPEAL OF INTERFERING PATENT REMEDIES.—Section 291 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 29 of title 35, United States Code, are repealed.

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—Section 135 of title 35, United States Code, is amended to read as follows:

''(a) DISPUTE OVER RIGHT TO PATENT.—

''(1) INSTITUTION OF DERIVATION PROCEEDING.—An applicant may request initiation of a derivation proceeding to determine the right of the applicant to a patent by filing a request which sets forth with particularity the basis for finding that an earlier applicant derived the claimed invention from the applicant requesting the proceeding and, without authorization, filed an application claiming such invention. Any such request may only be made within 12 months after the date of first publication of an application containing a claim that is the same or is substantially the same as the claimed invention, must be made under oath, and must be supported by substantial evidence. Whenever the Director determines that patents or applications for patent naming different individuals as the inventor interfere with one another because of a dispute over the right to patent under section 101, the Director shall institute a derivation proceeding for the purpose of determining which applicant is entitled to a patent.

''(2) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In any proceeding under this subsection, the Patent Trial and Appeal Board—

''(A) shall determine the question of the right to patent;

''(B) in appropriate circumstances, may correct the naming of the inventor in any application or patent at issue; and

''(C) shall issue a final decision on the right to patent.

''(3) DERIVATION PROCEEDING.—The Board may defer action on a request to initiate a derivation proceeding until 3 months after the date on which the Director issues a patent to the applicant that filed the earlier application.

''(4) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to the claim of an applicant, shall constitute the final refusal by the United States Patent and Trademark Office on the claims involved. The Director may issue a patent to an applicant who is determined by the Patent Trial and Appeal Board to have the right to patent. The final decision of the Board, if adverse to a patentee, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the United States Patent and Trademark Office.

''(b) SETTLEMENT.—Parties to a derivation proceeding may terminate the proceeding by filing a written statement reflecting the agreement of the parties as to the correct inventors of the claimed invention in dispute. Unless the Patent Trial and Appeal Board finds the agreement to be inconsistent with the evidence of record, it shall take action consistent with the agreement. Any written settlement or understanding of the parties

shall be filed with the Director. At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents or applications, and shall be made available only to Government agencies on written request, or to any person on a showing of good cause.

''(c) ARBITRATION.—Parties to a derivation proceeding, within such time as may be specified by the Director by regulation, may determine such contest or any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of title 9 to the extent such title is not inconsistent with this section. The parties shall give notice of any arbitration award to the Director, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Director from determining patentability of the invention involved in the derivation proceeding.''.

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 6, 41, 134, 141, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(2) Sections 141, 146, and 154 of title 35, United States Code, are each amended—

(A) by striking ''an interference'' each place it appears and inserting ''a derivation proceeding''; and

(B) by striking ''interference'' each additional place it appears and inserting ''derivation proceeding''.

(3) The section heading for section 134 of title 35, United States Code, is amended to read as follows:

''§ 134. Appeal to the Patent Trial and Appeal Board''.

(4) The section heading for section 135 of title 35, United States Code, is amended to read as follows:

''§ 135. Derivation proceedings''.

(5) The section heading for section 146 of title 35, United States Code, is amended to read as follows:

''§ 146. Civil action in case of derivation proceeding''.

(6) Section 154(b)(1)(C) of title 35, United States Code, is amended by striking ''INTERFERENCES'' and inserting ''DERIVATION PROCEEDINGS''.

(7) The item relating to section 6 in the table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

''6. Patent Trial and Appeal Board.''.

(8) The items relating to sections 134 and 135 in the table of sections for chapter 12 of title 35, United States Code, are amended to read as follows:

''134. Appeal to the Patent Trial and Appeal Board.
''135. Derivation proceedings.''.

(9) The item relating to section 146 in the table of sections for chapter 13 of title 35, United States Code, is amended to read as follows:

''146. Civil action in case of derivation proceeding.''.

(10) CERTAIN APPEALS.—Section 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

''(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, interference proceedings (commenced before the date of enactment of the Patent Reform Act of 2009), derivation proceedings, and post-grant review proceedings, at the instance of an applicant for a patent or any party to a patent interference (commenced before the effective date of the Patent Reform Act of 2009), derivation proceeding, or post-grant review proceeding, and any such appeal shall waive any right of such applicant or party to proceed under section 145 or 146 of title 35;''.

(k) SEARCH AND EXAMINATION FUNCTIONS.—Section 131 of title 35, United States Code, is amended by—

(1) by striking ''The Director shall cause'' and inserting ''(a) IN GENERAL.—The Director shall cause''; and

(2) by adding at the end the following:

''(b) SEARCH AND EXAMINATION FUNCTIONS.—To the extent consistent with United States obligations under international agreements, examination and search duties for the grant of a United States patent are sovereign functions which shall be performed within the United States by United States citizens who are employees of the United States Government.''.

SEC. 3. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 of title 35, United States Code, is amended to read as follows:

''§ 115. Inventor's oath or declaration

''(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a), that commences the national stage under section 363, or that is filed by an inventor for an invention for which an application has previously been filed under this title by that inventor shall include, or be amended to include, the name of the inventor of any claimed invention in the application. Except as otherwise provided in this section, an individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

''(b) REQUIRED STATEMENTS.—An oath or declaration under subsection (a) shall contain statements that—

''(1) the application was made or was authorized to be made by the affiant or declarant; and

''(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

''(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

''(d) SUBSTITUTE STATEMENT.—

''(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

''(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

''(A) is unable to file the oath or declaration under subsection (a) because the individual—

''(i) is deceased;

''(ii) is under legal incapacity; or

''(iii) cannot be found or reached after diligent effort; or

''(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

''(3) CONTENTS.—A substitute statement under this subsection shall—

''(A) identify the individual with respect to whom the statement applies;

''(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

''(C) contain any additional information, including any showing, required by the Director.

''(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

''(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

''(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and that claims the benefit under section 120 or 365(c) of the filing of an earlier-filed application, if—

''(1) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

''(2) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

''(3) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

''(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

''(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

''(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration under subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

''(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).

''(i) ACKNOWLEDGMENT OF PENALTIES.—Any declaration or statement filed pursuant to this section shall contain an acknowledgment that any willful false statement made in such declaration or statement is punishable under section 1001 of title 18 by fine or imprisonment of not more than 5 years, or both.''.

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 of title 35, United States Code, is amended by striking ''If a divisional application'' and all that follows through ''inventor.''.

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) of title 35, United States Code, is amended—

(A) in paragraph (2)(C), by striking ''by the applicant'' and inserting ''or declaration'';

(B) in the heading for paragraph (3), by striking ''AND OATH''; and

(C) by striking ''and oath'' each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 11 of title 35, United States Code, is amended to read as follows:

''115. Inventor's oath or declaration.''.

(b) FILING BY OTHER THAN INVENTOR.—Section 118 of title 35, United States Code, is amended to read as follows:

''§ 118. Filing by other than inventor

''A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.''.

(c) SPECIFICATION.—Section 112 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking ''The specification'' and inserting ''(a) IN GENERAL.—The specification''; and

(B) by striking ''of carrying out his invention'' and inserting ''or joint inventor of carrying out the invention''; and

(2) in the second paragraph—

(A) by striking ''The specifications'' and inserting ''(b) CONCLUSION.—The specifications''; and

(B) by striking ''applicant regards as his invention'' and inserting ''inventor or a joint inventor regards as the invention'';

(3) in the third paragraph, by striking ''A claim'' and inserting ''(c) FORM.—A claim'';

(4) in the fourth paragraph, by striking ''Subject to the following paragraph,'' and inserting ''(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e),'';

(5) in the fifth paragraph, by striking ''A claim'' and inserting ''(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim''; and

(6) in the last paragraph, by striking ''An element'' and inserting ''(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element''.

SEC. 4. RIGHT OF THE INVENTOR TO OBTAIN DAMAGES.

(a) DAMAGES.—Section 284 of title 35, United States Code, is amended to read as follows:

''§ 284. Damages

''(a) IN GENERAL.—Upon finding for the claimant the court shall award the claimant damages adequate to compensate for the infringement but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as fixed by the court, subject to the provisions of this section.

''(b) DETERMINATION OF DAMAGES; EVIDENCE CONSIDERED; PROCEDURE.—The court may receive expert testimony as an aid to the determination of damages or of what royalty would be reasonable under the circumstances. The admissibility of such testimony shall be governed by the rules of evidence governing expert testimony. When the damages are not found by a jury, the court shall assess them.

''(c) STANDARD FOR CALCULATING REASONABLE ROYALTY.—

''(1) IN GENERAL.—The court shall determine, based on the facts of the case and after adducing any further evidence the court deems necessary, which of the following methods shall be used by the court or the jury in calculating a reasonable royalty pursuant to subsection (a). The court shall also identify the factors that are relevant to the determination of a reasonable royalty, and the court or jury, as the case may be, shall consider only those factors in making such determination.

''(A) ENTIRE MARKET VALUE.—Upon a showing to the satisfaction of the court that the claimed invention's specific contribution over the prior art is the predominant basis for market demand for an infringing product or process, damages may be based upon the entire market value of that infringing product or process.

''(B) ESTABLISHED ROYALTY BASED ON MARKETPLACE LICENSING.—Upon a showing to the satisfaction of the court that the claimed invention has been the subject of a nonexclusive license for the use made of the invention by the infringer, to a number of persons sufficient to indicate a general marketplace recognition of the reasonableness of the licensing terms, if the license was secured prior to the filing of the case before the court, and the court determines that the infringer's use is of substantially the same scope, volume, and benefit of the rights granted under such license, damages may be determined on the basis of the terms of such license. Upon a showing to the satisfaction of the court that the claimed invention has sufficiently similar noninfringing substitutes in the relevant market, which have themselves been the subject of such nonexclusive licenses, and the court determines that the infringer's use is of substantially the same scope, volume, and benefit of the rights granted under such licenses, damages may be determined on the basis of the terms of such licenses.

''(C) VALUATION CALCULATION.—Upon a determination by the court that the showings required under subparagraphs (A) and (B) have not been made, the court shall conduct an analysis to ensure that a reasonable royalty is applied only to the portion of the economic value of the infringing product or process properly attributable to the claimed invention's specific contribution over the prior art. In the case of a combination invention whose elements are present individually in the prior art, the contribution over the prior art may include the value of the additional function resulting from the combination, as well as the enhanced value, if any, of some or all of the prior art elements as part of the combination, if the patentee demonstrates that value.

''(2) ADDITIONAL FACTORS.—Where the court determines it to be appropriate in determining a reasonable royalty under paragraph (1), the court may also consider, or direct the jury to consider, any other relevant factors under applicable law.

''(d) INAPPLICABILITY TO OTHER DAMAGES ANALYSIS.—The methods for calculating a reasonable royalty described in subsection (c) shall have no application to the calculation of an award of damages that does not necessitate the determination of a reasonable royalty as a basis for monetary relief sought by the claimant.

''(e) WILLFUL INFRINGEMENT.—

''(1) INCREASED DAMAGES.—A court that has determined that an infringer has willfully infringed a patent or patents may increase damages up to 3 times the amount of the damages found or assessed under subsection (a), except that increased damages under this paragraph shall not apply to provisional rights under section 154(d).

''(2) PERMITTED GROUNDS FOR WILLFULNESS.—A court may find that an infringer has willfully infringed a patent only if the patent owner presents clear and convincing evidence that acting with objective recklessness—

''(A) after receiving written notice from the patentee—

''(i) alleging acts of infringement in a manner sufficient to give the infringer an objectively reasonable apprehension of suit on such patent, and

''(ii) identifying with particularity each claim of the patent, each product or process that the patent owner alleges infringes the patent, and the relationship of such product or process to such claim,

the infringer, after a reasonable opportunity to investigate, thereafter performed 1 or more of the alleged acts of infringement;

''(B) the infringer intentionally copied the patented invention with knowledge that it was patented; or

''(C) after having been found by a court to have infringed that patent, the infringer engaged in conduct that was not colorably different from the conduct previously found to have infringed the patent, and which resulted in a separate finding of infringement of the same patent.

''(3) LIMITATIONS ON WILLFULNESS.—

''(A) IN GENERAL.—A court may not find that an infringer has willfully infringed a patent under paragraph (2) for any period of time during which the infringer had an informed good faith belief that the patent was invalid or unenforceable, or would not be infringed by the conduct later shown to constitute infringement of the patent.

''(B) GOOD FAITH ESTABLISHED.—An informed good faith belief within the meaning of subparagraph (A) may be established by—

''(i) reasonable reliance on advice of counsel;

''(ii) evidence that the infringer sought to modify its conduct to avoid infringement once it had discovered the patent; or

''(iii) other evidence a court may find sufficient to establish such good faith belief.

''(C) RELEVANCE OF NOT PRESENTING CERTAIN EVIDENCE.—The decision of the infringer not to present evidence of advice of counsel is not relevant to a determination of willful infringement under paragraph (2).

''(4) LIMITATION ON PLEADING.—Before the date on which a court determines that the patent in suit is not invalid, is enforceable, and has been infringed by the infringer, a patentee may not plead and a court may not determine that an infringer has willfully infringed a patent. The court's determination of an infringer's willfulness shall be made without a jury.''.

(b) REPORT TO CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, the findings and recommendations of the Director on the operation of prior user rights in selected countries in the industrialized world. The report shall include the following:

(A) A comparison between patent laws of the United States and the laws of other industrialized countries, including the European Union, Japan, Canada, and Australia.

(B) An analysis of the effect of prior user rights on innovation rates in the selected countries.

(C) An analysis of the correlation, if any, between prior user rights and start-up enterprises and the ability to attract venture capital to start new companies.

(D) An analysis of the effect of prior user rights, if any, on small businesses, universities, and individual inventors.

(E) An analysis of legal and constitutional issues, if any, that arise from placing trade secret law in patent law.

(2) CONSULTATION WITH OTHER AGENCIES.—In preparing the report required under paragraph (1), the Director shall consult with the Secretary of State and the Attorney General.

(c) DEFENSE TO INFRINGEMENT BASED ON EARLIER INVENTOR.—Section 273(b)(6) of title 35, United States Code, is amended to read as follows:

''(6) PERSONAL DEFENSE.—The defense under this section may be asserted only by the person who performed or caused the performance of the acts necessary to establish the defense as well as any other entity that controls, is controlled by, or is under common control with such person and, except for any transfer to the patent owner, the right to assert the defense shall not be licensed or assigned or transferred to another person except as an ancillary and subordinate part of a good faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates. Notwithstanding the preceding sentence, any person may, on its own behalf, assert a defense based on the exhaustion of rights provided under paragraph (3), including any necessary elements thereof.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of enactment of this Act.

SEC. 5. POST-GRANT PROCEDURES AND OTHER QUALITY ENHANCEMENTS.

(a) CITATION OF PRIOR ART.—Section 301 of title 35, United States Code, is amended to read as follows:

''§ 301. Citation of prior art

''(a) IN GENERAL.—Any person at any time may cite to the Office in writing—

''(1) prior art consisting of patents, printed publications, or evidence that the claimed invention was in public use or sale in the United States more than 1 year prior to the date of the application for patent in the United States, which that person believes to have a bearing on the patentability of any claim of a particular patent; or

''(2) written statements of the patent owner filed in a proceeding before a Federal court or the Patent and Trademark Office in which the patent owner takes a position on the scope of one or more patent claims.

''(b) SUBMISSIONS PART OF OFFICIAL FILE.—If the person citing prior art or written submissions under subsection (a) explains in writing the pertinence and manner of applying the prior art or written submission to at least one claim of the patent, the citation of the prior art or documentary evidence (as the case may be) and the explanation thereof shall become a part of the official file of the patent.

''(c) PROCEDURES FOR WRITTEN STATEMENTS.—

''(1) SUBMISSION OF ADDITIONAL MATERIALS.—A party that submits written statements under subsection (a)(2) in a proceeding shall include any other documents, pleadings, or evidence from the proceeding that address the patent owner's statements or the claims addressed by the written statements.

''(2) LIMITATION ON USE OF STATEMENTS.—Written statements submitted under subsection (a)(2) shall not be considered for any purpose other than to determine the proper meaning of the claims that are the subject of the request in a proceeding ordered pursuant to section 304 or 313. Any such written statements, and any materials submitted under paragraph (1), that are subject to an applicable protective order shall be redacted to exclude information subject to the order.

''(d) IDENTITY WITHHELD.—Upon the written request of the person making the citation under subsection (a), the person's identity shall be excluded from the patent file and kept confidential.''.

(b) REQUEST FOR REEXAMINATION.—The first sentence of section 302 of title 35, United States Code, is amended to read as follows: ''Any person at any time may file a request for reexamination by the Office of any claim on a patent on the basis of any prior art or documentary evidence cited under paragraph (1) or (3) of subsection (a) of section 301 of this title.''.

(c) REEXAMINATION.—Section 303(a) of title 35, United States Code, is amended to read as follows:

''(a) Within three months following the filing of a request for reexamination under section 302, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On the Director's own initiative, and at any time, the Director may determine whether a substantial new question of patentability is raised by patents, publications, or other evidence discovered by the Director, is cited under section 301, or is cited by any person other than the owner of the patent under section 302 or section 311. The existence of a substantial new question of patentability is not precluded by the fact that a patent, printed publication, or other evidence was previously considered by the Office.''.

(d) REQUEST FOR INTER PARTES REEXAMINATION.—Section 311(a) of title 35, United States Code, is amended to read as follows:

''(a) IN GENERAL.—Any third-party requester at any time may file a request for inter partes reexamination by the Office of a patent on the basis of any prior art or documentary evidence cited under paragraph (1) or (3) of subsection (a) of section 301 of this title.''.

(e) CONDUCT OF INTER PARTES PROCEEDINGS.—Section 314 of title 35, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking ''conducted according to the procedures established for initial examination under the provisions of sections 132 and 133'' and inserting ''heard by an administrative patent judge in accordance with procedures which the Director shall establish'';

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) The third-party requester shall have the opportunity to file written comments on any action on the merits by the Office in the inter partes reexamination proceeding, and on any response that the patent owner files to such an action, if those written comments are received by the Office within 60 days after the date of service on the third-party requester of the Office action or patent owner response, as the case may be.''; and

(3) by adding at the end the following:

''(d) ORAL HEARING.—At the request of a third party requestor or the patent owner, the administrative patent judge shall conduct an oral hearing, unless the judge finds cause lacking for such hearing.''.

(f) ESTOPPEL.—Section 315(c) of title 35, United States Code, is amended by striking ''or could have raised''.

(g) REEXAMINATION PROHIBITED AFTER DISTRICT COURT DECISION.—Section 317(b) of title 35, United States Code, is amended—

(1) in the subsection heading, by striking ''FINAL DECISION'' and inserting ''DISTRICT COURT DECISION''; and

(2) by striking ''Once a final decision has been entered'' and inserting ''Once the judgment of the district court has been entered''.

(h) POST-GRANT OPPOSITION PROCEDURES.—

(1) IN GENERAL.—Part III of title 35, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 32—POST-GRANT REVIEW PROCEDURES

''Sec.
''321. Petition for post-grant review.
''322. Timing and bases of petition.
''323. Requirements of petition.
''324. Prohibited filings.
''325. Submission of additional information; showing of sufficient grounds.
''326. Conduct of post-grant review proceedings.
''327. Patent owner response.
''328. Proof and evidentiary standards.
''329. Amendment of the patent.
''330. Decision of the Board.
''331. Effect of decision.
''332. Settlement.
''333. Relationship to other pending proceedings.
''334. Effect of decisions rendered in civil action on post-grant review proceedings.
''335. Effect of final decision on future proceedings.
''336. Appeal.

''§ 321. Petition for post-grant review

''Subject to sections 322, 324, 332, and 333, a person who is not the patent owner may file with the Office a petition for cancellation seeking to institute a post-grant review proceeding to cancel as unpatentable any claim of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim). The Director shall establish, by regulation, fees to be paid by the person requesting the proceeding, in such amounts as the Director determines to be reasonable.

''§ 322. Timing and bases of petition

''A post-grant proceeding may be instituted under this chapter pursuant to a cancellation petition filed under section 321 only if—

''(1) the petition is filed not later than 12 months after the issuance of the patent or a reissue patent, as the case may be; or

''(2) the patent owner consents in writing to the proceeding.

''§ 323. Requirements of petition

''A cancellation petition filed under section 321 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 321;

''(2) the petition identifies the cancellation petitioner;

''(3) for each claim sought to be canceled, the petition sets forth in writing the basis for cancellation and provides the evidence in support thereof, including copies of patents and printed publications, or written testimony of a witness attested to under oath or declaration by the witness, or any other information that the Director may require by regulation; and

''(4) the petitioner provides copies of the petition, including any evidence submitted with the petition and any other information submitted under paragraph (3), to the patent owner or, if applicable, the designated representative of the patent owner.

''§ 324. Prohibited filings

''A post-grant review proceeding may not be instituted under section 322 if the petition for cancellation requesting the proceeding—

''(1) identifies the same cancellation petitioner and the same patent as a previous petition for cancellation filed under such section; or

''(2) is based on the best mode requirement contained in section 112.

''§ 325. Submission of additional information; showing of sufficient grounds

''(a) IN GENERAL.—The cancellation petitioner shall file such additional information

with respect to the petition as the Director may require. For each petition submitted under section 321, the Director shall determine if the written statement, and any evidence submitted with the request, establish that a substantial question of patentability exists for at least one claim in the patent. The Director may initiate a post-grant review proceeding if the Director determines that the information presented provides sufficient grounds to believe that there is a substantial question of patentability concerning one or more claims of the patent at issue.

''(b) NOTIFICATION; DETERMINATIONS NOT REVIEWABLE.—The Director shall notify the patent owner and each petitioner in writing of the Director's determination under subsection (a), including a determination to deny the petition. The Director shall make that determination in writing not later than 60 days after receiving the petition. Any determination made by the Director under subsection (a), including whether or not to institute a post-grant review proceeding or to deny the petition, shall not be reviewable.

''§ 326. Conduct of post-grant review proceedings

''(a) IN GENERAL.—The Director shall prescribe regulations, in accordance with section 2(b)(2)—

''(1) establishing and governing post-grant review proceedings under this chapter and their relationship to other proceedings under this title;

''(2) establishing procedures for the submission of supplemental information after the petition for cancellation is filed; and

''(3) setting forth procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding, and the procedures for obtaining such evidence shall be consistent with the purpose and nature of the proceeding.

In carrying out paragraph (3), the Director shall bear in mind that discovery must be in the interests of justice.

''(b) POST-GRANT REGULATIONS.—Regulations under subsection (a)(1)—

''(1) shall require that the final determination in a post-grant proceeding issue not later than one year after the date on which the post-grant review proceeding is instituted under this chapter, except that, for good cause shown, the Director may extend the 1-year period by not more than six months;

''(2) shall provide for discovery upon order of the Director;

''(3) shall provide for publication of notice in the Federal Register of the filing of a petition for post-grant review under this chapter, for publication of the petition, and documents, orders, and decisions relating to the petition, on the website of the Patent and Trademark Office, and for filings under seal exempt from publication requirements;

''(4) shall prescribe sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or unnecessary increase in the cost of the proceeding;

''(5) may provide for protective orders governing the exchange and submission of confidential information; and

''(6) shall ensure that any information submitted by the patent owner in support of any amendment entered under section 329 is made available to the public as part of the prosecution history of the patent.

''(c) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect on the economy, the integrity of the patent system, and the efficient administration of the Office.

''(d) CONDUCT OF PROCEEDING.—The Patent Trial and Appeal Board shall, in accordance with section 6(b), conduct each post-grant review proceeding authorized by the Director.

''§ 327. Patent owner response

''After a post-grant proceeding under this chapter has been instituted with respect to a patent, the patent owner shall have the right to file, within a time period set by the Director, a response to the cancellation petition. The patent owner shall file with the response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response.

''§ 328. Proof and evidentiary standards

''(a) IN GENERAL.—The presumption of validity set forth in section 282 shall not apply in a challenge to any patent claim under this chapter.

''(b) BURDEN OF PROOF.—The party advancing a proposition under this chapter shall have the burden of proving that proposition by a preponderance of the evidence.

''§ 329. Amendment of the patent

''(a) IN GENERAL.—In response to a challenge in a petition for cancellation, the patent owner may file one motion to amend the patent in one or more of the following ways:

''(1) Cancel any challenged patent claim.

''(2) For each challenged claim, propose a substitute claim.

''(3) Amend the patent drawings or otherwise amend the patent other than the claims.

''(b) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted only for good cause shown.

''(c) SCOPE OF CLAIMS.—An amendment under this section may not enlarge the scope of the claims of the patent or introduce new matter.

''§ 330. Decision of the Board

''If the post-grant review proceeding is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision addressing the patentability of any patent claim challenged and any new claim added under section 329.

''§ 331. Effect of decision

''(a) IN GENERAL.—If the Patent Trial and Appeal Board issues a final decision under section 330 and the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable and incorporating in the patent by operation of the certificate any new claim determined to be patentable.

''(b) NEW CLAIMS.—Any new claim held to be patentable and incorporated into a patent in a post-grant review proceeding shall have the same effect as that specified in section 252 for reissued patents on the right of any person who made, purchased, offered to sell, or used within the United States, or imported into the United States, anything patented by such new claim, or who made substantial preparations therefor, before a certificate under subsection (a) of this section is issued.

''§ 332. Settlement

''(a) IN GENERAL.—A post-grant review proceeding shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Patent Trial and Appeal Board has issued a written decision before the request for termination is filed. If the post-grant review proceeding is terminated with respect to a petitioner under this paragraph, no estoppel shall apply to that petitioner. If no petitioner remains in the proceeding, the panel of administrative patent judges assigned to the proceeding shall terminate the proceeding.

''(b) AGREEMENT IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in the agreement or understanding, that is made in connection with or in contemplation of the termination of a post-grant review proceeding, must be in writing. A post-grant review proceeding as between the parties to the agreement or understanding may not be terminated until a copy of the agreement or understanding, including any such collateral agreements, has been filed in the Office. If any party filing such an agreement or understanding requests, the agreement or understanding shall be kept separate from the file of the post-grant review proceeding, and shall be made available only to Government agencies on written request, or to any person on a showing of good cause.

''§ 333. Relationship to other proceedings

''(a) IN GENERAL.—Notwithstanding subsection 135(a), sections 251 and 252, and chapter 30, the Director may determine the manner in which any reexamination proceeding, reissue proceeding, interference proceeding (commenced with respect to an application for patent filed before the effective date provided in section 3(k) of the Patent Reform Act of 2009), derivation proceeding, or post-grant review proceeding, that is pending during a post-grant review proceeding, may proceed, including providing for stay, transfer, consolidation, or termination of any such proceeding.

''(b) STAYS.—The Director may stay a post-grant review proceeding if a pending civil action for infringement of a patent addresses the same or substantially the same questions of patentability raised against the patent in a petition for the post-grant review proceeding.

''(c) EFFECT OF COMMENCEMENT OF PROCEEDING.—The commencement of a post-grant review proceeding—

''(1) shall not limit in any way the right of the patent owner to commence an action for infringement of the patent; and

''(2) shall not be cited as evidence relating to the validity of any claim of the patent in any proceeding before a court or the International Trade Commission concerning the patent.

''§ 334. Effect of decisions rendered in civil action on post-grant review proceedings

''If a final decision is entered against a party in a civil action arising in whole or in part under section 1338 of title 28 establishing that the party has not sustained its burden of proving the invalidity of any patent claim—

''(1) that party to the civil action and the privies of that party may not thereafter request a post-grant review proceeding on that patent claim on the basis of any grounds, under the provisions of section 321, which that party or the privies of that party raised or could have raised; and

''(2) the Director may not thereafter maintain a post-grant review proceeding that was requested, before the final decision was so entered, by that party or the privies of that party on the basis of such grounds.

''§ 335. Effect of final decision on future proceedings

''If a final decision under section 330 is favorable to the patentability of any original or new claim of the patent challenged by the cancellation petitioner, the cancellation petitioner may not thereafter, based on any ground that the cancellation petitioner raised during the post-grant review proceeding—

''(1) request or pursue a reexamination of such claim under chapter 31;

''(2) request or pursue a derivation proceeding with respect to such claim;

''(3) request or pursue a post-grant review proceeding under this chapter with respect to such claim;

''(4) assert the invalidity of any such claim in any civil action arising in whole or in part under section 1338 of title 28; or

''(5) assert the invalidity of any such claim in defense to an action brought under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

''§ 336. Appeal

''A party dissatisfied with the final determination of the Patent Trial and Appeal Board in a post-grant proceeding under this chapter may appeal the determination under sections 141 through 144. Any party to the post-grant proceeding shall have the right to be a party to the appeal.''.

(i) CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by adding at the end the following:

''32. Post-Grant Review Proceedings .. 321''.

(j) REPEAL.—Section 4607 of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is repealed.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments and repeal made by this section shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

(2) APPLICABILITY TO EX PARTE AND INTER PARTES PROCEEDINGS.—Notwithstanding any other provision of law, sections 301 and 311 through 318 of title 35, United States Code, as amended by this section, shall apply to any patent that issues before, on, or after the effective date under paragraph (1) from an original application filed on any date.

(3) APPLICABILITY TO POST-GRANT PROCEEDINGS.—The amendments made by subsections (h) and (i) shall apply to patents issued on or after the effective date under paragraph (1).

(l) REGULATIONS.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this subsection referred to as the ''Director'') shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (h) of this section.

SEC. 6. DEFINITIONS; PATENT TRIAL AND APPEAL BOARD.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, (as amended by section 2 of this Act) is further amended—

(1) in subsection (e), by striking ''or inter partes reexamination under section 311''; and

(2) by adding at the end the following:

''(k) The term 'cancellation petitioner' means the real party in interest requesting cancellation of any claim of a patent under chapter 31 of this title and the privies of the real party in interest.''.

(b) PATENT TRIAL AND APPEAL BOARD.—Section 6 of title 35, United States Code, is amended to read as follows:

''§ 6. Patent Trial and Appeal Board

''(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary of Commerce. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

''(b) DUTIES.—The Patent Trial and Appeal Board shall—

''(1) on written appeal of an applicant, review adverse decisions of examiners upon application for patents;

''(2) on written appeal of a patent owner, review adverse decisions of examiners upon patents in reexamination proceedings under chapter 30;

''(3) conduct derivation proceedings under subsection 135(a); and

''(4) conduct post-grant opposition proceedings under chapter 32.

Each appeal and derivation proceeding shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings. The Director shall assign each post-grant review proceeding to a panel of 3 administrative patent judges. Once assigned, each such panel of administrative patent judges shall have the responsibilities under chapter 32 in connection with post-grant review proceedings.''.

SEC. 7. PREISSUANCE SUBMISSIONS BY THIRD PARTIES.

Section 122 of title 35, United States Code, is amended by adding at the end the following:

''(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

''(1) IN GENERAL.—Any person may submit for consideration and inclusion in the record of a patent application, any patent, published patent application, or other publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

''(A) the date a notice of allowance under section 151 is mailed in the application for patent; or

''(B) either—

''(i) 6 months after the date on which the application for patent is published under section 122, or

''(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent,

whichever occurs later.

''(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

''(A) set forth a concise description of the asserted relevance of each submitted document;

''(B) be accompanied by such fee as the Director may prescribe; and

''(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.''.

SEC. 8. VENUE AND JURISDICTION.

(a) VENUE FOR PATENT CASES.—Section 1400 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Notwithstanding section 1391 of this title, in any civil action arising under any Act of Congress relating to patents, a party shall not manufacture venue by assignment, incorporation, or otherwise to invoke the venue of a specific district court.

''(c) Notwithstanding section 1391 of this title, any civil action for patent infringement or any action for declaratory judgment may be brought only in a judicial district—

''(1) where the defendant has its principal place of business or in the location or place in which the defendant is incorporated or formed, or, for foreign corporations with a United States subsidiary, where the defendant's primary United States subsidiary has its principal place of business or is incorporated or formed;

''(2) where the defendant has committed substantial acts of infringement and has a regular and established physical facility that the defendant controls and that constitutes a substantial portion of the operations of the defendant;

''(3) where the primary plaintiff resides, if the primary plaintiff in the action is—

''(A) an institution of higher education as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); or

''(B) a nonprofit organization that—

''(i) qualifies for treatment under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3));

''(ii) is exempt from taxation under section 501(a) of such Code; and

''(iii) serves as the patent and licensing organization for an institution of higher education as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); or

''(4) where the plaintiff resides, if the sole plaintiff in the action is an individual inventor who is a natural person and who qualifies at the time such action is filed as a micro-entity pursuant to section 123 of title 35.

''(d) If a plaintiff brings a civil action for patent infringement or declaratory judgment relief under subsection (c), then the defendant may request the district court to transfer that action to another district or division where, in the court's determination—

''(1) any of the parties has substantial evidence or witnesses that otherwise would present considerable evidentiary burdens to the defendant if such transfer were not granted;

''(2) such transfer would not cause undue hardship to the plaintiff; and

''(3) venue would be otherwise appropriate under section 1391 of this title.''.

(b) INTERLOCUTORY APPEALS.—Subsection (c)(2) of section 1292 of title 28, United States Code, is amended by adding at the end the following:

''(3) of an appeal from an interlocutory order or decree determining construction of claims in a civil action for patent infringement under section 271 of title 35.

Application for an appeal under paragraph (3) shall be made to the court within 10 days after entry of the order or decree. The district court shall have discretion whether to approve the application and, if so, whether to stay proceedings in the district court during the pendency of such appeal.''.

(c) TECHNICAL AMENDMENTS RELATING TO VENUE.—Sections 32, 145, 146, 154(b)(4)(A), and 293 of title 35, United States Code, and section 21(b)(4) of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act''; 15 U.S.C. 1071(b)(4)), are each amended by striking ''United States District Court for the District of Columbia'' each place that term appears and inserting ''United States District Court for the Eastern District of Virginia''.

SEC. 9. PATENT AND TRADEMARK OFFICE REGULATORY AUTHORITY.

(a) FEE SETTING.—

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established or charged by the Office under sections 41 and 376 of title 35, United States Code or under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) for the filing or processing of any submission to, and for all other services performed by or materials furnished by, the Office, provided that such fee amounts are set to reasonably compensate the Office for the services performed.

(2) REDUCTION OF FEES IN CERTAIN FISCAL YEARS.—In any fiscal year, the Director—

(A) shall consult with the Patent Public Advisory Committee and the Trademark Public Advisory Committee on the advisability of reducing any fees described in paragraph (1); and

(B) after that consultation may reduce such fees.

(3) ROLE OF THE PUBLIC ADVISORY COMMITTEE.—The Director shall—

(A) submit to the Patent or Trademark Public Advisory Committee, or both, as appropriate, any proposed fee under paragraph (1) not less than 45 days before publishing any proposed fee in the Federal Register;

(B) provide the relevant advisory committee described in subparagraph (A) a 30-day period following the submission of any proposed fee, on which to deliberate, consider, and comment on such proposal, and require that—

(i) during such 30-day period, the relevant advisory committee hold a public hearing related to such proposal; and

(ii) the Director shall assist the relevant advisory committee in carrying out such public hearing, including by offering the use of Office resources to notify and promote the hearing to the public and interested stakeholders;

(C) require the relevant advisory committee to make available to the public a written report detailing the comments, advice, and recommendations of the committee regarding any proposed fee;

(D) consider and analyze any comments, advice, or recommendations received from the relevant advisory committee before setting or adjusting any fee; and

(E) notify, through the Chair and Ranking Member of the Senate and House Judiciary Committees, the Congress of any final decision regarding proposed fees.

(4) PUBLICATION IN THE FEDERAL REGISTER.—

(A) IN GENERAL.—Any rules prescribed under this subsection shall be published in the Federal Register.

(B) RATIONALE.—Any proposal for a change in fees under this section shall—

(i) be published in the Federal Register; and

(ii) include, in such publication, the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed change.

(C) PUBLIC COMMENT PERIOD.—Following the publication of any proposed fee in the Federal Register pursuant to subparagraph (A), the Director shall seek public comment for a period of not less than 45 days.

(5) CONGRESSIONAL COMMENT PERIOD.—Following the notification described in paragraph (3)(E), Congress shall have not more than 45 days to consider and comment on any proposed fee under paragraph (1). No proposed fee shall be effective prior to the end of such 45-day comment period.

(6) RULE OF CONSTRUCTION.—No rules prescribed under this subsection may diminish—

(A) an applicant's rights under this title or the Trademark Act of 1946; or

(B) any rights under a ratified treaty.

(b) FEES FOR PATENT SERVICES.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 2005, in section 801(a) by striking ''During fiscal years 2005, 2006 and 2007'', and inserting ''Until such time as the Director sets or adjusts the fees otherwise,''.

(c) ADJUSTMENT OF TRADEMARK FEES.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 802(a) by striking ''During fiscal years 2005, 2006 and 2007'', and inserting ''Until such time as the Director sets or adjusts the fees otherwise,''.

(d) EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.—Division B of Public Law 108–447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 803(a) by striking ''and shall apply only with respect to the remaining portion of fiscal year 2005, 2006 and 2007.''.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any other provision of Division B of Public Law 108–447, including section 801(c) of title VII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) OFFICE.—The term ''Office'' means the United States Patent and Trademark Office.

(3) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means an Act entitled ''Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946 or the Lanham Act).

SEC. 10. RESIDENCY OF FEDERAL CIRCUIT JUDGES.

(a) RESIDENCY.—The second sentence of section 44(c) of title 28, United States Code, is repealed.

(b) FACILITIES.—Section 44 of title 28, United States Code, is amended by adding at the end the following:

''(e)(1) The Director of the Administrative Office of the United States Courts shall provide—

''(A) a judge of the Federal judicial circuit who lives within 50 miles of the District of Columbia with appropriate facilities and administrative support services in the District of the District of Columbia; and

''(B) a judge of the Federal judicial circuit who does not live within 50 miles of the District of Columbia with appropriate facilities and administrative support services—

''(i) in the district and division in which that judge resides; or

''(ii) if appropriate facilities are not available in the district and division in which that judge resides, in the district and division closest to the residence of that judge in which such facilities are available, as determined by the Director.

''(2) Nothing in this subsection may be construed to authorize or require the construction of new facilities.''.

SEC. 11. MICRO-ENTITY DEFINED.

Chapter 11 of title 35, United States Code, is amended by adding at the end the following new section:

''§ 123. Micro-entity defined

''(a) IN GENERAL.—For purposes of this title, the term 'micro-entity' means an applicant who makes a certification under either subsections (b) or (c).

''(b) UNASSIGNED APPLICATION.—For an unassigned application, each applicant shall certify that the applicant—

''(1) qualifies as a small entity, as defined in regulations issued by the Director;

''(2) has not been named on 5 or more previously filed patent applications;

''(3) has not assigned, granted, or conveyed, and is not under an obligation by contract or law to assign, grant, or convey, a license or any other ownership interest in the particular application; and

''(4) does not have a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), exceeding 2.5 times the average gross income, as reported by the Department of Labor, in the calendar year immediately preceding the calendar year in which the examination fee is being paid.

''(c) ASSIGNED APPLICATION.—For an assigned application, each applicant shall certify that the applicant—

''(1) qualifies as a small entity, as defined in regulations issued by the Director, and meets the requirements of subsection (b)(4);

''(2) has not been named on 5 or more previously filed patent applications; and

''(3) has assigned, granted, conveyed, or is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the particular application to an entity that has 5 or fewer employees and that such entity has a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), that does not exceed 2.5 times the average gross income, as reported by the Department of Labor, in the calendar year immediately preceding the calendar year in which the examination fee is being paid.

''(d) INCOME LEVEL ADJUSTMENT.—The gross income levels established under subsections (b) and (c) shall be adjusted by the Director on October 1, 2009, and every year thereafter, to reflect any fluctuations occurring during the previous 12 months in the Consumer Price Index, as determined by the Secretary of Labor.''.

SEC. 12. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''When'' and inserting ''(a) JOINT INVENTIONS.—When'';

(2) in the second paragraph, by striking ''If a joint inventor'' and inserting ''(b) OMITTED INVENTOR.—If a joint inventor''; and

(3) in the third paragraph, by striking ''Whenever'' and inserting ''(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever''.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Except when'' and inserting ''(a) FILING IN FOREIGN COUNTRY.—Except when'';

(2) in the second paragraph, by striking ''The term'' and inserting ''(b) APPLICATION.—The term''; and

(3) in the third paragraph, by striking ''The scope'' and inserting ''(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope''.

(c) REISSUE OF DEFECTIVE PATENTS.—Section 251 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever'';

(2) in the second paragraph, by striking ''The Director'' and inserting ''(b) MULTIPLE REISSUED PATENTS.—The Director'';

(3) in the third paragraph, by striking ''The provision'' and inserting ''(c) APPLICABILITY OF THIS TITLE.—The provisions''; and

(4) in the last paragraph, by striking ''No reissued patent'' and inserting ''(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent''.

(d) EFFECT OF REISSUE.—Section 253 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) in the second paragraph, by striking ''in like manner'' and inserting ''(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),''.

(e) CORRECTION OF NAMED INVENTOR.—Section 256 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) CORRECTION.—Whenever''; and

(2) in the second paragraph, by striking ''The error'' and inserting ''(b) PATENT VALID IF ERROR CORRECTED.—The error''.

(f) PRESUMPTION OF VALIDITY.—Section 282 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph, by striking ''A patent'' and inserting ''(a) IN GENERAL.—A patent'';

(2) in the second undesignated paragraph, by striking ''The following'' and inserting ''(b) DEFENSES.—The following''; and

(3) in the third undesignated paragraph, by striking ''In actions'' and inserting ''(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions''.

SEC. 13. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this Act shall take effect 12 months after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

(b) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(b)(3) of title 35, United States Code, under section (2)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the ''CREATE Act''), the amendments of which are stricken by section 2(c) of this Act. The United States Patent and Trademark Office shall administer section 102(b)(3) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.

SEC. 14. SEVERABILITY.

If any provision of this Act or of any amendment or repeals made by this Act, or the application of such a provision to any person or circumstance, is held to be invalid or unenforceable, the remainder of this Act and the amendments and repeals made by this Act, and the application of this Act and such amendments and repeals to any other person or circumstance, shall not be affected by such holding.

Mr. HATCH. Mr. President, I rise to introduce with Senate Judiciary Committee chairman PATRICK LEAHY the Patent Reform Act of 2009, S. 515. I consider introduction of this bill to be a milestone in the progress we have made so far in the effort to reform our patent system—a system that has not been updated significantly since 1952. There is no doubt we have come a long way in our pursuit to accomplish comprehensive patent law reform. Reform is so vitally necessary to keep our nation competitive in our technologically advanced global economy, especially during these difficult economic times.

I have always believed that passing patent reform legislation would be a multi-Congress endeavor. The Hatch-Leahy patent bill, S. 3818, formally started the legislative process in 2006. We continued the momentum in the 110th Congress by introducing S. 1145, the Patent Reform Act of 2007. In June 2007, my colleagues and I on the Senate Judiciary Committee approved S. 1145 by a vote of 13–5. While I would have liked to see S. 1145 pass the full Senate, I believe the process already provided makes passage of the Patent Reform Act of 2009 even more likely this Congress.

S. 515 represents a bipartisan and bicameral commitment to streamline our nation's patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs.

House Judiciary chairman JOHN CONYERS and ranking minority member LAMAR SMITH are true partners in this important legislation. For those who might say nothing has changed, I can attest that it has. Just look at the bill. We have listened to many of the concerns raised by stakeholders and have changed the legislative text accordingly.

Let me highlight some of the significant changes we have made to the bill.

For example, S. 515 does not contain an applicant quality submissions provision due to near uniform opposition we heard from the patent community about the burdens this would place on applicants.

Additionally, the Patent Reform Act of 2007 would have eliminated the current opt-out provision for publication of patent applications. Current law permits applicants to request upon filing that their application not be published at 18 months if a certification is made that the invention disclosed in the application has not and will not be the subject of an application filed in another country. Because of serious concerns raised by independent inventors and small entities, we have removed this provision from S. 515.

Patents may be challenged either in court or at the U.S. Patent and Trademark Office, USPTO. The current administrative review process at the USPTO is widely viewed as ineffective and inefficient. Accordingly, last year's bills proposed a process more like a court proceeding than the current reexamination process. Both bills had a 1-year window for challenges during which patents would not be presumed valid, and a patent could be invalidated by a ''preponderance of evidence'' against it. However, the Senate bill, S. 1145, added a second window during the life of the patent where only ''clear and convincing'' evidence could invalidate the patent. Most in the patent community prefer the post-grant review language as passed in the House because, instead of creating a ''second window,'' it improved upon the existing interpartes reexamination. As such, S. 515 adopts the House approach to expanding interpartes, but includes ''public use or sale in the United States'' as a basis for challenging a patent. Further, our bill ensures that ex parte reexamination proceedings are maintained, which is an important tool for challenging patents that should not have issued.

With patent litigation costs escalating, the threat of enhanced damages can be quite substantial. For this reason, the Senate and House bills introduced in the 110th Congress narrowed the circumstances under which treble damages could be awarded for willful infringement of a patent. After introduction of the Patent Reform Act of 2007, the Federal Circuit issued an in banc decision, In re Seagate, which instituted an objective recklessness standard to prove willfulness. After considerable discussion with stakeholders in the patent community, we believe the Seagate decision is a positive improvement to the law and, therefore, have sought to incorporate correlating language into S. 515.

There are other changes we made to the Patent Reform Act of 2009, but I want to focus my remaining remarks on two key issues: how damages are awarded in infringement lawsuits and inequitable conduct reform.

I am aware of the concerns that some have raised about the damages provision contained in S. 1145. I have heard from some who are concerned that courts have allowed damages for infringement to be based on the market for an entire product, when all that was infringed is a minor component of the product. I have also heard from some who argue that the current language will severely limit the amount of damages an infringer has to pay, thereby encouraging infringing behavior.

The sponsors of the Patent Reform Act of 2009 all agree that we need to improve the damages provision. In crafting a fair damages provision, we can rely upon well-reasoned and persuasive case law, scholarship, and other texts. I am confident that we will achieve consensus language in this area, but make no mistake: it will take willing partners to craft a compromise that will not have deleterious affects on any one sector of our economy.

For years I have been arguing if we are serious about enacting comprehensive patent law reform then we must take steps to ensure that the inequitable conduct doctrine is applied in a manner consistent with its original purpose: to sanction true misconduct and to do so in a proportional and fair manner. Inequitable conduct reform is core to this bill, as it dictates how patents are prosecuted years before litigation. The inequitable conduct defense is frequently pled, rarely proven, and always drives up the cost of litigation tremendously.

Under current law, any perceived transgression of the patent owner is being painted as ''fraud.'' If an inequitable conduct claim wins, a valid patent will be held entirely void, and the infringer walks away without any liability. There is virtually no downside for the infringer to raise this type of attack. This is why inequitable conduct challenges are raised in nearly every patent case. It has become, in the words of the Federal Circuit, a ''plague'' on the patent system.

The development of a more objective and clearer inequitable conduct standard will remove the uncertainty and confusion that defines current patent litigation. We cannot settle for mere

codification of current practices. Chairman LEAHY and Chairman CONYERS both know of my strong interest in this area and have agreed to incorporate changes to the law. There is no doubt that inequitable conduct reform has the potential to single-handedly revolutionize the manner in which patent applications are prosecuted. Arguably, reform in this area will have the most favorable impact on patent quality and the ability for the USPTO to reduce its pendency—thereby fostering a strong and vibrant environment for all innovation and entrepreneurship.

Now more than ever, our industries need reassurance and predictability in order to move forward in these challenging times. I believe the Patent Reform Act of 2009 has the potential to complement all of the stimulatory efforts currently under way. Now is the time to act.

By Mr. DODD:

S. 517. A bill for the relief of Alejandro Gomez and Juan Sebastian Gomez; to the Committee on the Judiciary.

Mr. DODD. Mr. President, today I send to the desk a private relief bill to provide permanent resident status to Juan and Alejandro Gomez, and ask that it be appropriately referred.

Juan, 20, and Alejandro, 21, are natives of Colombia who came to the U.S. with their parents in August 1990 on B–2 visitors visas and reside in Miami, FL. Their parents were deported on October 30, 2007. Their initial departure date was September 14, 2007, but because of legislation introduced last Congress that date was extended. However, now they have been ordered to report for deportation on March 15, 2009. Juan and Alejandro have lived continuously in the U.S. for the last 18 years. They have both graduated from Miami Killian High School. Juan is a student at Georgetown University in Washington, D.C. Alejandro is a student at Miami Dade Community College and works at the Biltmore Hotel in Miami. They have the strong support of their community. It would be an extreme hardship to uproot Juan and Alejandro from their community, which has wholeheartedly embraced them, to send them back to Colombia where there lives could be in serious danger.

We all know that the circumstances of Juan and Alejandro are not unique. Just like many other children here illegally, they had no control over their parents' decision to overstay their visas a number of years ago. Most of these young people work hard to complete school and contribute to their communities. Cases like Juan's and Alejandro's are the reason why the so called DREAM Act was attached to the comprehensive immigration reform legislation that the Senate attempted to pass last Congress, only to face a filibuster from opponents of any comprehensive immigration reform proposal.

The DREAM Act has broad partisan support and is not the reason that the immigration bill stalled in the Senate. I would hope that consideration could be given to delinking the DREAM Act from the larger bill so that we can put in place a legal framework for dealing with young people similar in circumstances to Juan and Alejandro who are caught in this unfortunate immigration status. But that is not likely to happen soon enough to address the problems confronting Juan and Alejandro.

That is why I have decided to reintroduce a private bill on their behalf. I will also be writing to Senator CHARLES SCHUMER, Chairman of the Subcommittee on Immigration to request, pursuant to the Subcommittee's Rules of Procedure, that the Subcommittee formally request an expedited departmental report from the Bureau of Citizenship and Immigration Services regarding the Gomez brothers so that the Subcommittee can then move forward to give consideration to this bill as soon as possible.

I have had the opportunity to meet Juan and Alejandro. They believe that America is their home. They love our country and want to have an opportunity to fulfill their dreams of becoming full participants in this country. Passage of the private bill would give them that opportunity. I look forward to working with the Subcommittee to facilitate its passage.

By Mr. DURBIN:

S. 520. A bill to designate the United States Courthouse under construction at 327 South Church Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''; considered and passed.

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 placed in the RECORD, as follows:

S. 520

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

SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse under construction, as of the date of enactment of this Act, at 327 South Church Street, Rockford, Illinois, shall be known and designated as the ''Stanley J. Roszkowski United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Stanley J. Roszkowski United States Courthouse''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 62—A BILL ESTABLISHING A SELECT COMMITTEE OF THE SENATE TO MAKE A THOROUGH AND COMPLETE STUDY AND INVESTIGATION OF THE FACTS AND CIRCUMSTANCES GIVING RISE TO THE ECONOMIC CRISIS FACING THE UNITED STATES AND TO MAKE RECOMMENDATIONS TO PREVENT A FUTURE RECURRENCE OF SUCH A CRISIS

Mr. DORGAN (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 62

Whereas the United States is currently facing an unprecedented economic crisis, with massive losses of jobs in the United States and an alarming contraction of economic activity in the United States;

Whereas the United States Government has pledged, committed, or loaned more than $9,000,000,000,000 as of February 2009 in an attempt to mitigate and resolve the economic crisis and trillions of dollars more may well be necessary before the crisis is over;

Whereas the economic crisis reaches into, and has impacted, almost every aspect of the United States economy and significant parts of the international economy;

Whereas any thorough and complete study and investigation of this complex and far-reaching economic crisis will require sustained and singular focus for many months;

Whereas a study and investigation of this size and scope implicates the jurisdiction of several Standing Committees of the Senate and, if it is to be done correctly and timely, will require a degree of undivided attention and resources beyond the capacity of the Standing Committees of the Senate, which are already over-burdened;

Whereas adding such a significant study and investigation to the duties of the existing Standing Committees of the Senate would make it difficult for such committees to get their regular required work accomplished, particularly when so much attention and so many resources are appropriately devoted to responding to the ongoing economic crisis;

Whereas dozens of important investigations have been conducted with the creation of a select committee of the Senate for a specific purpose and a set time; and

Whereas the American public has a right to get straight answers on how this economic crisis developed and what steps should be taken to make sure that nothing like it happens again: Now therefore be it

Resolved,

SECTION 1. SELECT COMMITTEE ON INVESTIGATION OF THE ECONOMIC CRISIS.

There is established a select committee of the Senate to be known as the Select Committee on Investigation of the Economic Crisis (hereafter in this resolution referred to as the ''Select Committee'').

SEC. 2. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Select Committee is to study and investigate the facts and circumstances giving rise to the current economic crisis facing the United States and to recommend actions to be taken to prevent a future recurrence of such a crisis.

(b) DUTIES.—The Select Committee is authorized and directed to do everything necessary or appropriate to conduct the study

and investigation specified in subsection (a). Without restricting in any way the authority conferred on the Select Committee by the preceding sentence, the Senate further expressly authorizes and directs the Select Committee to examine the facts and circumstances giving rise to the current economic crisis facing the United States, and report on such examination, regarding the following:

(1) The causes of the current economic crisis.

(2) Lessons learned from the current economic crisis.

(3) Actions to prevent a recurrence of an economic crisis such as the current economic crisis.

SEC. 3. COMPOSITION OF SELECT COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Select Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Select Committee shall be made not later than 30 days after the date of the adoption of this resolution.

(b) VACANCIES.—Any vacancy in the Select Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, Chair, or Vice Chair of the Select Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIR AND VICE CHAIR.—The Chair of the Select Committee shall be designated by the majority leader of the Senate, and the Vice Chair of the Select Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Select Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Select Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Select Committee, or ⅓ of the members of the Select Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Select Committee.

SEC. 4. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Select Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—In addition to the provisions of section 7(h), the Select Committee may adopt additional rules or procedures if the Chair and the Vice Chair of the Select Committee agree, or if the Select Committee by majority vote so decides, that such additional rules or procedures are necessary or advisable to enable the Select Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 5. AUTHORITY OF SELECT COMMITTEE.

(a) IN GENERAL.—The Select Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) POWERS.—The Select Committee or, at its direction, any subcommittee or member of the Select Committee, may, for the purpose of carrying out this resolution—

(1) hold hearings;

(2) administer oaths;

(3) sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(4) authorize and require, by issuance of subpoena or otherwise, the attendance and testimony of witnesses and the preservation and production of books, records, correspondence, memoranda, papers, documents, tapes, and any other materials in whatever form the Select Committee considers advisable;

(5) take testimony, orally, by sworn statement, by sworn written interrogatory, or by deposition, and authorize staff members to do the same; and

(6) issue letters rogatory and requests, through appropriate channels, for any other means of international assistance.

(c) AUTHORIZATION, ISSUANCE, AND ENFORCEMENT OF SUBPOENAS.—

(1) AUTHORIZATION AND ISSUANCE.—Subpoenas authorized and issued under this section—

(A) may be done only with the joint concurrence of the Chair and the Vice Chair of the Select Committee;

(B) shall bear the signature of the Chair or the designee of the Chair; and

(C) shall be served by any person or class of persons designated by the Chair for that purpose anywhere within or without the borders of the United States to the full extent provided by law.

(2) ENFORCEMENT.—The Select Committee may make to the Senate by report or resolution any recommendation, including a recommendation for criminal or civil enforcement, that the Select Committee considers appropriate with respect to—

(A) the failure or refusal of any person to appear at a hearing or deposition or to produce or preserve documents or materials described in subsection (b)(4) in obedience to a subpoena or order of the Select Committee;

(B) the failure or refusal of any person to answer questions truthfully and completely during the person's appearance as a witness at a hearing or deposition of the Select Committee; or

(C) the failure or refusal of any person to comply with any subpoena or order issued under the authority of subsection (b).

(d) AVOIDANCE OF DUPLICATION.—

(1) IN GENERAL.—To expedite the study and investigation, avoid duplication, and promote efficiency under this resolution, the Select Committee shall seek to—

(A) confer with other investigations into the matters set forth in section 2(a); and

(B) access all information and materials acquired or developed in such other investigations.

(2) ACCESS TO INFORMATION AND MATERIALS.—The Select Committee shall have, to the fullest extent permitted by law, access to any such information or materials obtained by any other governmental department, agency, or body investigating the matters set forth in section 2(a).

SEC. 6. REPORTS.

(a) INITIAL REPORT.—The Select Committee shall submit to the Senate a report on the study and investigation conducted pursuant to section 2 not later than one year after the appointment of all of the members of the Select Committee.

(b) UPDATED REPORT.—The Select Committee shall submit an updated report on such investigation not later than 180 days after the submittal of the report under subsection (a).

(c) FINAL REPORT.—The Select Committee shall submit a final report on such investigation not later than two years after the appointment of all of the members of the Select Committee.

(d) ADDITIONAL REPORTS.—The Select Committee may submit any additional report or reports that the Select Committee considers appropriate.

(e) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Select Committee regarding the matters considered under section 2.

(f) DISPOSITION OF REPORTS.—All reports made by the Select Committee shall be submitted to the Secretary of the Senate. All reports made by the Select Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 7. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Select Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Select Committee, or the Chair and the Vice Chair of the Select Committee considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—The staff of the Select Committee shall consist of such personnel as the Chair and the Vice Chair shall jointly appoint. Such staff may be removed jointly by the Chair and the Vice Chair, and shall work under the joint general supervision and direction of the Chair and the Vice Chair.

(b) COMPENSATION.—The Chair and the Vice Chair of the Select Committee shall jointly fix the compensation of all personnel of the staff of the Select Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Select Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Select Committee.

(d) SERVICES OF SENATE STAFF.—The Select Committee may use, with the prior consent of the chair of any other committee of the Senate or the chair of any subcommittee of any committee of the Senate, the facilities of any other committee of the Senate, or the services of any members of the staff of such committee or subcommittee, whenever the Select Committee or the Chair of the Select Committee considers that such action is necessary or appropriate to enable the Select Committee to carry out its responsibilities, duties, or functions under this resolution.

(e) DETAIL OF EMPLOYEES.—The Select Committee may use on a reimbursable basis, with the prior consent of the head of the department or agency of Government concerned and the approval of the Committee on Rules and Administration of the Senate, the services of personnel of such department or agency.

(f) TEMPORARY AND INTERMITTENT SERVICES.—The Select Committee may procure the temporary or intermittent services of individual consultants, or organizations thereof.

(g) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Select Committee. Such payments shall be made on vouchers signed by the Chair of the Select Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

(h) CONFLICTS OF INTEREST.—The Select Committee shall issue rules to prohibit or minimize any conflicts of interest involving its members, staff, detailed personnel, consultants, and any others providing assistance to the Select Committee. Such rules shall not be inconsistent with the Code of Official Conduct of the Senate or applicable Federal law.

SEC. 8. EFFECTIVE DATE; TERMINATION.

(a) EFFECTIVE DATE.—This resolution shall take effect on the date of the adoption of this resolution.

(b) TERMINATION.—The Select Committee shall terminate three months after the submittal of the report required by section 6(c).

AMENDMENTS SUBMITTED AND PROPOSED

SA 613. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 614. Mrs. MCCASKILL (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 615. Mr. ENSIGN (for himself, Mr. VOINOVICH, Mr. KYL, Mr. DEMINT, Mr. BROWNBACK, Mr. CORNYN, Mr. LIEBERMAN, Mr. GREGG, Mr. ALEXANDER, Mr. MCCAIN, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 616. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 617. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 618. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 619. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 620. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 621. Mr. VITTER (for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 622. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 623. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra.

SA 624. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 625. Mr. JOHNSON (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 626. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 627. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 628. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 629. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 630. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 631. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 632. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 633. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 634. Mr. KYL (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 635. Mr. THUNE proposed an amendment to the bill H.R. 1105, supra.

SA 636. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 637. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 638. Mr. CRAPO (for himself, Mr. VITTER, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 639. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 613. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

RESTRICTION ON ASSESSED CONTRIBUTIONS AND VOLUNTARY PAYMENTS TO UNITED NATIONS

SEC. 7093. None of the funds appropriated or otherwise made available under any title of this Act may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

SA 614. Mrs. MCCASKILL (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

In title I of division C, strike section 108.

SA 615. Mr. ENSIGN (for himself, Mr. VOINOVICH, Mr. KYL, Mr. DEMINT, Mr. BROWNBACK, Mr. CORNYN, Mr. LIEBERMAN, Mr. GREGG, Mr. ALEXANDER, Mr. MCCAIN, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, line 2, strike beginning with ": Provided" through line 8 and insert a period.

SA 616. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, between lines 5 and 6, insert the following:

SEC. 4. REPORT ON CONFERENCES BY FEDERAL AGENCIES.

(a) DEFINITION.—In this section the term "agency" has the meaning given under section 551(1) of title 5, United States Code.

(b) REPORTS.—

(1) IN GENERAL.—The head of each agency for which appropriations are made available under this Act, shall submit quarterly reports as provided under paragraph (2) regarding the costs and contracting procedures relating to each conference held by that agency during fiscal year 2009 for which the cost to the Government was more than $20,000.

(2) SUBMISSION OF REPORTS.—Each report under paragraph (1) shall be submitted to—

(A) the Inspector General of that agency; or

(B) in the case of an agency for which there is no Inspector General, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(3) CONTENTS OF REPORTS.—Each report submitted under this subsection shall include for each conference described under paragraph (1) held during the applicable quarter—

(A) a description of the subject of and number of participants attending that conference;

(B) a detailed statement of the costs to the Government relating to that conference, including—

(i) the cost of any food or beverages;

(ii) the cost of any audio-visual services; and

(iii) a discussion of the methodology used to determine which costs relate to that conference; and

(C) a description of the contracting procedures relating to that conference, including—

(i) whether contracts were awarded on a competitive basis for that conference; and

(ii) a discussion of any cost comparison conducted by the agency in evaluating potential contractors for that conference.

SA 617. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1122, after line 10, insert the following:

SEC. 103. STUDY ON VALIDITY OF DIGITAL FLOOD INSURANCE RATE MAPS.—

(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency and the Corps of Engineers, in conjunction with

the State of Louisiana, shall conduct a study on the validity of digital flood insurance rate maps.

(b) TERMS OF ANALYSIS.—In conducting the study required under subsection (a), the Administrator and the Corps of Engineers shall—

(1) use the best and most current—

(A) geodetic reference;

(B) topographic data and features; and

(C) updated circulation and flood models available;

(2) fully analyze and identify the effect of roadways, levees, and natural ridges that are particular to the area being mapped;

(3) consider more recent bathymetric and topographic data, particularly from light detection and ranging technology, referenced to the most recent vertical benchmarks;

(4) further analyze the effects of various vegetation in storm surge; and

(5) collaborate closely with State and local governments who may have data and information described in paragraph (1) that may produce more accurate maps or enhanced models.

(c) NO UPDATE OF FLOODMAPS UNTIL STUDY COMPLETED.—During the period beginning on the date of the enactment of this Act and ending 90 days after the date on which the study required under subsection (a) is completed, the Administrator may not issue any updated flood insurance rate maps for the State of Louisiana.

SA 618. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS A MEMBER OF THE ALASKA TERRITORIAL GUARD DURING WORLD WAR II

SEC. _____. (a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 71, 371, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after August 9, 2000. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

SA 619. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

CONTINUATION OF POLICY OF TREATING SERVICE IN THE ALASKA TERRITORIAL GUARD DURING WORLD WAR II AS ACTIVE SERVICE FOR PURPOSES OF THE COMPUTATION OF RETIRED PAY OF RETIRED MEMBERS OF THE ARMY

SEC. ____. (a) IN GENERAL.—The Secretary of Defense shall, during the period beginning on April 1, 2009, and ending on September 30, 2009, treat service in the Alaska Territorial Guard during World War II as active service for purposes of the computation of retired pay of retired members of the Army under title 10, United States Code.

(b) PROHIBITION ON RECOUPMENT OF RETIRED PAY.—The Secretary of Defense may not recoup any retired pay paid on account of service described in subsection (a).

SA 620. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 956, between lines 7 and 8, insert the following:

NEXTGEN ACCELERATION

For grants or other agreements to accelerate the transition to the Next Generation Air Transportation System by accelerating deployment of ground infrastructure for Automatic Dependent Surveillance-Broadcast, by accelerating development of procedures and routes that support performance-based air navigation, to incentivize aircraft equipage to use such infrastructure, procedures, and routes, and for additional agency administrative costs associated with the certification and oversight of the deployment of such systems, $165,000,000, to remain available until September 30, 2010: *Provided,* That the Administrator of the Federal Aviation Administration shall use the authority under section 106(l)(6) of title 49, United States Code, to make such grants or agreements: *Provided further,* That, with respect to any incentives for equipage, the Federal share of the costs shall not exceed 50 percent.

On page 991, line 20, strike ''$550,000,000'' and insert ''$475,000,000''.

On page 995, line 13, strike ''$940,000,000'' and insert ''$850,000,000''.

SA 621. Mr. VITTER (for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

SA 622. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division F, insert the following:

SEC. ____. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act (42 U.S.C. 408).

SA 623. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

(1) DIRECT Methanol Fuel Cell (IN);

(2) Solar Energy Windows and Smart IR Switchable Building Technologies (PA);

(3) Adaptive Liquid Crystal Windows (OH);

(4) Anti-idling Lithium Ion Battery Program, California (CA) ;

(5) Advanced Engineering Environment for Sandia National Lab (MA);

(6) Multi-Disciplined Integrated Collaborative Environment (MDICE) (MO);

(7) Hydrogen Optical Fiber Sensors (CA);

(8) Flexible Thin-Film Silicon Solar Cells (OH);

(9) CATALYST: Explorations in Aerospace and Innovation education program;

(10) Carnegie Mellon University, Pittsburgh, PA, for renovation and equipment;

(11) Mount Aloysius College, Cresson, PA, for college preparation programs;

(12) Washington & Jefferson College, Washington, PA, for science education outreach programs;

(13) DePaul University, Chicago, IL, for math and science teacher education in Chicago Public Schools; and

(14) Nazareth Hospital, Philadelphia, PA, for renovation and equipment.

SA 624. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 117 of title I of division C.

SA 625. Mr. JOHNSON (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 254, between lines 5 and 6, insert the following:

SEC. 5____. BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.

The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South

Dakota, authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary of the Army to construct the project at an estimated total cost of $51,000,000, of which—

(1) the Federal share of the estimated total cost shall be approximately $38,250,000; and

(2) the non-Federal share of the estimated total cost shall be approximately $12,750,000.

SA 626. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 363, strike line 13 and all that follows through page 364, line 11, and insert the following:

SEC. 620. None of the funds made available in this Act may be used to administer, implement, or enforce the amendments made to section 515.560 and section 515.561 of title 31, Code of Federal Regulations, related to travel to visit relatives in Cuba, that were published in the Federal Register on June 16, 2004.

SA 627. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

UNITED NATIONS INVESTIGATION OF HAMAS ACTIVITIES DURING JANUARY 2009 ISRAELI OPERATIONS IN GAZA

SEC. 7093. (a) Congress makes the following findings:

(1) During the January 2009 operations conducted by the Government of Israel in Gaza, a United Nations building in Gaza suffered damage.

(2) According to a February 10, 2009, statement from United Nations Secretary-General Ban-Ki Moon, the United Nations has dispatched a team to Gaza to investigate damage done to ''United Nations premises''.

(3) No similar investigation has been initiated by the United Nations Secretariat with respect to Hamas activities during the Gaza operations.

(b) Of the amount appropriated or otherwise made available by title I under the heading ''CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS'' and available for contributions to the United Nations, $382,350,000 may not be made available until the Secretary of State certifies that—

(1) the United Nations has dispatched a team to Gaza to investigate attacks on the people and territory of Israel since Israel completed its unilateral withdrawal from Gaza; and

(2) the United Nations investigation of damage done to United Nations premises in Gaza includes an inquiry into allegations that Hamas was using territory near such premises to take actions hostile to the Israeli Defense Forces or the people or territory of Israel.

SA 628. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

In title I of division D, strike section 106.

SA 629. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

PROHIBITION ON USE OF FUNDS FOR RESETTLEMENT INTO UNITED STATES OF PALESTINIANS FROM GAZA

SEC. 7093. None of the funds appropriated or otherwise made available by this Act may be made available to resettle Palestinians from Gaza into the United States.

SA 630. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

REPORT ON COUNTER-SMUGGLING EFFORTS IN GAZA

SEC. 7093. Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence, shall submit to Congress a report on whether additional funds from Foreign Military Financing assistance provided annually to the Government of Egypt could be expended—

(1) to improve efforts by the Government of Egypt to counter illicit smuggling, including arms smuggling, across the Egypt-Gaza border; and

(2) to intercept weapons originating in other countries in the region and smuggled into Gaza through Egypt.

SA 631. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

GAZA RECONSTRUCTION

SEC. 7093. None of the funds appropriated or otherwise made available by this Act may be made available to aid reconstruction efforts in Gaza until the Secretary of State certifies that none of such funds will be diverted to Hamas or entities controlled by Hamas.

SA 632. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between lines 11 and 12, insert the following:

SEC. 112. ADDITIONAL AMOUNT FOR BUREAU OF INDUSTRY AND SECURITY.

(a) IN GENERAL.—The amount appropriated or otherwise made available by this title for the Department of Commerce under the heading ''OPERATIONS AND ADMINISTRATION'' under the heading ''BUREAU OF INDUSTRY AND SECURITY'' is hereby increased by $23,800,000.

(b) OFFSET.—The amount appropriated or otherwise made available by this title for the Department of Commerce under the heading ''OPERATIONS, RESEARCH, AND FACILITIES'' under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' is hereby decreased by $23,800,000.

SA 633. Mr. KYL proposed an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 751, line 7, insert after ''$698,187,000: *Provided*,'' the following: ''That of the total amount made available under this heading, $96,454,000 may be made available for Radio Free Europe/Radio Liberty: *Provided further*,''.

SA 634. Mr. KYL (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Except as provided under subsection (b), none of the funds made available under this Act may be spent by a Federal agency in a new contract or other expenditure of Federal funds with a company identified by the Department of the Treasury Office of Foreign Assets Control (OFAC) as having a business presence in Iran's energy sector, including Iran's refineries, refined petroleum products, and oil and natural gas fields.

(b) The President may waive the application of subsection (a), on a case-by-case basis, if the President—

(1) determines that such waiver is necessary for the national security interests of the United States; and

(2) submits an unclassified report to Congress, with a classified annex if necessary, that describes the reasons such waiver is necessary.

SA 635. Mr. THUNE proposed an amendment to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 458, after line 25, insert the following:

EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH

For deposit in the Emergency Fund for Indian Safety and Health established by subsection (a) of section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c), for use by the Attorney General, the Secretary of Health and Human Services, and the Secretary of the Interior in accordance with that section, $400,000,000, to be derived by transfer of an equal percentage from each other program and project for which funds are made available by this Act.

SA 636. Mr. VITTER proposed an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, after line 24, insert the following:

SEC. 740. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355) and is not—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 637. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 426, lines 18 through 22, strike ''to be reduced'' and all that follows through ''each new application,''.

SA 638. Mr. CRAPO (for himself, Mr. VITTER, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 626 of title VI, of Division D.

SA 639. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 720, between lines 5 and 6, insert the following:

SEC. 1103. PROHIBITION ON USE OF COAL FOR CAPITOL POWER PLANT.

(a) IN GENERAL.—The Architect of the Capitol shall ensure that any electricity generated by or otherwise used by the Capitol Power Plant is not derived from coal.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 2009, and apply to fiscal year 2010 and each fiscal year thereafter.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 3, 2009, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 3, 2009 at 10 a.m., to conduct a hearing entitled ''Consumer Protections in Financial Services: Past Problems, Future Solutions.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INOUYE. Mr. President, I would like to ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 3, 2009, at 10 a.m., in room SD–106 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 3, 2009, at 10 a.m., to hold a hearing entitled ''Iranian Political and Nuclear Realities and U.S. Policy Options.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 3, 2009 at 2:30 p.m.

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

DESIGNATING THE ''STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE''

Mr. REID. Madam President, I ask unanimous consent to proceed to S. 520.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 520), to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 520

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

SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse under construction, as of the date of enactment of this Act, at 327 South Church Street, Rockford, Illinois, shall be known and designated as the ''Stanley J. Roszkowski United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Stanley J. Roszkowski United States Courthouse''.

ORDERS FOR WEDNESDAY, MARCH 4, 2009

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, March 4; 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 resume consideration of H.R. 1150, the Omnibus appropriations bill; further that the Senate recess at 10:40 a.m. until 12 noon for the joint meeting of Congress.

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

PROGRAM

Mr. REID. Madam President, at 11 a.m. tomorrow, as I announced, there will be a joint meeting of Congress with British Prime Minister Gordon Brown. Senators attending the joint meeting should gather in the Chamber at 10:30 a.m. to proceed as a body to the Hall of the House of Representatives.

Due to the joint meeting and other Member meetings, Senators should expect votes early tomorrow afternoon. We are not going to be able to get any votes out of the way in the morning because we come in at 9:30 and leave at 10:30.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Wednesday, March 4, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF LABOR

SETH DAVID HARRIS, OF NEW JERSEY, TO BE DEPUTY SECRETARY OF LABOR, VICE HOWARD RADZELY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DEBRA A. SCULLARY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROGER A. BINDER
BRIGADIER GENERAL DAVID L. COMMONS
BRIGADIER GENERAL ANITA R. GALLENTINE
BRIGADIER GENERAL CARL M. SKINNER
BRIGADIER GENERAL HOWARD N. THOMPSON

BRIGADIER GENERAL PAUL M. VAN SICKLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL WILLIAM B. BINGER
COLONEL CATHERINE A. CHILTON
COLONEL JAMES A. FIRTH
COLONEL ROBERT M. HAIRE
COLONEL STAYCE D. HARRIS
COLONEL THOMAS P. HARWOOD III
COLONEL MARYANNE MILLER
COLONEL PAMELA K. MILLIGAN
COLONEL ROBERT K. MILLMANN, JR.
COLONEL JAMES J. MUSCATELL, JR.
COLONEL DENNIS P. PLOYER
COLONEL KEVIN E. POTTINGER
COLONEL DEREK P. RYDHOLM
COLONEL GEORGE F. WILLIAMS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PAUL W. BRIER
COL. FRANS J. COETZEE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL GEORGE J. ALLEN
BRIGADIER GENERAL RAYMOND C. FOX
BRIGADIER GENERAL CHARLES M. GURGANUS
BRIGADIER GENERAL DAVID R. HEINZ
BRIGADIER GENERAL STEVEN A. HUMMER
BRIGADIER GENERAL DAVID G. REIST
BRIGADIER GENERAL JOHN A. TOOLAN, JR.
BRIGADIER GENERAL JOHN E. WISSLER

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. BROWN 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 H.R. 1105, the Omnibus Appropriations Act 2009:

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Justice, Office of Justice Programs, Juvenile Justice

Legal Name of Requesting Entity: Darkness to Light

Address of Requesting Entity: 7 Radcliffe Street, Suite 200, Charleston, SC 29403

Description of Request: Darkness to Light (D2L), a national nonprofit organization headquartered in Charleston, SC. D2L is continuing its effort to increase utilization of its ''Stewards of Children'' adult prevention training program to increase help adults recognize, react, and respond to child sexual abuse. With the help of past federal support, D2L has trained over 1,000 facilitators in 44 states, affecting millions of children. These dollars will be matched one-to-one by D2L.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: USACE Charleston District

Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403-5107

Description of Request: Conduct construction activities related to the authorized dredged material disposal area at Charleston Harbor, Charleston, SC.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: USACE Charleston District

Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403-5107

Description of Request: Conduct authorized maintenance activities on the Atlantic Intracoastal Waterway in South Carolina.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: USACE Charleston District

Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403-5107

Description of Request: Conduct authorized maintenance activities at Charleston Harbor, Charleston, SC.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: USACE Charleston District

Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403-5107

Description of Request: Conduct authorized maintenance activities at Georgetown Harbor, Georgetown, SC.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of the Interior, National Park Service, Historic Preservation Fund, Save America's Treasures

Legal Name of Requesting Entity: Georgetown Old Market/Rice Museum

Address of Requesting Entity: 633 Front Street, Georgetown, SC 29442

Description of Request: The Old Market Building in downtown Georgetown, SC will undergo extensive renovation and repair to maintain its structural integrity. On the National Historic Register, it is the most visited and photographed site in Georgetown and the center of tourism traffic. Dating to 1853, it must undergo extensive renovation and repair to maintain its structural integrity.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Education, Funding for the Improvement of Post Secondary Education

Legal Name of Requesting Entity: The College of Charleston

Address of Requesting Entity: 66 George St., Charleston, SC 29424

Description of Request: The College of Charleston's School of Science and Mathematics, in partnership with several state, regional, and federal agencies is developing a new Lowcountry Hazards Center to act as a nexus for natural and social scientists working collaboratively to formulate the most effective means to evaluate natural hazard risks and to develop mitigation strategies. The funds would support the purchase of equipment needed to educate students, policymakers, and the community; to strengthen research efforts; support interdisciplinary research; and to help make the Lowcountry a more disaster-resilient community.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Health and Human Services, HRSA, Health Facilities

Legal Name of Requesting Entity: Medical University of South Carolina—Children's Hospital

Address of Requesting Entity: 169 Ashley Avenue, Charleston, SC 29425

Description of Request: The Medical University of South Carolina (MUSC) Children's Hospital is South Carolina's largest and most comprehensive pediatric healthcare center. MUSC Children's Hospital's Pediatric Intensive Care Unit, the only one in the region, is staffed exclusively by trained pediatric critical care physicians and nurses. Funding will purchase of pediatric cardiology lab equipment.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Transportation, FTA, Bus and Bus Facilities

Legal Name of Requesting Entity: Charleston Area Regional Transportation Authority (CARTA)

Address of Requesting Entity: 36 John Street, Charleston, SC 29403

Description of Request: CARTA is currently constructing a new Intermodal transportation center for the entire Charleston region. This center, located near an exit with Interstate 26, will provide AMTRAK with a new passenger terminal, serve as a hub for local bus service, and provide easy access to the nearby Charleston International Airport. Additionally, this project will be the first-ever Transit Oriented Development project in the Charleston-region, with plans to construct mix-use office and residential space on the property.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Transportation, Federal Highway Administration, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Horry County

Address of Requesting Entity: 1301 Second Avenue, Conway, SC 29526

Description of Request: The South Carolina Department of Transportation (SCDOT) is currently working through the environmental process with local stakeholders to identify options for improving mobility in the South Strand and Waccamaw Neck area of Horry and Georgetown Counties. This is especially important as the area sees some 14 million tourists annually during the height of hurricane season. Funding will allow SCDOT to work on completing the project's final EIS.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Transportation, Federal Highway Administration, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Town of Mount Pleasant

Address of Requesting Entity: 100 Ann Edwards Lane, Mount Pleasant, SC 29464

Description of Request: The Town of Mt. Pleasant, in coordination with state and federal agencies, is conducting a much needed widening of US 17 north of the Cooper River Bridge. Not only will this project improve traffic flow for commuters going in and out of Charleston, but it will also assist local residents as they move along the main street of the rapidly growing Mt. Pleasant community. This project is included the state transportation plan and is eligible for funding under the Transportation & Community & System Preservation discretionary account

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: South Carolina Maritime Foundation

Address of Requesting Entity: P.O. Box 22405, Charleston, SC 29413

Description of Request: The South Carolina Maritime Foundation's mission is to offer effective, unique educational opportunities aboard

the Spirit of South Carolina tall ship for the students of South Carolina focusing on the history, math, science and literature of South Carolina's water resources and encouraging personal responsibility, contribution to community and stewardship of environment. Funds will be used to complete construction and make equipment purchases related to the Spirit of South Carolina's education and leadership development programs for troubled youth.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the new Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Cooperative State Research Education and Extension Service, Special Research Grant (SRG)

Legal Name of Receiving Entity: University of Florida—Institute of Foods and Agriculture Sciences (UF–IFAS)

Address of Receiving Entity: 700 Experiment Station Red, Lake Alfred, Florida 33850

Description of Request: I have secured $1,217,000 in funding in H.R. 1105 in the SRG account for Citrus Canker and Greening research.

This funding will be used for research by UF-IFAS to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate citrus canker and citrus greening.

The benefit of this project is the management of citrus canker and greening to minimize mortality and yield loss in a cost effective manner. This research is imperative to Florida citrus and all U.S. citrus production.

The University of Florida—Institute of Foods and Agriculture Sciences/Horticulture Research Laboratory, the state of Florida, and Florida Citrus Mutual have matching funds totaling $13 million for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Office of Justice Programs—Juvenile Justice

Legal Name of Receiving Entity: PACE Center for Girls, Inc.

Address of Receiving Entity: 1 West Adams Street Suite 301 Jacksonville, FL 32202

Description of Request: I have secured $100,000 in funding in H.R. 1105 in the OJP-Juvenile Justice Account, under the Department of Justice for the PACE Center for Girls Inc.

The purpose of this gender-responsive assessment instrument is to predict risk for involvement or further involvement in the juvenile justice system among adolescent girls and to ensure a treatment model based on assessment data. This assessment instrument and program model has been called for by the Office of Juvenile Justice and Delinquency Prevention's Girls Study Group and as the only statewide gender-responsive prevention program in the country.

The funding would be used for to conduct an external evaluation of the PACE Center for Girl's prevention program delivery model so that it can be replicated nationally and to train staff on implementation at all 18 PACE Center locations across Florida.

Pace Center for Girls will match $100,000 of state funds from the Dept. of Juvenile Justice and $100,000 is contributed to the program through PACE Center for Girls funds.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Office of Justice Programs—Byrne Discretionary Grants

Legal Name of Receiving Entity: Jacksonville Sheriff's Office

Address of Receiving Entity: 117 W. Duval St., #400 Jacksonville, Florida 32202

Description of Request: I have secured $1,200,000 in funding in H.R. 1105 in the Office of Justice Programs—Byrne Discretionary Grants under the Department of Justice for the Jacksonville Journey Anti-Violence Initiative.

Jacksonville has been the ''murder capital'' of Florida for eight years running, and 14 of the last 19 years, with the per capita homicide rate spiking at an alarming rate since 2001. More than 10% of the murders in Florida occur in Duval County, even though it represents about 5% of the state population.

Federal funding will help implement the Jacksonville Journey Anti-Violence Initiative, a comprehensive approach to reduce Duval County's exceptionally high level of murder and violence through integrated enforcement, intervention, and prevention activities. Elements of the strategy include intensified community policing and technologies targeting violence ''hot spots,'' illegal gun abatement through gun bounties, heightened enforcement, and jurisdictional information-sharing. At-risk youth interventions and positive youth development programs will provide after-school havens, employment, and chronic truancy reduction will also be a focus of the Jacksonville Journey program.

The Jacksonville Journey Anti-Violence Initiative is funded by local, state, and private funds at $5,200,000.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: COPS Law Enforcement Technology

Legal Name of Receiving Entity: Jacksonville Sheriff

Address of Receiving Entity: 501 East Bay Street Jacksonville, Florida 32202

Description of Request: I have secured $700,000 in funding in H.R. 1105 in the COPS Law Enforcement Technology Account under the Department of Justice for Atmospheric Detection Equipment for the Jacksonville Sheriff's Office.

The Jacksonville Sheriff's Office is seeking Atmospheric Detection to monitor atmospheric conditions related to: HazMat accidents, emergency situations and criminal activity. By providing funding for this project it will enhance the Jacksonville Sheriff's Office detection capability and mitigate consequences to HazMat accidents and crime scenes, increase public and officer safety.

This project will serve the Port of Jacksonville, DOD facilities based at the Port of Jacksonville, and all of Duval County. The Jacksonville Sheriff's Office responds to Atmospheric Emergency situations for both commercial and military facilities at the port of Jacksonville. Federal assets at the Port of Jacksonville do not have the capabilities for atmospheric detection that this project will provide.

The Jacksonville Police Department is contributing $551,374 over a four year period for officer training and administrative costs related to this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: COPS Law Enforcement Technology

Legal Name of Receiving Entity: Union County Sheriff

Address of Receiving Entity: 55 W Main St Courthouse, #102, Lake Butler, FL 32054

Description of Request: I have secured $450,000 in funding in H.R. 1105 in the COPS Law Enforcement Technology Account under the Department of Justice for the Visual Intelligence Tool for Union County Sheriff.

The Counties of North Florida will greatly benefit from the availability of this Law Enforcement Visual Intelligence Tool. It will allow them to manage natural disasters, crime scenes, and emergencies. Within seconds, a law enforcement officer will be able to view and analyze any house, building, intersection, fire hydrant, tree or any feature in the county from their laptop, workstation, or mobile device.

The Union County Sheriff will administer the program for the following eight North Florida counties: Union, Baker, Nassau, Columbia, Hamilton, Madison, Jefferson and Leon.

No matching funds necessary.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Office of Justice Programs: Juvenile Justice

Legal Name of Receiving Entity: Youth Crisis Center, Inc.

Address of Receiving Entity: 3015 Parental Home Rd Jacksonville, FL 32216

Description of Request: I have secured $200,000 in funding in H.R. 1105 in the OJP-Juvenile Justice Program, under the Department of Justice for the New Life Village.

New Life Village is an Independent Living and Transitional Living complex and program whose primary function is to prepare disadvantaged youth for the transition to adulthood. Clients coming to New Life Village will be youth in foster care, youth referred from juvenile justice programs, and youth who are temporarily or permanently homeless.

New Life Village will provide these at-risk youths with an intervention program that provides stable housing in a caring environment supported by therapeutic services, education/career planning, job readiness development and independent living skills, all with a focus of helping them to successfully transition to adulthood.

The Youth Crisis Center will contribute $1.2 million to the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Office of Justice Programs—Byrne Discretionary Grants

Legal Name of Receiving Entity: Tallahassee Community College

Address of Receiving Entity: 444 Appleyard Drive Tallahassee, FL 32304

Description of Request: I have secured $100,000 in funding in H.R. 1105 in the OJP Byrne Discretionary Grant Program under the Department of Justice for the Pat Thomas Law Enforcement Academy at Tallahassee Community College.

After the September 11, 2001 tragic events, a concerted effort was begun by law enforcement agencies to reduce barriers that impede intelligence sharing so that future tragedies could be prevented.

The National Criminal Intelligence Sharing Plan (NCISP) was developed as a key tool that law enforcement agencies can employ to support crime-fighting and public safety efforts. The NCISP developed minimum criminal intelligence training standards for law enforcement personnel, and recommended that ''training should be provided to all levels of law enforcement personnel involved in the criminal intelligence process.''

The Pat Thomas Law Enforcement Academy (PTLEA) at Tallahassee Community College initiated a project to update existing intelligence training programs at PTLEA to enable law enforcement and other criminal justice agency personnel engaged in the planning, collection, collation, analysis, and dissemination of information and criminal intelligence to meet NCISP standards.

Tallahassee Community College will contribute $394,000 to the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Jacksonville District

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville, FL 32207–8175

Description of Request: I have secured $167,000 in funding in H.R. 1105 in the Investigations Account under the Army Corps of Engineers for the Mile Point Study.

The funding would study possible improvements to the Mile Point area in the St. John's River where erosion issues severely restrict deep draft navigation. This a major safety concerns for all commercial vessels transiting to the Jacksonville Port Authority.

The study is cost-shared 50% Federal, 50% non-Federal. The non-Federal sponsor for this project is the Jacksonville Port Authority (JAXPort).

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Construction

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Jacksonville District

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville, FL 32207–8175

Description of Request: I have secured $3,349,000 in funding in H.R. 1105 in the Construction Account under the Army Corps of Engineers for the Jacksonville Harbor.

The funding would complete Phase II dredging of the federal ship channel to the Talleyrand Terminal.

The study is cost-shared 75% Federal, 25% non-Federal. The non-Federal sponsor for this project is the Jacksonville Port Authority (JAXPort).

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Operations and Maintenance

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Jacksonville District

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville, FL 32207–8175

Description of Request: I have secured $5,650,000 in funding in H.R. 1105 in the Operations and Maintenance Account under the Army Corps of Engineers for the Jacksonville Harbor.

The funding would provide routine maintenance dredging to the federal shipping channel.

There is not a cost share for routine operations and maintenance, it is 100% Federally funded.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Operations and Maintenance

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Jacksonville District

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville, FL 32207–8175

Description of Request: I have secured $5,890,000 in funding in H.R. 1105 in the Operations and Maintenance Account under the Army Corps of Engineers for the Intercoastal Waterway, Jacksonville to Miami, FL.

The funding would provide maintenance dredging for the waterway.

The Florida Inland Navigation District will provide $2,500,000 in matching funds.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Electricity Efficiency and Renewable Energy

Legal Name of Receiving Entity: City of Tallahassee, Florida

Address of Receiving Entity: 300 S. Adams Street Tallahassee, FL 32301

Description of Request: I have secured $570,900 in funding in H.R. 1105 in the Electricity Efficiency and Renewable Energy Account under the Department of Energy for the City of Tallahassee Innovative Energy Initiatives.

The City of Tallahassee will provide $2,000,000 in matching funds for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Small Business Administration

Legal Name of Receiving Entity: Operation New Hope

Address of Receiving Entity: 1830 N. Main St. Jacksonville, Fl 32206

Description of Request: I have secured $500,000 in funding in H.R. 1105 in the Small Business Administration Account for Operation New Hope.

Jacksonville, Florida has continued to experience one of the nation's highest murder rates. Many experts have come to now understand that successful re-entry can be one of the best ways to address violence and crime. The funding of this program dramatically improves public safety by taking people out of the cycle of crime. This program also supports small businesses by introducing many new workers to the workforce.

The State of Florida, City of Jacksonville and other private sources will contribute $2,450,000 to this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Receiving Entity: City of Jacksonville Beach

Address of Receiving Entity: 11 North Third St., Jacksonville Beach, FL 32250

Description of Request: I have secured $500,000 in funding in H.R. 1105 in the STAG Water and Wastewater Infrastructure Project account under the Environmental Protection Agency for the City of Jacksonville Beach Wastewater Treatment Plant Upgrade.

This funding will be used for the removal of nutrients from the City's wastewater effluent before it is discharged into the lower St. Johns River, a federally designated impaired river segment, with a January 2006 EPA-mandated 5-year cycle Nutrient Total Maximum Daily Load (TMDL) with requirements for Wastewater NPDES Permit holders to reduce nutrients significantly to at or near Advanced Wastewater Treatment (AWT) Standards.

The City of Jacksonville Beach will provide 45% in required non-Federal matching funds for the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Land Acquisition

Legal Name of Receiving Entity: United States Forest Service

Address of Receiving Entity: 1400 Independence Ave. SW, Washington, DC 20250

Description of Request: I have secured $500,000 in funding in H.R. 1105 in the Land Acquisition account for the Florida National Forest, Osceola.

The purchase of this parcel of land, which is over 1,500 acres, will bridge the gap between and connect the Okefenokee National Wildlife Refuge and the Osceola National Forest, creating one of the largest forested wetland habitat corridors east of the Mississippi River.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Higher Education (including FIPSE), Department of Education

Legal Name of Receiving Entity: The Schultz Center for Teaching and Leadership

Address of Receiving Entity: 4019 Boulevard Center Drive Jacksonville, Florida 32207

Description of Request: I have secured $190,000 in funding in H.R. 1105 in the Higher Education Account within the Department of Education for the Florida ESOL E-Learning Network.

School districts in Florida duplicate their efforts by creating and revising their own ESOL courses and having them approved by the state. The Florida ESOL E-Learning Network will provide an educational interactive network to serve all districts with constant and state-approved ESOL courses. By offering the

courses online, the Schultz Center will be able to serve larger numbers of teachers in multiple school districts within the state.

The Schultz Center for Teaching and Leadership will provide $105,000 in non-Federal matching funds for the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Elementary & Secondary Education (including FIE), Department of Education

Legal Name of Receiving Entity: City of Jacksonville, Florida

Address of Receiving Entity: 117 W. Duval Street Suite 400 Jacksonville, Florida 32202

Description of Request: I have secured $333,000 in funding in H.R. 1105 in the Elementary & Secondary Education account within the Department of Education for the Jacksonville Journey alternative education program.

More than 15% of all middle school and high school students in Duval County are two or more years behind grade level. ''Overage'' is a prime indicator for truancy, behavioral problems, and likelihood of coming into contact with the juvenile justice system. As part of its Jacksonville Journey initiative aimed at preventing and reducing crime, the City of Jacksonville is partnering with the Duval County Public Schools to expand a program that provides alternative education opportunities for overage and academically-challenged students. The Alternative Learning Centers program is currently established in 16 comprehensive high schools located throughout the district. The program is designed to eliminate the achievement gap faced by these struggling youth and provide them with the skills and knowledge necessary to move on to higher education or employment.

The City of Jacksonville will provide $400,000 in non-Federal matching funds for the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Elementary & Secondary Education (including FIE), Department of Education

Legal Name of Receiving Entity: Duval County Public Schools

Address of Receiving Entity: 1701 Prudential Drive Jacksonville, Florida 32207

Description of Request: I have secured $285,000 in funding in H.R. 1105 in the Elementary & Secondary Education account within the Department of Education for the Instructional Technology Initiative including for the purchase of equipment.

The Instructional Technology Initiative would provide an innovative and effective method for engaging students who are falling behind in their oral language and reading skills. Intervention products use software founded on adaptive technology that matches the participant's incoming skill level and developmental progress through training exercises. These exercises are continuously calibrated and adjusted to the student's changing skill levels to ensure that they are constantly challenged. Along with Duval County Public Schools, the Instructional Technology Initiative will ensure that these students will not be denied the education they deserve.

The State of Florida and The City of Jacksonville will provide $650,000 in non-Federal matching funds for the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Higher Education (including FIPSE), Department of Education

Legal Name of Receiving Entity: Lake City Community College

Address of Receiving Entity: 149 SE College Place Lake City, Florida 32025

Description of Request: I have secured $95,000 in funding in H.R. 1105 in the Higher Education Account within the Department of Education for the Math for College and Career Excellence program.

More than 70% of the high school graduates that enroll in Lake City Community College do not have the foundational math skills needed for success in college and the workforce. The Math for College and Career Excellence program will address this critical issue by raising academic standards and expectations; institutionalizing collaboration between high school and college faculty; incorporating ''real world'' applications from careers that depend on math skills; and, ensuring high school graduation standards predict success in both college and career.

Program research outcomes will enable stakeholders to align curricula, assessment tools, and definitions of college- and career-readiness, ensuring that students exit high school ready for success. Building on strong academic partnerships and competitively awarded grant funding, the Math for College and Career Excellence program will transform local math education, support statewide enhancement initiatives, and produce a qualified workforce for 21st century careers.

Lake City Community College will provide $267,000 in non-Federal matching funds for the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Higher Education (including FIPSE), Department of Education

Legal Name of Receiving Entity: North Florida Community College

Address of Receiving Entity: 325 NW Turner Davis Drive Madison, FL 32340

Description of Request: I have secured $143,000 in funding in H.R. 1105 in the Higher Education Account within the Department of Education for the purchase of equipment for North Florida Community College.

Specifically, this funding will provide two Human Patient Simulators, which are essential to teaching methodology for nursing, emergency medical technicians, paramedics, and other allied health students enrolled at North Florida Community College. With limited clinics and hospitals, using the human patient simulator offers students critical ''hands on'' experience. Additional equipment, such as dopplers, scanners, computerized charting systems and simulated barcode medication administration programs, ensures that the simulation experience is as close to the present technology utilized in modern health care facilities. Providing students with the opportunity to learn and then practice patient care, computerized documentation and medication administration systems in a simulated environment promotes student success and enhances the safety of the patient in the clinical area.

This is a one-time purchase of equipment and the Federal funds will cover the purchase price.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Employment and Training Administration (ETA)—Training & Employment Services (TES)

Legal Name of Receiving Entity: Florida Community College, Jacksonville

Address of Receiving Entity: 501 W. State Street Jacksonville, Florida 32202

Description of Request: I have secured $381,000 in funding in H.R. 1105 in the Employment and Training Administration (ETA)—Training & Employment Services (TES) Account within the Department of Education for a veterans employment and training initiative.

As an increasing number of our nation's soldiers, sailors and airmen return to civilian life from service in combat zones, they face the sometimes enormous challenge of reestablishing their family life and re-entering the workforce. Many have no substantial civilian work experience and struggle to translate their military experience to the demands of civilian employers. The U.S. Bureau of Labor Statistics reports that nearly fifteen percent—that's three times the national average—of veterans aged 20–24 are jobless. The Veterans Center for Career Re-Entry will provide the skills assessment, agency referrals, case management, education and employment counseling that veterans in northeast Florida need to successfully re-enter the workforce.

The state of Florida will provide $80,000 in matching funds for this program.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Federal Lands (Public Lands Highways)

Legal Name of Receiving Entity: United States Department of Transportation

Address of Receiving Entity: 1200 New Jersey Ave SE, Washington, DC 20590

Description of Request: I have secured $475,000 in funding in H.R. 1105 in the Federal Lands (Public Lands Highways) account for construction of a paved, two-way road and bridge connection from State Road A1A to Fort George Island.

Funding is requested to construct access road improvements on Ft. George Island. As part of recommendations from a federally-sponsored FY2006 study, improvements are needed to alleviate roadway hazards and create a safe, efficient flow for traffic—while preserving the unique character of the Island. Specifically, funds will construct a paved, 2-way road and bridge connection from State Route A1A across Batten Island to Ft. George Island. Construction will also include a new intersection at Palmetto and Ft. George Roads, a park security gate, and a 2-way, paved connector road to handle traffic generated by visitors accessing the primary park area.

The Ft. George Island access road is a long-term solution for controlling traffic to the island and the State national parks. A new intersection at Palmetto and Ft. George Roads would separate automobile traffic from the

tabby ruins located immediately to the west of the existing Ft. George Road entrance to the island. This routing also would remove traffic from one of the most hazardous sections of Ft. George Road. In addition, the security gate would be incorporated into the design to control access to the island after park hours to address security concerns of local residents and enhance protection of the island.

The State/Local share is 20%; total funds available for matching are $500,000.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Surface Transportation Priorities

Legal Name of Receiving Entity: Florida Department of Transportation

Address of Receiving Entity: 605 Suwannee Street Tallahassee, Florida 32399

Description of Request: I have secured $190,000 in funding in H.R. 1105 in the Surface Transportation Priorities account for Heckscher Drive Widening and Bridge Replacement.

This project is part of a roadway improvement and installation of new waterway bridge structures to improve capacity and safety for this major arterial. This road will connect major sea ports (commercial and passenger) to I-95, I-295 and commercial/industrial developments and is an evacuation route for Duval and Nassau Counties.

It will also serve a major new international container shipping seaport, which will begin operations in late 2008 and another major international container shipping seaport, which is scheduled to begin operations in 2011.

These two new container ports will more than double trips along Heckscher Drive from 11,000 vehicles per day in 2007 to 26,000 vehicles per day in 2030, while bringing as estimated additional 12,000 jobs to the Northeast Florida area.

All other funds for constructing this facility are currently available from local and state sources. The State/Local share is 20% of the total project cost. The Jacksonville Transportation Authority is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Surface Transportation Priorities

Legal Name of Receiving Entity: Jacksonville Aviation Authority

Address of Receiving Entity: 14201 Pecan Park Road, Jacksonville, FL 32218

Description of Request: I have secured $722,000 in funding in H.R. 1105 in the Surface Transportation Priorities account for the North Access Road at Jacksonville International Airport.

This project links I-295 with the Air Cargo and Passenger Terminals at the Jacksonville International Airport (JIA). The proposed project will complete the linkage for truck traffic southbound on I-95, allowing this traffic to enter the Air Cargo Terminal area without conflict with the primary passenger route. Completion of this project will increase Jacksonville International Airport's capacity and decrease the number of traffic delays. JIA serves the air transportation needs of northeast Florida and Southern Georgia.

The State/Local share of this project is 20%; the Florida Department of Transportation along with the Jacksonville Aviation Authority is in possession of the required matching funds for the project and is committed to their financial obligation for completion of the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Airport Improvements Program

Legal Name of Receiving Entity: Jacksonville Aviation Authority

Address of Receiving Entity: 14201 Pecan Park Road, Jacksonville, FL 32218

Description of Request: I have secured $722,000 in funding in H.R. 1105 in the Airport Improvements Program account for the Cecil Field, Northeast Apron and Taxiways, FL.

The project is both AIP and MAP (Military Airport Program) eligible. The project will open new areas of the airport east of the existing runway for new economic development and job creation. JAA has currently redeveloped all existing facilities the JAA received from the U.S. Navy when the base was closed under BRAC.

The project consists of the 2000 foot parallel Taxiway Echo east of existing Runway 18L/36R and the 500 foot Taxiway A-1 connector, along with the 120,000 square foot apron.

The Jacksonville Aviation Authority is in possession of the required matching funds for the project and is committed to their financial obligation for completion of the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Buses and Bus Facilities

Legal Name of Receiving Entity: Jacksonville Transportation Authority

Address of Receiving Entity: 100 North Myrtle Avenue Jacksonville, FL 32204

Description of Request: I have secured $475,000 in funding in H.R. 1105 in the Buses and Bus Facilities account for Design, Acquisition of ROW, and Construction of the Regional Intermodal Terminal Center, Jacksonville, FL.

The Florida Department of Transportation and Jacksonville Transportation Authority are funding the preliminary design of a full regional multi-modal transportation center near Downtown Jacksonville.

This facility will serve rail, bus, rapid transit the existing Skyway system, intercity bus, parking, pedestrian, parking, and bike modes. The configuration is being designed to promote Transit Oriented Development in support of the City's Master Plan. Funding is requested to complete design, acquisition of property, and construction. Much of the property is already owned by the transportation agencies. This effort will complete design and critical Right-of-way for the second phase and assist in construction activities.

The State/Local share of this project is 20%; total funds available for matching are at least $3.8 million.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Capital Investment Grants

Legal Name of Receiving Entity: Jacksonville Transportation Authority

Address of Receiving Entity: 100 North Myrtle Avenue Jacksonville, FL 32204

Description of Request: I have secured $1,280,000 in funding in H.R. 1105 in the Capital Investment Grants account for JTA BRT System, Jacksonville, FL.

This funding will provide for design of portions of an approved BRT corridor including bus lanes, critical right-of-way, signal priority, transit stations, access connections, and communications. Local funds of $100 million are available for right of way matching. The RTS project includes dedicated bus lanes, rapid transit stations, signal priority and intermodal connections. The project is scheduled to be operational by mid–2011. The Locally Preferred Alternative (LPA) was selected in 2006.

The total program cost for building the complete JTA BRT system, with multiple corridors, is estimated to be $395 million with local funding of $197 million. Currently, with $12.5 million in local funding, the JTA is completing Alternative Analysis and EA on this Bus Rapid Transit based system which is part of the MPO Long Range Transportation Plan, Cost Feasible Plan.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Ferry Boats and Terminal Facilities

Legal Name of Receiving Entity: Jacksonville Port Authority

Address of Receiving Entity: 2831 Talleyrand Avenue, Jacksonville, FL 32206

Description of Request: I have secured $712,500 in funding in H.R. 1105 in the Ferry Boats and Terminal Facilities account for the Mayport Ferry Ramp and Dock Rehabilitation Jacksonville, FL.

The Mayport Ferry, which has been in continuous operation since 1948 and is a part of State Road A1A, requires significant repairs and maintenance. The Jacksonville Port Authority has acquired the ferry system from the City of Jacksonville and is the responsible party for all regular operation and maintenance and repairs. Specifically, funding would be used to rehabilitate the present ferry dock ramp on both sides of the St. Johns River. The Mayport Ferry connects the Timucuan Ecological and Historic Preserve and the Mayport Village.

The State/Local share is 20%; the Jacksonville Port Authority is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Interstate Maintenance Discretionary

Legal Name of Receiving Entity: Florida Department of Transportation

Address of Receiving Entity: 605 Suwannee Street Tallahassee, Florida 32399

Description of Request: I have secured $1,805,000 in funding in H.R. 1105 in the Interstate Maintenance Discretionary account for the I-95 Interchange with SR 202 (Butler Blvd), Jacksonville, FL.

I-95 is one of the nation's most significant north-south interstates and SR 202, Butler Boulevard is a major east-west 6-lane divided regional highway serving development and evacuation. Funding will supplement local funds to advance design on the complete intersection. A first phase is being constructed

totally with local funds. Completion of this interchange between Interstate 95 and SR 202 is critically needed to reduce traffic congestion and improve safety and capacity.

The State/Local share is 50% of the total project cost; the Jacksonville Transportation Authority is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

TRIBUTE TO NELL SOTO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. BACA. Madam Speaker, I stand here today to honor a loving mother, adoring grandmother and great-grandmother, passionate lawmaker and cherished friend, Nell Soto.

Working in the citrus groves as a child during the Depression, Nell eventually grew up to become influential and well-respected in the California Legislature. A sixth-generation Pomona resident, her passion for positive change and betterment of the community began early on in her life. Walking precincts as early as 1948 to help elect President Truman, she eventually became a pioneer of Latino political activism during the 1950s and 1960s. Actively involved in supporting the rights of farm workers, she walked the streets of Delano, California with Cesar Chavez. She also played an active role in the anti-war movement of the 1960s, including helping Senator Bobby Kennedy win the California primary. These are only a small sample of the impressive events she was a part of and one of the many reasons as to why she became an inspiring role model to us all.

Nell's fight for change carried on into politics where she helped elect her husband, Phil Soto, to the California Assembly in 1962. Nell herself was first elected to office in 1987 as a Pomona City Councilmember, serving for twelve years and becoming a prominent figure in the community. In 1993, she was appointed to the South Coast Management Quality District board and truly became aware of the growing concern of the environmental hazards that were affecting the community. This is where she first made her true mark as a champion of environmental protection. Concerned by the increasing rise of pollution in the Pomona area, she recognized how this was especially affecting all of the hardworking people in fields. Understanding that they were constantly being exposed to these toxins, she continued to push for greater reform.

Only a year after the death of her husband in 1997, she was elected to the California State Assembly. However, shortly thereafter, she replaced me in the State Senate when I left to become a Congressman in 1998 and then returned to the State Assembly in 2006 after her Senate term limits expired. Bringing her determination to create a better life for the people in her community, she formed a task force in the State Senate to help water districts in Fontana, Rialto and Colton address perchlorate contamination of groundwater, an issue that is very dear to my heart. Nell was instrumental in helping deliver $20 million in federal funding to the Inland Empire to buy replacement water.

Nell always stood up to fight for the poor, the undeserved, and for the community as a whole. She was a forceful voice for Latinos everywhere, making sure our community and its issues were heard. In addition to believing in the protection of the environment, Nell was also a fierce advocate for issues related to education, housing, public safety and transportation. Always prioritizing children and families at the top of her agenda, she helped establish legislation to create safer school routes for children and get parents more involved in their children's education. In addition, Nell was instrumental in securing 5000 new jobs by helping turn the General Dynamics plant in Pomona into a furniture plant, as well as helping to secure $22.5 million for the Pomona Metro Link and Transit System. She was also responsible for helping secure $5 million from the state budget for numerous parks and community centers within her district.

I have always been grateful for Nell's friendship, a woman who has always been an inspiration to my family and I. She always supported me, from the time I entered the Board of Trustees, to when I served in the State Assembly, State Senate and still as I came here to serve as a Member of Congress. I thank her for always making a point of attending one of my events or at least sending a representative if she couldn't come herself. I know I am not alone when I say that I have lost a truly amazing friend, one who will be remembered for her hard work, true commitment to family and tireless efforts to better her community.

I am proud to have known a woman who was so loved by all of her family and friends. Nell is survived by her children, Philip Jr., Michael, Patrick, Anna and Tom, as well as her eleven grandchildren and three great-grandchildren.

I would like to express my greatest sympathies for her family's loss. Let us take a moment to remember this great woman and her admirable dedication to instilling positive change and leading an exemplary life, one whose footsteps we all hope to follow. The thoughts and prayers of my wife Barbara and children Councilman Joe Baca, Jr., Jeremy, Natalie and Jennifer and I are with her family at this time.

God bless Nell Soto for love of God, country and mankind.

IN HONOR OF JOHN AND JOAN MULLEN

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. SESTAK. Madam Speaker, I rise today to join with the Irish American Business Chamber & Network, proud Irish Americans everywhere and especially the residents of the 7th Congressional District of Pennsylvania in acknowledging the business skills, compassion and philanthropy of John and Joan Mullen.

Every Member of Congress receives considerable correspondence especially when the nation is in difficulty. I have come to appreciate first hand the intelligence and vision of John Mullen. At the peak of the energy crisis he drafted a precise, informative and creative assessment of the causes of the crisis and cogent ideas for its resolution. Of the many thousands of letters, phone calls and e-mails, his correspondence remains in a prominent place in my office and I look forward to working with him on the energy crisis and other pressing national matters throughout my tenure in Congress.

I should have expected as much from a man who has served his country in the armed forces, worked his way through college, and had the vision and determination to marry his remarkable wife Joan. Together they have raised four accomplished children: Tim, Jeffery, Matthew, and Janice. Madam Speaker, by dint of hard work, a faith centered life and love for one another, the Mullen family epitomizes all that is right in the United States, Ireland and the world. I ask that at this moment this chamber joins me in wishing John and Joan Mullen continued success, fair winds and following seas for many years to come.

OMNIBUS APPROPRIATIONS ACT, 2009

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act. This bill completes Congress' work funding essential government services for 2009 and invests in important priorities to get our economy back on track. H.R. 1105 provides for the needs of North Carolina's most vulnerable citizens and will help our State make the investments it needs to make for a brighter future.

As the former superintendent of schools in North Carolina, I am particularly pleased that this bill continues our commitment to educational opportunities for all Americans. Economists tell us that strategic investments in education are one of the best ways to help America become more productive and competitive. This bill builds on the American Recovery and Reinvestment Act to support state and local community efforts to improve schools, and on the efforts of individuals and families to provide a better life for their children. H.R. 1105 provides $66.5 billion for the Department of Education, a 7 percent increase over last year. In these times when state budgets are stretched to the limit, it increases the federal share of special education costs and increases Title I grants for disadvantaged students to ensure our local communities are able to continue to help our most vulnerable students. It provides increases to student financial aid to help 1.4 million students go to school, and helps 6.9 million families pay for college with an increase in the maximum Pell Grant to $4,360. It provides additional funding for Head Start, gives child care assistance to 11,000 more children, and provides 1.7 million with quality afterschool services that supplement their school activities. These are fundamental investments that provide the key to the future for our nation's children.

This bill makes many other critical investments to address our immediate needs while laying the foundation for our long-term prosperity. H.R. 1105 provides $15.3 billion for the Labor Department, providing critical job training, unemployment, and workforce protection

services to our working families. It appropriates a total of $496 billion for the Department of Health and Human Services, including critical support for Medicare and Medicaid. It includes $108 billion for the Department of Agriculture, including a 15 percent increase in funding for rural development. It appropriates $57.9 billion for Commerce, Justice, and the science agencies, including a 16 percent increase for state and local law enforcement activities. By improving support for research and development at our nation's universities, federal laboratories, and small business incubators, funding in H.R. 1105 creates jobs and contributes to U.S. competitiveness. Finally, this bill invests in energy security with a 12 percent increase in funding for renewable energy and energy efficiency initiatives, which will help us reduce our dependence on foreign fuel sources.

This bill is not just about spending. H.R. 1105 also cuts and eliminates government programs that are not working, and provides accountability and oversight through improvements in regulatory agencies. In these difficult economic times, it is more important than ever that we wisely invest the tax dollars that have been entrusted to us, and this bill is a sound investment in our future.

Mr. Speaker, Congress has a solemn duty to pass a funding bill that honors the values of the American people. By addressing America's domestic needs, providing for our foreign obligations, and investing in the future, H.R. 1105 reflects these values. I support H.R. 1105, and I urge my colleagues to join me in voting for this bill.

CONGRATULATING MR. JOHN BROGAN, RECIPIENT OF THE LIFETIME ACHIEVEMENT AWARD FOR 2009 FROM THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. John Brogan, of Exeter, Pennsylvania, who was selected by the Greater Pittston Friendly Sons of St. Patrick to receive their 2009 Lifetime Achievement Award.

Mr. Brogan graduated from Exeter High School in 1946 and joined the United States Navy where he served on a minesweeper from 1946 to 1948.

Mr. Brogan returned home following his military service to work in his father's men's clothing store, Sime Brogan's. He took over the operation of the family business in 1951 upon the death of his father. He continued to operate the business until his retirement in 1988.

Mr. Brogan is active in many organizations to which he belongs. These organizations include the Greater Pittston Friendly Sons of St. Patrick, the Exeter Lions Club, the American Legion, Post 833; Italian American Association; John F. Kennedy Council No. 372, Knights of Columbus and its Fourth Degree and the Naval Mine Warfare Association.

He is a member of American Federation of Musicians, Local 140, and he is the manager and musician for the Cino Paci Band.

He is a member of St. Cecelia's Church in Exeter where he is a member of the men's club. He also sings in the church choir.

Despite his retirement, Mr. Brogan still holds two part-time jobs with the Gubbiotti Funeral Home and Cefalo and Associates Law Firm.

Mr. Brogan and his wife, Louise, have three children: Marguerita Mutarelli, John Simon and Michael; three grandchildren and five great grandchildren.

Madam Speaker, please join me in congratulating Mr. Brogan on the occasion of this auspicious honor. Mr. Brogan's deep commitment to his family and his community has improved the quality of life for so many and has served as an example for others to emulate.

MILES DAVIS

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

MR. ABERCROMBIE. Madam Speaker, I rise today to honor one of the greatest jazz visionaries of our time, Miles Davis. Today is the 50th anniversary of his definitive album, Kind of Blue, and it is an occasion to recognize and celebrate his legendary mark on music. Born in 1926, Miles Davis took up the trumpet at age 13. Two years later, Davis joined the Musicians' Union and by age 19, had landed a contract with Capitol Records, playing in a combo led by alto saxophonist Charlie Parker.

Many would say that examining Miles Davis's recording career is to examine the history of jazz from the mid-'40s to early '90s. From his initial recordings, which displayed a subtle, yet challenging style of "cool jazz", Davis went on to change the course of jazz history in recording a new stylistic approach, known as modal jazz, on his 1959 album, Kind of Blue. This album is perhaps the most celebrated jazz album in history. It hit quadruple platinum in sales, was ranked number 12 on Rolling Stone magazine's list of the 500 greatest albums of all time, and the musicians who participated are considered among the greatest jazz artists of the last century.

Hardly content, Davis continued to experiment and innovate in producing such timeless and influential albums as Sketches of Spain, E.S.P., Miles Smiles and Nefertiti. As music progressed throughout the decades, so did Miles Davis. In the latter half of the century, Davis expanded his repertoire to include free jazz and elements of rock music, and extended his appeal far beyond the classic jazz audience.

Miles Davis once said, "The way you change and help music is by tryin' to invent new ways to play." Indeed, Davis brought innovation to jazz for nearly fifty years and stayed at the cusp of music's evolution. Recognizing his contributions to music, Miles Davis is now a part of the Rock and Roll Hall of Fame, the St. Louis Walk of Fame and Down Beat's Jazz Hall of Fame. Madam Speaker, for his many achievements and his lasting example to musicians worldwide, I rise today to commemorate the 50th anniversary of Kind of Blue, to honor and to thank Miles Davis for the legacy he has left to art.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks received as part of H.R. 1105, Omnibus Appropriations Act, 2009.

Name of the Requesting Member: LEE TERRY

The bill number: H.R. 1105, Omnibus Appropriations Act, 2009.

Project Name: Combined Sewer Separation

Amount: $650,000

The legal name and address of requesting entity: City of Omaha, Nebraska—Public Works Department 1819 Farnam Street, Omaha, NE 68183

Description of earmark: To be used for the design and construction of improvements to portions of the City's combined sewer system. These projects will allow the City of Omaha to reduce the amount of sewage overflowing to receiving streams. The Combined Sewer Overflow Controls project is consistent with the latest requirements from the Environmental Protection Agency (EPA) and Nebraska Department of Environmental Quality (NDEQ) to achieve the goal of improved water quality in the United States. The NDEQ has issued a National Pollutant Discharge Elimination System (NPDES) CSO Permit to the City of Omaha for its regional wastewater treatment system. A Consent Order with NDEQ requires Omaha to implement a Long Term Control Plan (LTCP) to reduce the impact of wastewater discharges on the water quality of the Missouri River and the Papillion Creek. Specific activities for 2009 include: the Webster Street storm sewer extension, a new South Omaha force main sewer, and other projects to be determined. The combined sewer system is restricted to the eastern portion of the City of Omaha and serves approximately 130,000 people. Wet weather conditions result in discharge of raw sewage into the environment and residents' basements. Upon completion, the planned projects will reduce the CSO volume to the Missouri River; improve the water quality and the community's public health. Based on critical necessity for the design and construction of the sewer overflow improvements, the City is requesting this federal funding.

Name of the Requesting Member: LEE TERRY

The bill number: H.R. 1105, Omnibus Appropriations Act, 2009.

Project Name: 2010 Special Olympics USA National Games

Amount: $238,000

The legal name and address of requesting entity: 2010 Special Olympics USA National Games 8801 F Street, Omaha, Nebraska 68127.

Description of earmark: Money to be used to assist in funding the Special Olympics' Second USA National Games in 2010. The money will be spent on logistics, security, transportation, housing and meals for athletes. The Special Olympics has previously been funded by the U.S. Congress and the nation has an

interest in developing all of our human capital, an opportunity which the Special Olympics USA National Games provides.

Name of the Requesting Member: LEE TERRY

The bill number: H.R. 1105, Omnibus Appropriations Act, 2009.

Project Name: UNMC Environmental Health Informatics Data Base

Amount: $238,000

The legal name and address of requesting entity: UNMC 987680 Nebraska Medical Center, Omaha, NE 68198

Description of earmark: Money will be used to create a Midwest Health Informatics database to assess environmental influences on the development of diseases by collecting health information from 50,000 Midwesterners. This database would be the first research cohort in the Midwest to study the relationship between rural populations, the environment, and disease development. This project could reveal environmental factors responsible for birth defects or lymphoma, a cancer with high incidence in Nebraska. The data will provide valuable information on the factors influencing development of deadly diseases like cancer.

INTRODUCING LEGISLATION TO ENCOURAGE AND EXPAND THE USE OF DEPENDENT CARE FLEXIBLE SAVINGS ACCOUNTS (FSA)

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. SENSENBRENNER. Madam Speaker, today I am introducing legislation to encourage and expand the use of Dependent Care Flexible Savings Accounts (FSA).

Millions of people rely on child care to be able to work, and increasingly, to look for work, while others are responsible for older parents or disabled family members. Child and dependent care is a critical issue and a large expense for many American families.

Across the country, annual prices for full-time child and dependent care have increased dramatically. The average price for full-time care for a toddler is approximately $7,000 according to the National Association of Child Care Resources and Referral Agencies—infants cost even more. My state of Wisconsin is among the highest, with an average cost of $12,000. Meanwhile, the out-of-pocket cost of caring for an aging parent or spouse can easily exceed $6,000 a year.

To lighten the financial burden for working individuals, Congress created the Dependent Care FSA. A Dependent Care FSA enables individuals to put aside a set amount of money each year to help pay for eligible dependent care expenses for children under the age of 13, or others who can be claimed as a dependent, including a parent or spouse. The money set-aside is pretax, thus reducing a person's taxable income.

My legislation will improve the Dependent Care FSA by increasing the exclusion amount to $7,500 for families and indexing it to inflation on an annual basis. Increasing this amount to reflect the changing times will provide more financial relief to parents raising children and/or caring for adults. The legislation would also allow individuals to roll over any unused funds to the following year. Under current law, each household is permitted to set aside up to $5,000 annually pre-taxed. The $5,000 limit has been in effect since 1986, even though the cost of care has risen significantly since then.

I am pleased that employers are increasingly recognizing the need to address dependent care issues in the workplace by offering Dependent Care FSAs. It is my hope that Congress will raise the current Dependent Care FSA limit to better reflect the changing workforce and help individuals plan and pay for the care they need at home as they earn a living.

I urge my colleagues to join me in supporting this important bill.

TRIBUTE TO THE NAPLES TOASTMASTERS CLUB

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. MACK. Madam Speaker, I rise today to honor the Naples Toastmasters Club upon the celebration of their 50th anniversary.

Anyone who has ever had to give a speech in front of an audience knows what a tense and sometimes nerve-racking experience it can be. Fortunately, Toastmasters International and its chapters across the globe have been helping people become more competent and comfortable in front of an audience for over 80 years.

The Naples Toastmasters Club in Naples, Florida provides a mutually supportive and positive learning environment for members to develop their communication and leadership skills. Increasingly, these skills have become vital to success in the classroom, in the workplace, and in life. Perhaps even more importantly, Toastmasters helps people increase their self-confidence and allows them to reach their professional and personal goals.

The members of the Naples Toastmasters Club are some of the most giving and productive members of our community. They continue to empower a new generation of Southwest Floridians to develop the leadership and communication skills needed to make significant contributions to our community.

Madam Speaker, the Naples Toastmasters Club's enthusiasm and passion for serving our community is inspiring, and their efforts have helped to make Southwest Florida a great place to live, work and visit. It is truly an honor and a privilege to represent the members of the Naples Toastmasters Club in the U.S. House of Representatives.

TRIBUTE TO THE PEACE CORPS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Ms. GRANGER. Madam Speaker, congratulations to the Peace Corps and Peace Corps Volunteers as we celebrate the Peace Corps's 48th anniversary on March 1, 2009. From its beginnings under President John F. Kennedy until now, the Peace Corps has become an enduring symbol of our nation's commitment to encourage progress, create opportunity, and expand development at the grassroots level in the developing world.

As in all things, the strength of the Peace Corps is in its people—its volunteers. Volunteers have made significant and lasting contributions around the world in agriculture, business development, education and health care.

In fact, Danny and Shirley Sherrod from my district just retired from their careers and have volunteered to spend the next two years serving as Peace Corps Volunteers in Panama. Danny and Shirley said that their conversations with other volunteers made a huge impact on their lives, so they are using this new time out of retirement to volunteer. This is but one example of the selfless dedication that people like Danny and Shirley Sherrod of Fort Worth, TX, commit to bringing to the Peace Corps and to our world.

Through Peace Corps service, volunteers worldwide learn more than 250 languages and dialects, and they receive invaluable training that enables them to succeed in different cultural settings. Returning volunteers often use these skills and experiences to pursue careers in the Federal Government and in the Foreign Service.

As Ranking Member of the House Appropriations Subcommittee on the State-Foreign Operations, I am proud that this Subcommittee provides the funding and the resources needed to continue the good work that the Peace Corps is doing around the world.

This week, during the National Peace Corps Week, I rise to recognize the achievements of the Peace Corps and honor its Volunteers, past and present, and reaffirm our country's commitment to helping people help themselves throughout the world.

CELEBRATING THE DELAWARE AND RARITAN CANAL 175TH ANNIVERSARY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. LANCE. Madam Speaker, I rise today to pay a special tribute to the Delaware and Raritan Canal upon its 175th Anniversary Celebration. This year New Jersey towns and community groups along the canal will celebrate the rich contributions of the Delaware and Raritan Canal, and I wholeheartedly join them.

The Delaware and Raritan Canal, which spans more than 66 miles across the State of New Jersey, has an important place in New Jersey history, and provides scenic and recreational facilities that New Jersey families enjoy today.

In our state's early history, the Delaware and Raritan Canal provided a significant route for the movement of commerce and people. As part of the Intracoastal Waterway, the canal also played an important role of connecting towns and people from Florida to New England.

All along the route, canal boats delivered Pennsylvania anthracite coal to factories, homes, and coal yards in New Jersey, New York harbor, and points north and south. They brought farm products to market; carried store-

bought goods to residents in the interior; delivered raw materials to the factories; and distributed finished products to outlets throughout the region. Businesses along the canal included food packing companies, rubber reclaiming plants, distilleries, coal yards, quarries, lumberyards, pharmaceuticals, terra cotta, wallpaper manufacturers, farms and many more.

According to canal historians, 1866 was the canal's peak year, when almost three million tons of cargo were shipped through the waterway—more tonnage than was carried in any single year on the much longer and more famous Erie Canal.

During three wars, the Civil War, World War I and World War II, the Delaware and Raritan Canal carried men and materials between the ports of New York and Philadelphia.

In 1973, several coalitions in New Jersey sought and secured a place on the National Register of Historic Places for the Delaware and Raritan Canal. One year later, the canal became the centerpiece of the Delaware and Raritan Canal State Park. Since then, the Canal Society of New Jersey and the D&R Canal Watch have worked tirelessly to preserve and protect the canal's rich history for generations to come.

Today the Delaware and Raritan Canal serves New Jerseyans as a tranquil ribbon of green, connecting our historic past with recreational opportunities that are enjoyed by so many.

COMMEMORATING THE LIFE AND ACHIEVEMENTS OF ELIJAH PAT LARKINS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the life and achievements of my dear friend and a widely-respected leader, the Honorable Elijah Pat Larkins, who died February 14, 2009 after losing a 16-month battle with brain cancer. My thoughts and prayers are with his family at this most difficult time. I hope that Pat's family takes comfort in knowing that, in his over 66 years on this earth, he had a profound impact on those around him, making significant contributions to the lives of so many Floridians.

Pat had an affinity with South Florida that was developed over a lifetime. He was born in Pompano Beach in 1942, and graduated from Blanche Ely High School in 1960. In 1962 he left Tennessee State University without graduating to pursue a career as a housing director for the local community action agency. In 1969, he was one of only two Florida recipients of a Ford Foundation fellowship to attend the National Housing Institute in Washington, DC. He worked in Illinois for a brief period immediately following his certification by the Department of Housing and Urban Development (HUD) as a housing development specialist. Returning to Florida, Pat created the Broward County Minority Builders Coalition and was a director of his own not-for-profit business, Malar Construction Inc. in Ft. Lauderdale.

Madam Speaker, Pat had a long career in public service, and it is through this aspect of his life that he has had the greatest impact on the lives of so many in South Florida. He was the first chairperson of the City of Pompano Beach Community Development Committee. In 1982, he was the second African-American elected to the Pompano Beach City Commission. He was just the eighth African-American local elected official in Broward County and served 19 consecutive years as city commissioner. In that time, he served a record seven terms as mayor, the first African American to hold this post, and three terms as vice-mayor. He also served an unprecedented 14 consecutive years on the Broward County Planning Council and was the first African-American chair of that body. After an unsuccessful run for Broward County Commission in 2001, Pat Larkins was reelected to the Pompano Beach City Commission in 2003 where he served as vice-mayor.

I am sure that my colleagues would agree that this is a remarkable list of achievements. Importantly, however, Pat was known not only for the offices that he held but the means by which he discharged his duties in those offices. Pat was a man of uncompromising integrity. He possessed an incredible generosity of spirit, and was a mentor to those around him. Pat has been referred to as the dean of Broward black elected officials because of his remarkable leadership and role as one of the founders of that group. He knew his constituents astoundingly well, and would often complain in jest that he was going broke buying flowers for funerals.

Pat was also recognized throughout the State as a leader and spokesperson for minority involvement in government and business. During his time as mayor of Pompano Beach, the city hired the first black fire chief and first black city clerk in Broward County. Pat initiated the city ordinance to promote minority small business concerns, and along with two others, helped to create the first minority business enterprise program for Broward County government. His concern for equality had developed from an early age; as a student at Blanche Ely, where he was voted to lead his class from 5th through 12th grades, he led a student boycott of classes when an annual gathering of the county's three black high schools was canceled.

In addition to his many professional achievements, Pat Larkins took an active role in countless public service, social, and religious organizations. He was a life member of the National Association for the Advancement of Colored People (NAACP), served on the Broward County Boys and Girls Club corporate board, the Juvenile Justice Intensive Halfway House, and the Florida black caucus local elected officials, and was a longtime member of Hopewell Baptist Church. He was a founding member of the Urban League board, as well as a leader in the Superintendents' Commission on Public Education, National Black Mayors' Conference, and U.S. Conference of Mayors.

Madam Speaker, through all of these roles, Pat had an indelible impact on the well-being of his community. He made profound contributions in the area of housing, working tirelessly to ensure safe and adequate housing was available to all. Under his leadership, Pompano Beach recently demolished a 140-home development that had been rundown and falling apart and relocated the owners to a modern development of affordable homes on an even swap arrangement at a considerable cost savings to the city. Over the past 5 years, he led the city in providing financial and other assistance that has resulted in the erection of more than 800 affordable multifamily units.

Madam Speaker, although Pat's life has come to an end, his legacy will live on for generations to come. He will be remembered for his patience and generosity, characteristics which enabled him to improve the lives of all those who knew him. Pat was my friend of 46 years, he was a Renaissance man and I am proud and fortunate to have known him.

CONGRATULATING JAMES J. KEELER, 2009 HONOREE OF THE SOCIETY OF THE FRIENDLY SONS OF ST. PATRICK OF LACKAWANNA COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to James J. Keeler, of Clarks Summit, Lackawanna County, who was selected to receive the prestigious ''President's Award'' from the Society of the Friendly Sons of St. Patrick of Lackawanna County for the year 2009.

Mr. Keeler has proudly and successfully served the people of Lackawanna County for many years in a wide variety of ways.

He has served as administrator of the Social Security Administration. He was the first chairman of the Lackawanna County Multi-Purpose Stadium Authority. And he has been a political science instructor at Marywood University and at the University of Scranton.

A native of the City of Scranton, Mr. Keeler began his career in Harrisburg in 1969 as an assistant to then Auditor General Robert P. Casey.

He joined the Social Security Administration in Baltimore, Maryland, in 1971 as a legislative analyst and served on the task force that implemented the Supplemental Security Income, SSI, program. He also worked in Washington DC on Capitol Hill at the Congressional Research Service.

In 1976, Mr. Keeler and his wife, the former Elaine O'Malley, of Scranton, returned to Lackawanna County where they raised their three children: Jimmy, Ellen and Paul in Clarks Summit.

In 1991, Mr. Keeler was recognized by the United States Secretary of Health and Human Services with a national Honor Award for an innovative outreach program that found over 200 low income aged and disabled Lackawanna County residents who were eligible for the SSI program.

Mr. Keeler is the author of ''Our Team! Insights From the Publicly Owned Scranton/Wilkes-Barre Red Barons,'' a book based on his doctoral dissertation at the University of Southern California's School of Public Administration.

Madam Speaker, please join me in congratulating Mr. Keeler for his many years of service to the Lackawanna County community. His commitment to public service has vastly improved the quality of life for many throughout northeastern Pennsylvania and, for that, Mr. Keeler has earned our respect and admiration.

PERSONAL EXPLANATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. PLATTS. Madam Speaker, due to my attendance at a U.S. Navy change of command ceremony, I regret that I could not cast recorded votes for roll Nos. 80–85. Had I been present, I would have voted ''yea'' on roll Nos. 80, 81, 82, 84, and 85, and ''no'' on roll No. 83.

TRIBUTE TO GEORGE H. WILLIAMSON, CHIEF DEPUTY DISTRICT ATTORNEY

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. DAVID E. LUNGREN of California. Madam Speaker, I rise today to pay tribute to George H. Williamson who is retiring after 31 years of service as a criminal prosecutor. George was my Chief Assistant Attorney General for the Criminal Division during the eight years that I was privileged to serve the citizens of California.

When you think of George Williamson, the first thing which comes to mind is that he is a ''lawyer's lawyer.'' Were Black's Law Dictionary to put pictures next to their definitions, you would find a picture of George next to the definition of ''criminal prosecutor.'' What else could you say about a man who has tried over 70 homicide cases? It is not surprising that he was named ''Prosecutor of the Year'' by the California District Attorneys Association and received the ''Outstanding Advocacy Award'' from the Association of Government Attorneys in Capital Litigation. The National District Attorneys Association inducted George into the ''Home Run Hitter's Club'' in recognition of his stature as one of the finest litigators in the United States. He was meticulous in his legal preparation, persuasive in his courtroom presentation and unequivocally ethical in his dealings with all parties.

In his work supervising our Criminal Division in the California Department of Justice, George was not only responsible for managing 450 attorneys and staff, but he personally handled major case litigation as well. In this regard, he was responsible for one of the most significant public corruption cases in California history, where he obtained a conviction against the former California Superintendent of Public Instruction.

Let me also say that one of the most admirable leadership qualities displayed by George was his role in mentoring young lawyers in the California Department of Justice. Although George may be retiring, he leaves behind him a legacy of fine lawyers who include District Attorneys within their ranks.

It was an honor to work with George H. Williamson during my tenure as Attorney General. He will always have my friendship and respect, and I wish him the best with his endeavors.

TRIBUTE TO MR. BENNIE GOODEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. THOMPSON of Mississippi. Madam Speaker, today I rise to recognize the life and legacy of Mr. Bennie Gooden, a dedicated civil servant who contributed so much to the lives of others in Mississippi. His dedication to public service began with his tenure as a teacher in Coahoma Agricultural High School and later Dean of Men at Coahoma Community College. Afterward, he transitioned to being the first Project Director for the HeadStart Program in Coahoma and Tunica Counties.

Madam Speaker, not only did Bennie serve in the arena of education, but he was an advocate of affordable housing for all. In 1969, he led the Chapel Hill Baptist Church in the ownership and development of a 100-unit housing development, Chapel Hill Heights. He was a Certified Real Estate Manager, CREM, and managed multi-family housing units throughout the Southeast in a career which spanned 35 years. One can understand why his name, particularly in the Mississippi Delta, is synonymous with ''housing.''

Madam Speaker, Bennie amassed many honors and was involved with an impressive list of religious, civic and community endeavors in his life, which include: being a member of the Coahoma County Branch NAACP for more than 50 years, past President of the Aaron E. Henry Community Health Services Center, Inc., he served on the Advisory Board of the Lower Mississippi Delta Development Commission, he was appointed by President Jimmy Carter to serve on the Board of Directors of the National Institute for the Building Sciences, and he received the Medgar Evers Award for Outstanding Civic Community Leadership, and the Coahoma County Branch NAACP Spirit and Freedom Award.

Without Bennie Gooden's support, I would not be in the position I am today. Madam Speaker, I'm grateful for his presence in my life and the lives of Mississippians all around our great state.

RECOGNIZING THE PROFESSIONAL EXCELLENCE OF THE UNITED STATES TRANSPORTATION COMMAND AND THE CONTRIBUTIONS OF THE MILITARY AND CIVILIANS WHO SERVE ON TRAVIS AIR FORCE BASE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. TAUSCHER. Madam Speaker, I rise today to commend the hard work, and professionalism of General McNabb and the fine men and women of the United States Transportation Command. Their accomplishments are unmatched as they delivered 2 million passengers, 3 million short tons of cargo, and nearly one and a half billion gallons of fuel worldwide in order to meet Department of Defense needs.

I am also proud to include the patriotism and total dedication to excellence exhibited by the military and civilian members of my district who played a vital role in these accomplishments as they performed their duties on Travis Air Force Base.

As you know, Travis Air Force Base is the largest Air Mobility base in the country and serves as the principal staging area for the Pacific Theater. As such, Travis plays an invaluable strategic role in our airlift programs.

With President Obama's decision to increase military operations in Afghanistan, Travis' role will increase in prominence. Travis is host to the 615th Contingency Response Wing and is also home to the David Grant Medical Center which is the primary lead for the Craig Joint Theater Hospital at Bagram Air Force Base.

Since the 2005 Mobility Capability Study, Department of Defense Officials have not been able to agree on the baseline inventory requirements for the C–17. I have long been an advocate of keeping the production line open to address future requirements and have supported supplemental appropriations to reach the baseline levels for this multi-role platform required by the Air Force and Transportation Command for mission accomplishment.

I look forward to working hard in this Congress to provide our brave men and women with the tools they need to continue to keep our nation secure while also being able to respond to national emergencies.

FREEDOM FOR OMAURIS RONDON RIVERO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Omauris Rondon Rivero, a political prisoner in totalitarian Cuba.

The Cuban people continue to suffer a repression unprecedented in the history of our hemisphere. For 50 years Fidel and Raul Castro have imposed a brutal, murderous and unscrupulous totalitarian tyranny on the Cuban people.

Last May, Mr. Rondon was thrown into a dungeon after being accused of ''defamation of government institutions, heroes and martyrs'' by the dictatorship. It is unclear what Mr. Rondon had said, but the dictatorship sends people to the gulag even for the slightest of ''verbal transgressions.''

Mr. Rondon is not known to be a member of any human rights group, opposition political party or independent civil society organization. But he said something that bothered the criminal thugs who oppress the Cuban people. He was ''sentenced'' to a year in the gulag. Reports from within the political prisons have pointed out that Mr. Rondon has suffered continuous and serious beatings inside the degrading gulag where he is locked up. In totalitarian Cuba the cries of the tortured are never heard; we can only imagine the horrors Omauris Rondon is being subjected to.

Thousands, like Mr. Rondon, languish in Cuban dungeons simply for their support of freedom, democracy and the Rule of Law, or for other acts that are considered criminal only

by a murderous and demented totalitarian tyranny such as the Castros' (actions like ''attempting to leave the country without permission'').

While countless thousands of Cubans suffer in the tyranny's infernal gulag, tourists visit the island's ''delights'', enjoying the regime's apartheid tourism system and partaking of the child prostitution promoted by the Castros' regime. Heads of State and government, foreign ministers and other ''dignitaries'' flock to totalitarian Cuba, partaking in the regime's sponsored ''delights'', and bringing ignominy to the nations they allegedly represent.

But, Madam Speaker, I rise to remind my colleagues of the real Cuba. I rise to remind my colleagues that Omauris Rondon Rivero, and thousands of others who suffer in the Castros' gulag, exist. That they represent the best of the Cuban nation. That they represent the future of Cuba, a free and democratic Cuba. And I rise to demand the immediate and unconditional release of Omauris Rondon Rivero and all the political prisoners in the nightmare that is totalitarian Cuba.

THE INTRODUCTION OF THE WORKING FAMILIES' FLEXIBILITY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. MALONEY. Madam Speaker, I am pleased to introduce the Working Families' Flexibility Act, which will ensure that working Americans can ask their employer for modified schedules so they can balance the demands of their jobs and their home life.

Modeled on successful legislation adopted in the United Kingdom, the legislation would give employees a right to request modification of their hours, schedule, or work location. It would require employers to seriously consider all such requests in a timely manner, and provide an explanation for requests that are denied. The bill also includes job protection for employees who make flexibility requests. Small businesses would be exempt from this bill, and the Department of Labor would be called upon to develop regulations for the flextime process.

This bill will raise awareness of the rising need for flexible work schedules, and will protect employees who are nervous about requesting a change in schedule. Called the ''soft-touch'' law in the UK, it would not place undue burden on businesses, it only asks that they evaluate these requests and provide a response explaining their decision, whatever it is. Adopting a flexible workplace has been shown to reduce turnover, which helps employers cut costs and retain valuable employees. In the UK, over 80 percent of requests have been approved and over 80 percent of employers report no adverse effect from the legislation.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise in strong support of H.R. 1, the American Recovery and Reinvestment Act.

We are all painfully aware that our nation is in a deep economic recession. The grim numbers from the Bureau of Labor Statistics begin to tell the story. For months the unemployment rate has been rising and in January nearly 600,000 jobs were lost. This is the highest number of jobs lost in a one-month period since 1974. It is estimated that if joblessness continues at the same rate, unemployment rates will be in the double digits by summer and the highest unemployment level since the Great Depression.

Economists on both sides of the aisle agree that we need swift and robust action to counter this troubling downturn. By making needed investments in areas such as infrastructure, healthcare, and education H.R. 1 will address rising joblessness by creating jobs in areas where investment will make a long-term impact. In my home state of California it is expected that the measure will create or save close to 400,000 jobs.

As a healthcare advocate I am particularly pleased that the bill also provides $1 billion to restore state and local health department jobs that will be lost in the next year due to budget cuts. Not only will this funding keep thousands of people employed, it will also ensure that the public continues to receive critical prevention and wellness programs that these employees provide. Moreover, it is essential that we ensure the stability of our public health infrastructure which is critical to national and local responses to natural or man-made catastrophes.

I am also gratified that the bill includes funding to address critical health care workforce shortages. At a time when millions of Americans are unemployed, there are well over 140,000 unfilled registered nursing jobs in our hospitals, nursing homes and community health centers. To address this need the bill includes $500 million for nurse training.

The bill also allows governors to spend up to $10 billion for school modernization. The funding provided for school renovation and repair is essential to address the nation's crumbling education infrastructure. Our nation's students and teachers deserve to learn and work in buildings that are not crumbling around them.

There is no dispute that economic conditions will get worse before they get better. The American Recovery and Reinvestment Act is an important step forward in reversing the course of the current recession. It will provide a desperately needed boost to our ailing economy, and will provide American families with a needed social safety net as they weather the worst of this economic crisis.

I urge my colleagues to vote yes to stabilize our economy and assist Americans impacted by this crisis.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service—SRG

Legal Name of Requesting Entity: Florida Citrus Mutual

Address of Requesting Entity: Lakeland, FL 33802

Description of Request: I secured $1,217,000 for the continuation of vital citrus canker research by the UF–IFAS, through the Cooperative State Research Extension and Education Service (CSREES), to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate this devastating citrus disease.

In 2005, USDA-Animal Plant Health Inspection Service (USDA–APHIS) detected citrus greening in Florida. This is yet another severe citrus disease that must be addressed. USDA–APHIS and ARS are working in conjunction with Florida Department of Agriculture and Consumer Services Division of Plant Industry (FDACS–DPI) and UF–IFAS to develop a joint citrus health production plan for an interim period, while the scientific community works to find disease resistance and/or a cure for these diseases. Research efforts will include management of citrus canker and greening to minimize tree mortality and yield loss in a cost effective manner, as well as the economic implications of these diseases in world citrus markets. This joint, coordinated research is not only imperative to Florida citrus, but also important to all U.S. citrus production.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Health Resources and Services (HRSA) Health Facilities and Services

Legal Name of Requesting Entity: University of South Florida Sarasota-Manatee

Address of Requesting Entity: 8350 N. Tamiami Trail, Sarasota, FL 34243

Description of Request: I secured $143,000 to address nursing shortages by supporting educational development at the University of South Florida Sarasota-Manatee Campus

Critical nursing shortages throughout the United States continue to grow as the population ages and the nursing workforce approaches retirement age. The University is in the initial stages of preparing for separate academic accreditation. Once this is achieved, their highest priority will be to establish a College of Nursing on the campus. With a nursing program in place we will be able to reach and educate the southern-most portions of Florida. The funds from this proposal will be spent to support the development of a teaching simulation laboratory (equipment and simulation models) on our campus, for equipping a video-conference classroom, and the development of web, on-site, and blended courses.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Boulevard, Sarasota, FL. 34236

Description of Request: I secured $500,000 for the Phillippi Creek Septic System.

Obsolete septic tanks are a source of wastewater pollution in Phillippi Creek, and thus, all of lower Sarasota Bay, along with its estuaries. The Phillippi Creek Septic Tank Replacement Program is underway to replace failing septic systems and connect approximately 15,000 low-income homes and businesses to central sewer in the Phillippi Creek Basin.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Manatee Community College

Address of Requesting Entity: 5840 26th Street West, Bradenton FL 34207

Description of Request: I secured $95,000 for a Medical Technology and Simulation Center at Manatee Community College (MCC).

Through state and private initiatives over many years, MCC has been able to secure funding to construct a Medical Technology and Simulation Center. What is now needed are resources to outfit the Center with the equipment to operate a functional teaching program and Community Health Clinic. The proposed expansion of MCC's nursing program will accommodate up to 48 new nursing students each year and help provide the community with additional health care services it requires. This investment in classroom and clinical infrastructure will allow the College to immediately expand its program in terms of both student enrollment and reach. Without additional funding the prohibitive costs associated with nursing programs would create an indefinite barrier to the College's ability to meet this community need.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Department of Education—Higher Education

Legal Name of Requesting Entity: New College of Florida

Address of Requesting Entity: 5800 Bay Shore Road, Sarasota, Fl. 34243

Description of Request: I secured $95,000 for a Smart Library for New College in my district.

Libraries are no longer about books and journals, microfiche and card catalogs. The libraries of the future will deal with the business of information management. They are becoming centers for community research and civic engagement. New College of Florida is poised to engage and enhance the digital assets at the Jane Bancroft Cook Library, a joint-use facility for New College of Florida, the University of South Florida Sarasota/Manatee, Manatee Community College, and citizens in the Manatee and Sarasota communities. The Cook Library/Smart Library plan will include:

Creating a variety of digital collections open to students, faculty, staff, and the community;

Acquiring basic sets of digital images to enrich the curriculum (environmental studies, art history, music, history, anthropology, biology, math, physics, business, education, criminal justice, etc.) and for use in educational and community outreach;

Purchasing equipment to digitize, analyze, and archive images and video created for research and teaching purposes;

Managing a full complement of digital assets, including audio, video, internet and metadata;

Developing educational, public outreach programs and facilitating public forums;

Providing a variety of workstation (PC, Mac) to allow for ease of access by faculty/students/staff/public;

Establishing Smart Collaborative Spaces where groups can interact using the best technology available.

Located on the Sarasota-Manatee county border, Cook Library is strategically placed to be an information hub for all the higher education institutions and the citizens of the counties they serve.

TRIBUTE TO VINCENT FEMIA

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. ARCURI. Madam Speaker, I rise today in recognition of Vincent Femia—a resident of my district in Upstate New York—for his outstanding achievements at the 2009 Special Olympic Winter World Games held in Boise, Idaho. Vincent played an integral role in helping Team USA capture a gold medal during the 4x1K freestyle cross-country relay. He also earned a silver medal for his performance in the 7.5K freestyle cross-country race, and a bronze medal in the 5K cross-country race.

At only 24 years old, Vincent has a long and distinguished history of participation in the Special Olympics, earning eight gold medals in Nordic skiing over the past 15 years. Since first taking to the slopes at the age of five, Vincent's stamina and strength have earned him the nickname, The Machine.

Madam Speaker, I am proud to honor Vincent's accomplishments in the Special Olympic Games, and look forward to tracking his future success. Please join me in congratulating Vincent on this occasion.

IN HONOR OF SHOLEM ALEICHEM AND TO CONGRATULATE LIMMUND FSU

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. NADLER. Madam Speaker, I rise today to remember and honor the life of acclaimed Russian-Jewish writer and humorist Mr. Sholem Aleichem, whose 150th birthday was this past Monday, March 2, and to congratulate Limmund FSU on the events it is sponsoring this week in New York City, Tel Aviv, and Kiev to commemorate this momentous event.

Born as Sholem Rabinovitch on March 2, 1859 in Pereyaslav, Ukraine, Sholem Aleichem showed his writing talents at a young age. In 1879, he began publishing stories in Hebrew. Just a few years later, in 1883, he began publishing stories in Yiddish and, because Yiddish was not considered by some appropriate for legitimate writing, he adopted his now famous pseudonym: Sholem Aleichem.

This was the beginning of a long and distinguished literary career, in which Sholem Aleichem wrote and published dozens of short stories, plays, and novels in Yiddish, Hebrew, and Russian. He is best known for his writing in Yiddish and his role as one of the preeminent Yiddish authors. His efforts, through his own works and his promotion of the writing of others, did as much as anyone to promote Yiddish as an art form.

His works were widely popular, as they were both meaningful and humorous with an ability to teach and entertain. They also reflected the real lives and problems of their readers. Through his work, Sholem Aleichem left behind a rich portrayal of Jewish life and culture in Eastern Europe and Russia at the turn of the century. In fact, it was his stories that were the inspiration for the popular musical, Fiddler on the Roof. It is no wonder that he became known as the "Jewish Mark Twain."

Well after his death in New York City in 1916, his popularity continues to this day. His timeless works have been translated into many languages, including English, making accessible his unique literary talents to millions more. Monuments have been erected to him in Kiev and Moscow. And, in New York City, East 33rd Street, between Park Avenue and Madison Avenue, is named "Sholem Aleichem Place." It is only fitting that we pause on this, the occasion of his 150th birthday, to celebrate Sholem Aleichem and his contribution both to Jewish life and culture and to humanity as a whole.

Indeed, people will be remembering Sholem Aleichem all around the world thanks to the efforts of Limmund FSU. Limmund FSU is a volunteer organization whose goal is to help build bridges between Russian-speaking Jews and their Jewish history and culture. I want to take this opportunity to congratulate Limmund FSU on the events it is sponsoring this week to honor Sholem Aleichem. It could not have picked a better person to honor and I want to thank everyone involved for their tremendous efforts.

SUPPORTING THE JAMES A. LOVELL FEDERAL HEALTH CARE CENTER

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KIRK. Madam Speaker, today I join my colleague from Illinois, Ms. BEAN, in introducing legislation to enhance the innovative health care resource sharing underway between the Department of Veterans Affairs and the Department of Defense in North Chicago, Illinois.

Ten years ago the VA was trying to close the North Chicago VA hospital, claiming it was underutilized and that veterans could easily commute 40 or 50 miles into Chicago for treatment. At the same time, the Navy was planning to close its 40-year-old hospital at Great

Lakes that had earned a reputation for being "30 stories tall with 30 patients." Even though there were four brand-new, unused inpatient wards at the VA hospital a quarter-mile away, the federal government was preparing to spend $180 million to replace an outdated military hospital and close a VA hospital with an increasing number of patients. This simply made no sense.

In 2001 I began urging the Navy and the VA to examine ways they can coordinate their efforts and share resources in North Chicago. After four years of intense work, and thanks in large part to the efforts of then-Navy Secretary Gordon England and then-Deputy Secretary of Veterans Affairs Leo McKay, the two departments in 2005 agreed not only to share resources, but to fully integrate the two facilities. Last year, they announced that the joint facility would be named for a local hero, Captain Jim Lovell, hero of Apollo XIII.

This bold plan is now recognized as the model for future collaboration between the VA and DOD, and integration is well underway. They have already merged inpatient care, mental health, surgery and the emergency room. When the new facility opens in the summer of 2010, Navy and VA will fully integrate the two organizations by combining clinical and administrative operations.

In order to fully integrate the two institutions, though, a few statutory changes are required. This legislation would give the Defense Department and the VA the authority needed to open an integrated federal health care facility in 2010. The bill authorizes the departments to transfer property and personnel as needed and in a manner consistent with existing law governing transfers of civilian federal employees between agencies.

Our bill also extends the VA/DOD Health Care Sharing Incentive Fund until 2020 from its current expiration date of 2010. The daily operations at Lovell Hospital will be so integrated that it will be difficult to determine whose resources produced the care given, whether VA or DoD. This account is funded by both the VA and DOD, and both departments agree that it is the most appropriate mechanism to fund the joint facility and give its leadership the greatest flexibility to operate in a combined manner.

Finally, our legislation designates Lovell Hospital as a military treatment facility, a technical designation needed to prevent military retirees under the TRICARE system from being forced to make costly co-payments when they receive care at the joint facility. Given that the inpatient, surgical, mental health, and emergency services are already combined, thousands of TRICARE beneficiaries in northern Illinois and southern Wisconsin are already subject to co-pays that should not come out of their pocket. The vision for Lovell Hospital is to provide care for active duty sailors, DOD beneficiaries, and veterans side-by-side in one fully integrated facility. The integration has been so successful, we need to update current law to recognize that Lovell Hospital serves both veterans and Navy personnel.

CONGRATULATING JAMES J. FLAHERTY, RECIPIENT OF THE 2009 W. FRANCIS SWINGLE AWARD FROM THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. James J. Flaherty, the 2009 recipient of the W. Francis Swingle Award from the Greater Pittston Friendly Sons of St. Patrick for his many years of dedicated service to that organization.

Mr. Flaherty was born and raised in Pittston, Pennsylvania. He graduated from St. John's High School in 1960 and Penn State University in 1963.

Mr. Flaherty joined Chamberlain Manufacturing Corporation's Scranton Division in July, 1963, as a draftsman in the engineering department. In July, 1972, he was promoted to Operations Manager and, in July of 1978, he was transferred to Chamberlain's New Bedford, Maine operation as Assistant General Manager.

In 1986, Mr. Flaherty was promoted to Vice President and General Manager of the New Bedford, Maine, operation. He served in that capacity until July, 1991, when the New Bedford operation ceased production and he relocated back to Scranton as Vice President and General Manager of that division. In 2003, Mr. Flaherty was named President of Chamberlain Manufacturing Corporation. In July, 2006, General Dynamics Ordnance and Tactical Systems acquired Chamberlain. Mr. Flaherty remained in Scranton as Vice President and General Manager.

Mr. Flaherty is a member of the ARMS Public Private Task Force Executive Advisory Committee and the Industrial Committee of Ammunition Producers. He is also past president of the board of directors of the Northeast Pennsylvania Industrial Resource Center; serves on the board of directors of the local chapter of the Salvation Army; is a member of The Lions Club and was an elected member of the Moscow Borough Council.

In February, 2009, Mr. Flaherty was inducted into the Ancient Order of St. Barbara, the patron saint of the U.S. Army Field Artillery, for 45 years of service to our soldiers. A son of the late James and Jean Joyce Flaherty, he and his wife, Sheila, have two children and five grandchildren.

Madam Speaker, please join me in congratulating Mr. Flaherty on this auspicious occasion. His commitment to his family, his profession and his community has earned him widespread respect throughout the region.

CELEBRATING THE 10TH ANNIVERSARY OF SIAS INTERNATIONAL UNIVERSITY IN XINZHENG, CHINA

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. MORAN of Kansas. Madam Speaker, I rise today to recognize and congratulate SIAS International University in Xinzheng, Henan Province, China on its 10th Anniversary as an institution of higher education.

Founded in 1999, SIAS International University is a new type of post-secondary experience striving to prepare students to be global citizens. Affiliated with Zhengzhou University and in cooperation with Fort Hays State University of Hays, Kansas, SIAS was designed to provide Chinese students with an educational experience that blends Chinese educational philosophies with western-style curriculum and techniques, offering students the skills needed to compete and prosper in our increasingly interconnected world.

Licensed by the Henan Provincial Education Commission, SIAS is the first Chinese institution permitted by the Chinese State Degree Office to offer core classes in Western Civilization, Sociology and Government, providing students the ability to explore new ways to think about business and liberal arts. SIAS International University is also the first solely American-owned University in Central China; thus, Chinese students earn both Chinese and American education degrees and are able to apply their skills within trans-national corporations and enterprises.

Fort Hays State University and all of Western Kansas benefit from this relationship. The university has seen an increase in the number of international students on campus which enriches the learning experiences for students, faculty, and administrators. Additionally, the community has benefitted from numerous programs that have been created to share music, art and culture with these international students.

The partnership between SIAS International University and Fort Hays State University is the perfect example of our world flattening—of east meeting west. Even the architecture on the SIAS campus, including the main administration building, symbolizes this marriage of cultures, with one side representing the Forbidden City in classical Chinese architecture, and the other modeled after our own United States Capitol Building. This western-inspired campus serves as an appropriate environment for a new way of thinking for the Chinese students and faculty.

The friendship between the United States of America and the People's Republic of China fosters an exchange of cultural richness and advances our mutual aspirations. The relationship between SIAS International University and Fort Hays State University is one part of this paradigm. Both China and America must work diligently to preserve this friendship and search for ways to recognize accomplishments when they are due. And today, recognition is due to SIAS International University for ten years of success.

Madam Speaker, I ask you to join me in congratulating the Founder and Chairman of SIAS International University, Mr. Shawn

Chen, as well as President Li Haijun for their extraordinary work. Also, please help me recognize Fort Hays State University President Dr. Edward H. Hammond, Provost Dr. Larry Gould, Assistant Provost for Strategic Partnerships Cindy Elliott, and the many others who have help foster this relationship and contributed to ten years of remarkable results. It is my hope that SIAS International University can continue its success in enriching the lives of students and communities both in China and here in America for decades to come.

RECOGNIZING BEACON GROUP SW AND THE ABILITYONE PROGRAM

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Ms. GIFFORDS. Madam Speaker, I am honored to recognize the AbilityOne Program, which in the last year, has helped more than 40,000 Americans who are blind or who have severe disabilities gain skills and training that ultimately led to gainful employment. The Beacon Group SW implements this program in my district in Southern Arizona.

The AbilityOne Program, formerly known as the Javits-Wagner-O'Day Program, harnesses the purchasing power of the federal government to buy products and services from community based non-profit agencies that are dedicated to training and employing individuals with disabilities. This program gives Americans with disabilities opportunities to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life. This program provides essential assistance to a segment of the population that has one of the highest levels of unemployment in our country.

I am proud to acknowledge the important work of the Beacon Group, which since 1952, has provided training and employment services to people with disabilities. The history and mission of the Beacon Group stands as a clear example of why this program is a winning proposition for all parties involved.

In the past year the Beacon Group employed over 25 individuals with severe disabilities through AbilityOne contracts. With the help of AbilityOne and other programs the Beacon Group served over 1,700 individuals and their families in the community.

The direct impact of these services on the lives of Americans with disabilities cannot be overstated. For an individual with a severe disability who has never had the opportunity to hold a job, be independent, participate in community life, or contribute their talents to society; the AbilityOne Program and agencies like the Beacon Group are invaluable.

I am pleased to acknowledge the tremendous accomplishments of the AbilityOne Program and the dedication and commitment of Steven R. King the President and CEO of the Beacon Group and his staff. Each day they assist individuals with disabilities to find meaningful employment and assume their rightful place in our nation's workforce. I also want to commend each AbilityOne employee for their hard work and their participation in this important program.

INTRODUCTION OF THE RESTORING THE INTEGRITY OF AMERICAN STATISTICS ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. MALONEY. Madam Speaker, today, I am reintroducing a very important piece of legislation with my colleagues Mr. DENT, Mr. GONZALEZ, Mr. RUPPERSBERGER, and Mr. GERLACH to establish the Census Bureau as an independent agency. Because the founding fathers believed it to be indispensable to the basic principles of democratic representation, the decennial census was given a constitutional mandate. A scientific endeavor of such importance should be viewed by the American public to be completely independent and nonpartisan. It is time to give the Census Bureau the independent status commensurate with the scientific agencies that are its peers, such as NASA, the National Science Foundation, and others. Elevating the Census Bureau to the status of an independent agency is a powerful statement to the American people and their leaders that the decennial census and the other critical surveys conducted by the Census Bureau are protected, and that our government will summon the best demographers, statisticians, scientists and managers we can find to lead this vital agency.

HONORING AMERICAN LEGION POST 1066

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KING of New York. Madam Speaker, today I rise to honor the American Legion's Post No. 1066 in Massapequa, New York and recognize its contributions to our country and their community on the occasion of its 75th anniversary.

Members of this post have served in many foreign wars including Korea, Germany, and Vietnam, actively defending the freedoms and liberties that we cherish so much as Americans. Furthermore, several members of Post No. 1066 have also served as members of our local police and fire departments, as well as local emergency responders. As the Ranking Member of the House Homeland Security Committee, I am particularly appreciative of their dedication and hard work.

Over the years, these veterans have served my district on Long Island in a number of ways. They have opened their doors to the community to serve as a food collection site for the Interfaith Nutritional Network and to collect items to send to our servicemen in Iraq and Afghanistan. Additionally, they have collaborated with the American Red Cross to act as a disaster shelter for their neighborhood. They actively support local charities and host fundraisers for their benefit.

I am proud to represent these veterans who have served our country. They duly deserve praise for their continued participation as active citizens of New York and the United States. I would like to thank them for their leadership and continued service to our country.

HONORING KENNETH W. MACGREGOR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Kenneth W. MacGregor. Kenneth passed away on January 9, 2009 after battling cancer. He was an outstanding advocate for public education and providing a better future for our children.

After graduating from Michigan State University, Kenneth taught high school government and coached swimming. He became active in the Michigan Education Association and was instrumental in the development of their Political Action Committee. Working in the Michigan Education Association's Government Relations Department, Kenneth was active in promoting education issues in both Lansing and Washington. He advocated for public education and public education employees at all levels of government. During his 30 year career he implemented strategies that made the Political Action Committee a force to be reckoned with and emulated.

During Gary Owen's tenure as the Speaker of the Michigan House of Representatives, he tapped Kenneth to serve as his Director of Public Affairs. In 2001 he joined the National Education Association's political team and worked as the Field Manager, Government Relations West. He retired from this position in 2006.

Even after his retirement, Kenneth still devoted time to political causes. He was an active backer of "Get out the Vote" campaigns. He had a can-do frame of mind and always believed that students deserved the best education possible.

Kenneth was married to Sue MacGregor for 21 years. They have two sons and five grandchildren. He is also survived by his mother and two brothers.

Madam Speaker, I ask the House of Representatives to join me in honoring the memory of Kenneth W. MacGregor. His legacy lives on in the classrooms and public schools of Michigan and across our nation. Because of his life's work, students have gained better resources, better teachers, and better services. The public education system has lost a great supporter and I mourn his passing.

THE INTRODUCTION OF A BILL THAT WILL ADDRESS THE NEED FOR A FOURTH PERMANENT JUDGESHIP FOR THE DISTRICT OF HAWAII

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Ms. HIRONO. Madam Speaker, I rise today to introduce with Congressman ABERCROMBIE a bill that would convert the fourth temporary judgeship for the District of Hawaii to permanent judgeship status.

The fourth temporary judgeship for the District of Hawaii was created in 1990 by Public Law 101–650. Although the judges appointed to temporary judgeships have lifetime appointments, legislation creating temporary judgeships usually specifies that the first vacancy in

the district cannot be filled after a certain date. In the 1990 bill, this time frame was determined to be ten years after each temporary judgeship was filled. That meant that Hawaii could not fill a temporary vacancy occurring after October 2004.

Currently, the District of Hawaii has four active judges. However, if any of these judges become inactive, by taking senior status or otherwise, the district will not be able to replace that judge because of the ten-year limitation, which has long passed. This would place a great burden on not only the three remaining active judges, but also on the litigants themselves, especially civil litigants. Due to the right to speedy trial, felony cases regularly bump civil trials off the calendar, leading to long delays to get to court for civil litigants. Civil cases include disputes involving personal injury, civil rights, the environment, business, and other non-criminal matters.

The Judicial Conference of the United States has previously recommended that Hawaii's fourth temporary judgeship be converted to permanent status. The conversion was included in the 2007 Judicial Conference Judgeship Biennial Recommendation.

I look forward to working with my colleagues on this and other initiatives that will address our need for additional federal judgeships across the country.

TRIBUTE TO DR. RONALD ANTHONY PARISE

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. RYAN of Ohio. Madam Speaker, I rise today in recognition of Dr. Ronald Anthony Parise. Dr. Parise led an admirable life of service to our country through his dedication to the space program and his exemplification of the ideals of good citizenship.

Dr. Parise was a distinguished native of Warren, Ohio, a graduate of Western Reserve High School and a physics graduate of Youngstown State University in 1973. He developed one of his deepest, life-long interests at the age of eleven when he became licensed for Amateur Radio. Dr. Parise's love of radio guided his life of research and exploration from his academic work to his work in space.

While at Youngstown State University, Dr. Parise's interest in astronomy and exploration flourished. He was a prominent member of the Astronomy Club at Youngstown State and a technician at the planetarium. After graduating from Youngstown State, Dr. Parise furthered his education by earning a Master's degree and a doctorate at the University of Florida.

In 1984, Dr. Parise was selected by NASA to be a payload specialist. He made two remarkable trips into outer space, once in 1990 aboard the space shuttle *Columbia* mission ASTRO–1 and once in 1995 aboard the space shuttle *Endeavor* mission ASTRO–2. Dr. Parise logged an astonishing total of 614 hours in space and traveled 10.6 million miles.

As payload specialist, Dr. Parise took his admiration of astronomy and his respect of radio to a new level. He used his passion for astronomy and radio to develop Amateur Radio on the International Space Station. This development used a simple ham radio to communicate from space to Earth. The creation of Amateur Radio on the International Space Station was essential because it allowed schools to speak with astronauts and learn about space exploration. Dr. Parise established the radio communication link that inspired countless students to study and seek careers in vitally important scientific fields. This radio connection brought about the interest and devotion to outer space that we see today.

Dr. Parise also pioneered the operation of a telescope in space. He completed hundreds of observations regarding ultraviolet rays and x-rays in space. Dr. Parise's observations created a greater understanding of how celestial objects affect the birth of a star. These observations also expanded our knowledge of the complex life cycle of a star. As recognition for his accomplishments, NASA awarded Dr. Parise twice with its Space Flight Medal.

However, Dr. Parise's love of science did not end after his last space flight. After leaving NASA, he continued to inspire students to pursue careers in science as a motivational speaker. He traveled to many different schools to spread his enthusiasm and knowledge of science.

Dr. Parise led an impressive public life, but he also led an impressive family life. Ron Parise was known as a man who put his family and friends first and always valued the relationships in his life, especially his relationships with his wife and two children.

After a long and courageous battle with cancer, Dr. Ronald Anthony Parise passed away at the age of fifty-seven on May 9, 2008. Dr. Ronald Anthony Parise touched countless lives through his contributions to his community, his nation, and the world of science, and for this he will never be forgotten.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KING of Iowa. Madam Speaker, on roll-call No. 89 I was not able to reach the House floor to cast my vote before the vote was closed. Had I been present, I would have voted "no."

THE SUSAN BROWNELL ANTHONY BIRTHDAY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. MALONEY. Madam Speaker, I rise today, in honor of Women's History Month—along with my Democratic colleague Congressman MICHAEL ARCURI—to introduce the Susan Brownell Anthony Birthday Act. This bill will designate the third Monday in February as a day to celebrate the legacy of Susan Brownell Anthony, a pioneer of the women's rights movement, and its leader for more than 50 years.

Born on February 15, 1820, Susan Brownell Anthony met Elizabeth Cady Stanton in 1851 and attended her first women's rights convention in Syracuse in 1852. At that convention she was inspired to join the fight for women's suffrage, asserting that this was "the right women needed above every other." The first proposal for women's suffrage was presented to Congress in 1868, and the first formal women's suffrage amendment to the Constitution of the United States was introduced in January 1878. For 35 years after that first proposal was made, Susan Brownell Anthony appeared before every Congress to ask for passage of a suffrage amendment, demonstrating her unwavering dedication to the cause. Her last public words before her death on March 13, 1906 were "Failure is impossible."

Unfortunately, Susan Brownell Anthony did not live to see her dream of women's suffrage become a reality, but thankfully her heroic efforts were not in vain. On May 21, 1919, the House of Representatives passed the 19th amendment, and two weeks later, the Senate followed. The Secretary of State, Bainbridge Colby, certified the ratification on August 26, 1920. The text of the 19th amendment states that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation."

The United States has previously recognized Susan Brownell Anthony's tremendous contributions to our Nation. To commemorate her legacy, a marble statue of her and her women's rights colleagues, Lucretia Mott and Elizabeth Cady Stanton, was dedicated in the United States Capitol in 1921. Susan Brownell Anthony's picture appeared on postage stamps in 1936 and 1955. Her home in Rochester, New York, has been a National Historic Landmark since 1966, and in 1979, her image was placed on a dollar coin.

I am proud that the work of Susan Brownell Anthony and her fellow suffragists has been acknowledged and honored in these ways. However, as the founder and leader of the women's movement in the United States, Susan Brownell Anthony deserves a permanent place in our history. Passage of the Susan Brownell Anthony Birthday Act would make March 3 the first Federal holiday that celebrates the birthday of a woman, and would allow all women and men in the United States to celebrate and honor the legacy of a true American hero.

CONGRATULATING THOMAS J. HROMISIN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Thomas J. Hromisin, the 2009 recipient of the Man of the Year Award from the Greater Pittston Friendly Sons of St. Patrick.

Mr. Hromisin is a son of Jerry and Mary Ellen Hoban Hromisin, having been born April 30, 1983.

He attended St. John the Baptist Elementary School and Seton Catholic High School where he graduated in 2001 as vice president of the senior class. He has been a lifelong

member of St. John the Evangelist Parish in Pittston, where he has served as an acolyte and Eucharistic Minister.

Mr. Hromisin attended the University of Scranton on a four-year ROTC scholarship, majoring in criminal justice. As a Cadet, he attended Airborne School at Fort Benning, Georgia. He also attended Cadet Troop Leadership Training with a psychological operations unit at Fort Bragg, North Carolina. He was also a competitor on the Ranger Challenger Team.

Upon graduation, Mr. Hromisin received the distinguished graduate award in the fields of criminal justice and military science and he was commissioned a second lieutenant in the United States Army on May 28, 2005.

After completion of the Infantry Officer's Basic Course and attending Ranger School, he was stationed at Fort Lewis, Washington in April 2006. He was promoted to first lieutenant in January 2007, and served as a mobile gun system platoon leader in the 4th Stryker Brigade, 2nd Infantry Division.

During his unit's deployment in support of Operation Iraqi Freedom, he led his unit on 20 combat patrols and was critically wounded by a sniper on May 29, 2007, resulting in blindness and a traumatic brain injury. His recovery has included a month at the National Naval Medical Center in Bethesda, Maryland; seven months at the Drucker Brain Injury Center at Moss Rehab, Philadelphia, Pennsylvania, and six months at the Veterans Affairs Medical Center, Rehabilitation for the Blind in West Haven, Connecticut.

In September 2007, Mr. Hromisin was promoted to captain. At that time, he was awarded the Bronze Star, the Purple Heart, the Army Commendation Medal and the Combat Infantryman Badge. Mr. Hromisin resides at his home in Pittston, Pennsylvania, and continues to receive outpatient therapy.

Madam Speaker, please join me in commending Mr. Hromisin for the extraordinary and courageous service he has given to his country and for the profound sacrifices he has made in the defense of freedom and the protection of his fellow Americans.

OMNIBUS APPROPRIATIONS ACT, 2009

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CAPUANO. Mr. Speaker, I rise today in support of the Clinical and Translational Science Award (CTSA) Program at the National Institutes of Health (NIH). The CTSA program is a noteworthy initiative with the potential to enhance and invigorate our nation's clinical and translational research enterprise.

As the representative from the 8th Congressional District of Massachusetts, I am especially pleased that the program makes significant efforts to create new clinical research homes in academic settings and, so, strengthen our nation's current and future research infrastructure. Furthermore, I am quite proud that Boston institutions; Boston University, Harvard University, and Tufts University are 3 of the 38 sites that currently comprise the growing CTSA network.

Over the past few years, roughly level funding for NIH has severely limited the size of the award that can be made to these and the other CTSA-recipient institutions. These funding challenges have had dire consequences for the program's implementation and have seriously impeded its very necessary expansion.

As an ardent supporter of NIH, I thank Chairman OBEY on the increased NIH funding in both the FY09 Omnibus Appropriations bill and the American Recovery and Reinvestment Act.

HONORING THE DELAWARE COUNTY FIRE POLICE ASSOCIATION

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. SESTAK. Madam Speaker, I rise today to honor the courage and dedication of The Delaware County Fire Police Association. These exceptional first responders are often overlooked by many communities in our nation. However, I am proud to say that is not the case in the 7th Congressional District of Pennsylvania.

In the past two years I have come to appreciate and respect the invaluable service these essential citizens provide to their neighbors and brothers and sisters in our Fire and Police Departments. Were it not for the training and bravery of the Fire Police, those initial moments, as a tragedy unfolds, would be chaotic and exponentially more dangerous. For it is the Fire Police who, when a situation is still uncertain, stand in the breech to afford other first responders the time, space and security they require to do their jobs.

As we learned tragically on September 11, 2001, the earliest moments of a crisis demand the greatest caution, experience and communication. I thank the Delaware County Fire Police Association for generations of public service. By consistently arriving at the right time and being in the right place they have saved untold numbers of lives and valuable, often irreplaceable property and possessions.

Madam Speaker, I ask that our nation take this moment to offer our thanks and appreciation to a group of hometown heroes, the Delaware County Fire Police Association.

HONORING PLEASANT VALLEY HIGH SCHOOL

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate and thank the students, faculty, administrators, staff, and parents of Pleasant Valley Community High School. Pleasant Valley students have now contributed over 100,000 hours of service as part of the innovative PVHS Service Learning Program.

In 2003, the PVHS community decided it was essential to teach students the importance of community service and civic responsibility. The school district created a bold service-learning program that requires all students to complete seventy hours of service before they graduate. Since the inception of the program, PVHS students have contributed their passion, intelligence, and creativity to organizations across the United States and the world. They have served people in need and helped communities address some of our most difficult problems.

Today we face challenges that threaten the world economy, our national security, and the environment that makes life on earth possible. To meet these challenges and ensure that future generations can realize their full potential, we must embrace what the President has called a "new era of responsibility in America." PVHS students have answered this call and set an example for all citizens to follow. Congratulations to Pleasant Valley Community High School and thank you.

WANDA RIDDLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service of Wanda Riddle at Sullivan County Memorial Hospital on the occasion of celebrating 50 years as a Registered Nurse.

Wanda graduated from the College of St. Teresa as a Registered Nurse, and began her career at Sullivan County Memorial Hospital in 1955. She has dedicated almost her entire career to the hospital in Milan, MO and the community it serves. Wanda has had many accomplishments throughout her career, including starting the Sullivan County Ambulance Service at the hospital in the 1980s. She has also taught CNA classes, attended numerous inservice/education for cardiac and EKG interpretations, and has been a mentor to the entire nursing staff at Sullivan County Memorial Hospital.

Wanda has earned the gratitude and respect of her colleagues and fellow citizens of Sullivan County, Missouri. Her life's dedication and hard work should serve as an example to the rest of us on how we can better serve each other and our communities.

Madam Speaker, I ask my colleagues to join with me in commending Wanda Riddle for her dedicated service to Sullivan County Memorial Hospital. I know Wanda's colleagues, family and friends join with me in thanking her for her commitment to others and wishing her happiness and good health for years to come.

STATEMENT RECONGIZING THE CONTRIBUTIONS OF THE JOLIET PARK DISTRICT

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. HALVORSON. Madam Speaker, I rise today to recognize the Joliet Park District. The park district is the 2009 recipient of the "Salute to Accomplishment" Award from the Joliet Region Chamber of Commerce. I join the Chamber of Commerce in saluting the Joliet Park District for its long record of service to the residents of Joliet, Illinois.

For 85 years, the Joliet Park District has played an integral role in the lives of its residents. The park district has enriched the lives of residents in a variety of areas providing opportunities for fitness, entertainment, and recreation as well as serving as an example for environmental stewardship.

Partnering with Provena Saint Joseph Medical Center, the park district runs the Saint Joseph Inwood Athletic Club. The center was recognized with the Community Partnership Award for Youth Fitness from the Illinois Department of Human Services. It is also known as a state-of-the art work of architecture.

The Joliet Park District provides fun for all ages. Nearly 1,500 children participated in the district's youth soccer program. Residents may also participate in basketball, baseball, volleyball, softball, hockey, and golf. Splash Station Water Park is a place where over 300,000 persons choose to escape the heat and 2,000 persons received swimming lessons. World-class musicians have entertained young and old at the annual Taste of Joliet.

Due to its commitment to a better environment, Joliet Park District has received grants from the State of Illinois. The district received an Illinois Clean Energy Grant for an upgrade to its multi-purpose building that included energy efficient lighting. The Illinois Department of Natural Resources contributed to the completion of its Bird Haven Greenhouse.

Once again, congratulations to the Joliet Park District. I know this treasured institution will continue to prosper.

CONGRATULATING PHOENIX ANALYSIS & DESIGN INCORPORATED ON ITS 15TH ANNIVERSARY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the fifteenth anniversary of Phoenix Analysis & Design Technologies Incorporated, a mechanical engineering company in my home town of Tempe, Arizona.

Phoenix Analysis & Design was established in 1994 and has since become an important member of the Arizona business community. It has served as a leading consultant and provider of mechanical engineering services in the Southwest for fifteen years and continually sets the standard for excellent customer service.

The business thrives because it is committed to innovation and employee participation. It has increased its employment base from the initial four founders to 50 employees, and the personal integrity of each employee shines brightly with their timely and efficient service. Each member of the company is extremely talented and continually strives to master the new technologies of their field.

If one were to choose a place in Tempe to represent what the community should value, that place would be Phoenix Analysis & Design Technologies.

The success and longevity of this local company is a model for independent businesses. It is for these reasons and more that I ask you to join me in congratulating Phoenix Analysis & Design on this accomplishment and wish them many more years of prosperous business.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. BARRETT 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 House passed version of H.R. 1105.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Provision: Division B, COPS Law Enforcement Technology Grants

Legal Name of Requesting Entity: County of Anderson, SC

Address of Requesting Entity: 101 S. Main St, PO Box 8002, Anderson, SC 29622

Description of Request: The purpose of this appropriation is to provide $50,000 to be used in implementing 800 megahertz radio technology for emergency responders. The nine EMS providers in Anderson County responded to approximately 21,000 calls for assistance in 2008 and the numbers increase each year. By converting over to the Palmetto P25 / 800mhz interoperable communications system, EMS squads will experience approximately 95% radio coverage when responding to calls. With the current VHF radio system, EMS squads now have only approximately 65% radio coverage within Anderson County. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Provision: Division E, EPA, STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Oconee Joint Regional Sewer Authority

Address of Requesting Entity: PO Box 399, Seneca, SC 29679

Description of Request: The purpose of this appropriation is to provide $500,000 to be used for the construction of 125,000 GPD Phase I Wastewater Treatment Facility at Golden Corner Commerce Park and upgrade of wastewater treatment plant to 100,000 GPD at SC Welcome Center. Infrastructure added to this region provides for job creation, enhanced investment and development resulting in an improved economy. In addition to federal funding, the Oconee Joint Regional Sewer Authority has secured a $1 million grant from the state, and approximately $2.8 million from county government to fund the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Account: Small Business Administration, Salaries and Expenses

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 201 Sikes Hall, Clemson, SC 29634

Description of Request: I have secured $100,000 for the Clemson University Advanced Materials Innovation Center. The Advanced Materials Innovation Center at Clemson's Advanced Materials Center in Anderson County will serve as a research and development campus for start-up companies devoted to cutting-edge research, development, and job creation in the advanced materials field. The Innovation Center will house fledgling high-technology companies that focus on such advanced materials as optics, nanotechnology, and biomaterials. It will also provide space for entrepreneurial start-ups and Clemson University spin-off companies. These federal funds will be used to develop laboratories at the Advanced Materials Innovation Center. With many manufacturing jobs going overseas, there is a critical need in the United States, and particularly in South Carolina, of incubators such as the Advanced Materials Innovation Center to accelerate the creation of knowledge-based companies. The United States must also continue to develop new advanced materials to ensure continued military superiority. It is my understanding that $9.5 million in funding is expected to be provided by non-federal sources for this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Provision: Division C, Title III Department of Energy, Section: Congressional Directed Energy Efficiency and Renewable Energy Projects Account

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 300 Brackett Hall Box 5702 Clemson University Clemson, SC 29634

Description of Request: The purpose of this appropriation is to provide $951,500 in funding to construct and operate a pilot plant at a brownfield industrial site in Charleston, SC, to scale-up commercially viable technology for conversion of cellulosic feedstocks from the coastal plains, i.e. trees, wood residuals, and row crops, to bio-fuels and other higher value products. Currently, biofuels are the only alternative that can be readily incorporated into the existing petroleum-based transportation infrastructure. The development of commercially-viable biomass facilities will help our nation move away from dependency on traditional fossil fuels and towards energy independence, all without affecting our nation's food supply. Approximately $50,000 (5%) will go towards site utilities/grading; $680,000 (71%) will go towards building structure; and the remainder (24%) will go towards process equipment, support utility systems and construction fees.

In addition to federal funding, Clemson University will contribute in-kind and financial resources, including over $1.5 million in resources already committed. It is also expected that private industry will provide a total of $6–8 million for the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Provision: Division I, Title I Department of Transportation, Account: Transportation, Community, and System Preservation Account

Legal Name of Requesting Entity: Laurens County, SC

Address of Requesting Entity: 3 Catherine Street, Laurens, SC 29360

Description of Request: The purpose of this appropriation is to provide $285,000 in funding to widen approximately 5,400 linear feet of U.S. Highway 221 between the Hunter/Fleming-Smith Industrial Site and the City of Laurens. This highway improvement project will allow for increased volume and greater safety for commuter and truck traffic to and from the expanding Hunter/Fleming-Smith Industrial Site and surrounding areas. The Industrial Site plays an important role in the economic development of Laurens County. This request is consistent with the intended purpose of the Federal Highway Administration. In addition to this federal funding, Laurens will be providing approximately $333,000 for the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Provision: Division I, Title I Department of Transportation, Account: Transportation, Community, and System Preservation Account

Legal Name of Requesting Entity: Orangeburg County, SC

Address of Requesting Entity: 1437 Amelia Street, Orangeburg, SC 29115

Description of Request: The purpose of this appropriation is to provide $95,000 in funding for the installation of an interchange at the intersection of US Highway 301 and I–95 in Orangeburg County. Currently, U.S. Highway 301 stops at the intersection of I–95, causing the 301 traffic to enter onto an extremely busy portion of I–95 for just one mile in order to exit off onto Hwy 6. This highway improvement will help traffic flow more smoothly and support the planning for an intermodal transportation facility as well as distribution centers and transportation-related businesses. This interchange is included on the State Transportation Infrastructure Plan (STIP) as part of the Lower Savannah Long-Range Transportation Plan. This request is consistent with the intended purpose of the Federal Highway Administration and is a continuation of funding from fiscal year 2008. The County of Orangeburg has committed $2 million to the project and the state of South Carolina has committed an additional $3 million. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Provision: Division I, Title I Department of Transportation, Account: Interstate Maintenance, Discretionary

Legal Name of Requesting Entity: Orangeburg County, SC

Address of Requesting Entity: 1437 Amelia Street, Orangeburg, SC 29115

Description of Request: The purpose of this appropriation is to provide $950,000 in funding for the installation of an interchange at the intersection of US Highway 301 and I–95 in Orangeburg County. Currently, U.S. Highway 301 stops at the intersection of I–95, causing the 301 traffic to enter onto an extremely busy portion of I–95 for just one mile in order to exit off onto Hwy 6. This highway improvement will help traffic flow more smoothly and support the planning for an intermodal transportation facility as well as distribution centers and transportation-related businesses. This interchange is included on the State Transportation Infrastructure Plan (STIP) as part of the Lower Savannah Long-Range Transportation Plan. This request is consistent with the intended purpose of the Federal Highway Administration and is a continuation of funding from fiscal year 2008. The County of Orangeburg has committed $2 million to the project and the state of South Carolina has committed an additional $3 million. I certify that neither I nor my spouse has any financial interest in this project.

OMNIBUS APPROPRIATIONS ACT, 2009

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. KUCINICH. Mr. Speaker, I rise today in support of the Omnibus Appropriations Act, despite many severe misgivings I have with the legislation.

Last night the President gave us a frank and candid assessment of the dire situation of our economy, and I remain committed to ensuring that appropriations bills reflect an appropriate federal response. This bill will strengthen the social safety net so that individuals and families that have been affected by the recession can meet their daily needs. This bill includes substantial and badly needed increases in funding for food assistance to combat starvation and malnutrition in the elderly and those of modest income.

The Ohio Department of Job and Family Services has been inundated by a surge in unemployment claims. Constituents have called my office to tell me that they cannot even get through on the phone to speak to someone about their claim. Facing such an extraordinary increase in demand, I am glad that the states will get some help. The bill increases funding by 10% for state offices to process this surge in unemployment claims.

Cleveland, unfortunately, has been at the epicenter of the subprime mortgage and foreclosure crisis. The number of foreclosures continues to increase; some neighborhoods still average two foreclosures per day. Up to 6,000 voucher holders have yet to find affordable housing in Cuyahoga County—and this does not include the estimated 19,000 people who qualify for vouchers but are forced to endure a years-long waiting list.

The bill increases overall funding for the Department of Housing and Urban Development by 10%. This includes increases in funding for the Public Housing Operating Fund to keep the doors open in our existing public housing, the Public Housing Capital Fund to build new public housing, and tenant- and project-based voucher programs. The bill also increases funding for homeless assistance grants.

The bill provides several other funding increases in areas of particular need for Northeast Ohio. There is $187 million dedicated to making emergency communication more reliable through interoperability funding. There is a $385 million increase in funding for NASA, an economic anchor for the region and the state. There is $273 million for research on more fuel-efficient vehicles, which will help our ailing auto industry and the other industries on which it relies. There is $40.7 billion in infrastructure funding, a $484 million increase over FY08 levels and an integral part of Northeast Ohio's economic recovery.

However, I am deeply saddened and frustrated by sections of the State and Foreign Operations portion of this bill that continue counterproductive policies regarding the Middle East and drug policy. I am hopeful that with the leadership of President Obama a new U.S. policy on the Middle East will emerge. It is time for the U.S. to move beyond the biased policy contained in this portion of the bill.

The surest way for this body to ensure the safety and security of Israel while encouraging peace in the Middle East is to craft a policy that encourages Israel to end the blockade of Gaza and the occupation of Palestinian lands. The U.S. must also call on Israel to implement a freeze on settlement building.

Instead this bill undermines any effort to position the U.S. as an honest broker for peace in the region. The bill gives $75 million in funding for aid to be shared between Gaza and the West Bank while giving $2.4 billion in grants for Israel including $670 million for procurement of military equipment alone. Adding to this extreme imbalance, the bill also places far more restrictions on the humanitarian aid to Gaza than on the arms funding for Israel. If the U.S. was an honest broker of peace, the reverse would be true. The United Nations has declared in no uncertain terms that peace in the Middle East, which is the best way for Israel to achieve security, cannot be achieved militarily. By favoring arms over aid, this bill takes us in the wrong direction during a time when relations between Gaza and Israel are particularly strained.

This bill also includes funding for counter-narcotics initiatives in Afghanistan, Mexico, Colombia, and other regions in Latin America, continuing supply-side interdiction efforts that have done nothing to disturb the flow of illicit drugs into our country. Research clearly demonstrates that money directed to domestic demand-reduction efforts—drug treatment, drug abuse prevention, youth intervention programs, and the like—is more effective at reducing drug consumption and curtailing the flow of illicit drugs into the country. Moreover, such efforts usually increase the price of drugs in circulation, which only leads to increased violence and crime in communities. So long as the demand for a product exists, enterprising drug dealers will find a way to get the drugs to those addicted to them.

I support this bill because the needs of my district come first, and the money in this bill will go far toward alleviating the stress on my constituents and my district caused by the economic downturn. However, I find it reprehensible that I am also forced to support these other provisions, and I look forward to working with leadership and the Administration to support policies that engage all parties and encourage peace rather than aggression.

INTRODUCTION OF THE PATENT REFORM ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. CONYERS. Madam Speaker, today we are pleased to introduce the Patent Reform Act of 2009. The Patent Reform Act of 2009

is bipartisan and largely, bicameral legislation intended to tackle a number of problems in our patent system. The bill reflects the substantial progress made last Congress in both the House and Senate. Indeed, the text of the Patent Reform Act is in many ways a composite of the bill that passed the House and the bill that was reported out of the Senate Judiciary Committee last Congress.

This bill is a starting point for further discussion and in the matter of inequitable conduct reform, I will be looking to my friend from Utah, ORRIN HATCH for his insights on that issue. It is my intention to work closely with him to craft language on inequitable conduct that can be incorporated into the bill at a later time.

I am proud to stand today with my colleagues, Representatives LAMAR SMITH, HOWARD BERMAN, ROBERT GOODLATTE, and SHEILA JACKSON LEE to introduce this legislation that is directed toward encouraging innovation now and long into the 21st century. I particularly thank two of my cosponsors, HOWARD BERMAN and LAMAR SMITH, for their hard work and dedication to this endeavor through the years which has provided a common-sense framework of reforms upon which to build.

This piece of legislation is among the most important things that we will work on as our Nation's economic future is dependent on our ability to innovate and efficiently and effectively protect the products of that innovation. I look forward to working with all interested parties in perfecting the Patent Reform Act in the coming months.

APPRECIATION AND RECOGNITION TO THOMAS WOODWARD

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. SPRATT. Madam Speaker, I would like to recognize the service of Thomas Woodward, who is retiring on March 6 after serving the Congress with distinction for 30 years in an extraordinary variety of ways and places. This nation and this Congress owe a great debt of gratitude to this outstanding public servant. Tom may be the only person—and if not, is certainly one of very few—who has worked at GAO, CRS, and CBO. He began his government service in 1979 at GAO, where he first became involved in analyzing the economy and helped produced GAO's economic outlook. In 1982, Tom went to work for the Congressional Research Service, where he was a specialist in macroeconomics in the Economics Division and produced a number of studies on the banking system, monetary policy, and other issues. Tom was detailed to the House Budget Committee in 1991 and 1992, where he served as Chief Economist for the Republican staff. Tom returned to CRS after his service on the Budget Committee and continued to produce and supervise high quality analyses for members of Congress.

In 1998, Tom became Assistant Director for Tax Analysis at the Congressional Budget Office. For the past 11 years, Tom has overseen the production of numerous studies, revenue forecasts, and cost estimates for committees and Members of Congress. In all of his interactions with Members and their staff, Tom maintained the high quality and timely analyses that we have come to expect of CBO. Tom's breadth of knowledge, objective analyses, and good humor are appreciated by everyone who works with him—and next week, for the first time in 30 years, this Congress will not have the benefit of his wisdom, economic knowledge, and analytical skills as it addresses the critical public policy issues that face the nation. I understand he plans to continue to research economic issues after his retirement from Congressional service, and we look forward to that work and wish him well in his retirement.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership Standards on Earmarks, I am submitting the following information regarding earmarks I received as part of the FY2009 Omnibus.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Construction)

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 26 Federal Plaza, Room 2109, New York, NY 10278

Description of Request: $2,010,000 to the Army Corps to complete the reformulation study and continue monitoring a project to protect Long Island's south shore from beach erosion and storm damage. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Construction)

Legal Name of Requesting Entity: Town of Babylon

Address of Requesting Entity: 200 East Sunrise Highway, Lindenhurst, NY 11757

Description of Request: $465,000 for the dredging of a federal channel and placement of appx. 1 million cubic yards of sand along the shoreline for erosion control at Gilgo Beach and Robert Moses State Park. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Investigations)

Legal Name of Requesting Entity: Village of Bayville

Address of Requesting Entity: 34 School Street, Bayville, NY 11709

Description of Request: $96,000 to complete the feasibility phase of the benefits of a storm damage protection project in Bayville. I certify that neither I nor my spouse has any fmancial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Labor, HHS, & Education—Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Suffolk County Volunteer Firefighter Burn Center Fund

Address of Requesting Entity: P.O. Box 765 Smithtown, NY 11787

Description of Request: $285,000 for a living skin bank clean room (equipment). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Labor, HHS, & Education—Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Christa House

Address of Requesting Entity: 720 Albin Avenue, West Babylon, NY 11704

Description of Request: $176,000 for hospice care for the poor (physical repairs, administrative costs, and insurance). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Capital Investment Grants

Legal Name of Requesting Entity: New York City Metro Transit Authority

Address of Requesting Entity: 347 Madison Avenue, New York, New York 10017

Description of Request: $209,623,898 for the development of Long Island Rail Road East Side Access. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice, & Science—NOAA (Operations, Research & Facilities) Legal Name of Requesting Entity: Partnership for Mid-Atlantic Fisheries Science

Address of Requesting Entity: 526 Bay Avenue Point Pleasant Beach, NJ 08742

Description of Request: $1,000,000 for a multi-state research initiative in New York and New Jersey to address data limitations restricting management of summer flounder in the Mid-Atlantic. I certify that neither I nor my spouse has any fmancial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: State & Foreign Operations—Educational & Cultural Exchange Programs

Legal Name of Requesting Entity: U.S.-Ireland Alliance

Address of Requesting Entity: 2800 Clarendon Boulevard Arlington, VA 22201

Description of Request: $500,000 for the George Mitchell Scholarship Program a nationally competitive scholarship award for 12 US college graduates to do a year of postgraduate study at universities in Ireland and Northern Ireland. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Transportation, Community, & System Preservation

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: $570,000 for the design, engineering, and construction of the Glen Cove Connector Road. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD (Buses and Bus Facility)

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: $950,000 for the design, engineering, and construction of the Glen Cove Connector Multi-Modal Parking Hub. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Ferry Boats & Terminal Facilities

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: $950,000 for engineering and construction of the Glen Cove Ferry Terminal. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice, & Science—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street Glen Cove, NY 11542

Description of Request: $120,000 for the Glen Cove Police Department for equipment and technology upgrades, surveillance equipment, and public safety improvements to respond more effectively to emerging threats such as MS–13 and other gang activity. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Economic Development Initiatives

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: $142,500 for renovations and streetscape improvements to the city of Glen Cove. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: State & Foreign Operations—Educational & Cultural Exchange Programs

Legal Name of Requesting Entity: Hofstra University

Address of Requesting Entity: 101 Hofstra University Hempstead, NY 11549

Description of Request: This report language would allow Hofstra University to apply for funding for its Center for Strategic Language training which will specialize in Middle Eastern and Central Asian languages such as Arabic and Persian, as well as Punjabi, Urdu, and Hindi. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice & Science—Office of Justice Programs (Byrne Discretionary Grants)

Legal Name of Requesting Entity: Nassau County Coalition Against Domestic Violence

Address of Requesting Entity: 250 Fulton Avenue, Suite 300, Hempstead, NY 11550

Description of Request: $350,000 to create a legal resource network of pro-bono attorneys to provide critical legal services for low-income and indigent victims of domestic violence, rape/sexual assault, and elder abuse. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice & Science—Office of Justice Programs (Byrne Discretionary Grants)

Legal Name of Requesting Entity: Nassau County Police Department

Address of Requesting Entity: 1490 Franklin Avenue Mineola, NY 11501

Description of Request: $380,000 for an initiative to reduce gun and gang violence through increased surveillance, debriefings, investigations, and undercover work. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Interior & Environment—EPA (STAG Water and Wastewater Infrastructure Project)

Legal Name of Requesting Entity: Suffolk County Department of Works

Address of Requesting Entity: 335 Yaphank Avenue Yaphank, NY 11980

Description of Request: $500,000 for the planning, design, and replacement of a deteriorated existing bay outfall pipe. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (FUSRAP)

Legal Name of Requesting Entity: Verizon

Address of Requesting Entity: 140 West Street, New York, NY 10007

Description of Request: Report language to initiate cleanup of the former Sylvania nuclear fuel site in Hicksville, NY. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Health and Human Services—Substance Abuse and Mental Health Administration

Legal Name of Requesting Entity: Tuesday's Children

Address of Requesting Entity: 390 Plandome Road, Suite 217, Manhasset, NY 11030

Description of Request: $190,000 for the primary focus of the First Responder Institute will be to provide counseling for 9/11 First Responders and other public safety workers involved in protecting our homeland security. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Health and Human Services—Substance Abuse and Mental Health Administration

Legal Name of Requesting Entity: North Shore Child and Family Guidance Center's Postpartum Depression Treatment Program

Address of Requesting Entity: 480 Old Westbury Road, Roslyn Heights, NY 11577

Description of Request: $147,000 to increase services available to mothers and children through the Maternal Depression Outreach Program. I certify that neither I nor my spouse has any financial interest in this project.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2649–S2722

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 510–521, S.J. Res. 13, and S. Res. 62. **Page S2691**

Measures Reported:

Special Report entitled "Report on the Activities of the Committee on Armed Services, 110th Congress, First and Second Sessions". (S. Rept. No. 111–5) **Page S2691**

Measures Passed:

Stanley J. Roszkowski United States Courthouse: Senate passed S. 520, to designate the United States Courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse". **Page S2721**

Measures Considered:

Omnibus Appropriations Act: Senate continued consideration of H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, taking action on the following amendments proposed thereto: **Pages S2652–58, S2659–78**

Rejected:

By 32 yeas to 63 nays (Vote No. 74), McCain Amendment No. 592, in the nature of a substitute. **Pages S2652–58**

By 33 yeas to 61 nays (Vote No. 75), Ensign Modified motion to commit the bill to the Committee on Appropriations, with instructions. **Pages S2659–63**

By 40 yeas to 55 nays (Vote No. 76), Hutchison motion to commit the bill to the Committee on Appropriations, with instructions. **Pages S2663–64, S2673–74**

Pending:

Coburn Amendment No. 596, to require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this Act. **Pages S2667–68**

Coburn Amendment No. 608, to provide for the Emmett Till Unsolved Civil Rights Crime Act from funds already provided for the Weed and Seed Program. **Pages S2668–69**

Coburn Modified Amendment No. 623, to prohibit taxpayer dollars from being earmarked to 14 clients of a lobbying firm under Federal investigation for making campaign donations in exchange for political favors for the group's clients. **Pages S2669, S2670–73**

Coburn Amendment No. 610, to prohibit funding for congressional earmarks for wasteful and parochial pork projects. **Pages S2669–70**

Wicker Amendment No. 607, to require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization. **Pages S2674–76, S2678**

Thune Amendment No. 635, to provide funding for the Emergency Fund for Indian Safety and Health, with an offset. **Pages S2676–77**

Murkowski Amendment No. 599, to modify a provision relating to the repromulgation of final rules by the Secretary of the Interior and the Secretary of Commerce. **Pages S2677–78**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, March 4, 2009. **Page S2721**

Nominations Received: Senate received the following nominations:

Seth David Harris, of New Jersey, to be Deputy Secretary of Labor.

21 Air Force nominations in the rank of general.

10 Marine Corps nominations in the rank of general. **Pages S2721–22**

Messages from the House: **Page S2691**

Measures Referred: **Page S2691**

Additional Cosponsors: **Pages S2691–92**

Statements on Introduced Bills/Resolutions: **Pages S2692–S2718**

Amendments Submitted: **Pages S2718–21**

Authorities for Committees to Meet: **Page S2721**

Record Votes: Three record votes were taken today. (Total—76) **Pages S2657, S2663, S2674**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:24 p.m., until 9:30 a.m. on Wednesday, March 4, 2009. (For Senate's program, see the

remarks of the Majority Leader in today's Record on page S2721.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE ACQUISITIONS

Committee on Armed Services: Committee concluded a hearing to examine acquisition of major weapons systems by the Department of Defense, and S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, after receiving testimony from Michael J. Sullivan, Director, Acquisition and Sourcing Management, Government Accountability Office; Jacques S. Gansler, former Under Secretary of Defense for Acquisition, Technology, and Logistics, Defense Science Board Task Force on Industrial Structure for Transportation, College Park, Maryland; Paul G. Kaminski, National Research Council, Fairfax Station, Virginia; and Charles Adolph, Defense Science Board Task Force on Developmental Test and Evaluation, Albuquerque, New Mexico.

CONSUMER PROTECTIONS IN FINANCIAL SERVICES

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine consumer protections in financial services, after receiving testimony from Steve Bartlett, Financial Services Roundtable, and Ellen Seidman, New America Foundation, both of Washington, D.C.; and Patricia A. McCoy, University of Connecticut School of Law, Hartford.

ECONOMIC AND BUDGET CHALLENGES

Committee on the Budget: Committee concluded a hearing to examine economic and budget challenges for the short and long term, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

SMART GRID TECHNOLOGIES AND INITIATIVES

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine the progress on smart grid initiatives authorized in the Energy Independence and Security Act of 2007, and funded in the stimulus bill, and opportunities and impediments in installation of smart grid technologies, after receiving testimony from Suedeen G. Kelly, Commissioner, Federal Energy Regulatory Commission; Patrick D. Gallagher, Deputy Director, National Institute of Standards and Technology, Department of Commerce; Patricia Hoffman, Acting Assistant Secretary of Energy for Electricity Delivery and Energy Reliability; Frederick F. Butler, New Jersey Board of Public Utilities, Newark, on behalf of the National Association of Regulatory Utility Commissioners; Edward Lu, Google, Inc., Mountain View, California; Katherine Hamilton, The GridWise Alliance, Washington, D.C.; and Evan R. Gaddis, National Electrical Manufacturers Association, Rosslyn, Virginia.

IRANIAN POLITICAL AND NUCLEAR REALITIES

Committee on Foreign Relations: Committee concluded a hearing to examine Iranian political and nuclear realities and United States policy options, after receiving testimony from Frank G. Wisner, former United States Ambassador to Zambia, Egypt, the Philippines, and India, and Richard N. Haass, Council on Foreign Relations, both of New York, New York; Mark Fitzpatrick, International Institute for Strategic Studies, London, United Kingdom; and Karim Sadjadpour, Carnegie Endowment for International Peace, Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 37 public bills, H.R. 1253–1289; 2 private bills, H.R. 1290–1291; and 12 resolutions, H.J. Res. 27–36; and H. Res. 203–204 were introduced.

Pages H2923–25

Additional Cosponsors: **Pages H2925–26**

Reports Filed: There were no reports filed today.

Recess: The House recessed at 10:55 a.m. and reconvened at 12 noon. **Page H2889**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Lawrence L. Vollink, National Chaplain, American Legion, Ypsilanti, Michigan.

Pages H2889–90

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Honoring the life and service of Dr. William Spoelhof, president emeritus of Calvin College in Grand Rapids, Michigan: H. Res. 91, amended, to honor the life and service of Dr. William Spoelhof, president emeritus of Calvin College in Grand Rapids, Michigan and **Pages H2893–94**

Congratulating the University of Mary Washington in Fredericksburg, Virginia, for more than 100 years of service and leadership to the United States: H. Res. 77, to congratulate the University of Mary Washington in Fredericksburg, Virginia, for more than 100 years of service and leadership to the United States, by a 2/3 yea-and-nay vote of 414 yeas with none voting ''nay'', Roll No. 93.

Pages H2894–95, H2900–01

Recess: The House recessed at 1:05 p.m. and reconvened at 3:31 p.m. **Page H2899**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Monday, March 2nd:

Revolutionary War and War of 1812 Battlefield Protection Act: H.R. 146, amended, to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, by a 2/3 yea-and-nay vote of 394 yeas to 13 nays, Roll No. 91 and

Page H2899

Agreed to amend the title so as to read: ''To establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.''. **Page H2899**

Civil War Battlefield Preservation Act of 2009: H.R. 548, amended, to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, by a 2/3 yea-and-nay vote of 402 yeas to 13 nays, Roll No. 92.

Pages H2899–H2900

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Designating March 2, 2009, as "Read Across America Day": H. Res. 146, to designate March 2, 2009, as ''Read Across America Day'' and

Pages H2895–97

Commending the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl: H. Res. 153, to commend the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl.

Pages H2897–98

Privileged Resolution—Intent to Offer: Representative Flake announced his intent to offer a privileged resolution. **Page H2901**

Investigative Subcommittees of the Committee on Standards of Official Conduct: The Chair announced that the Speaker named the following Members of the House of Representatives to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 111th Congress: Representatives Baldwin, Carnahan, Cleaver, Davis (CA), Ellison, Gonzalez, Hirono, and Miller (NC). **Page H2901**

Investigative Subcommittees of the Committee on Standards of Official Conduct: Read a letter from Representative Boehner, Minority Leader, in which he designated the following Members of the House of Representatives to be available for service on the investigative subcommittees of the Committee on Standards of Official Conduct during the 111th Congress: Representatives Bishop (UT), Blackburn, Crenshaw, Lincoln Diaz-Balart (FL), Latham, Lucas, Myrick, Simpson, and Walden.

Pages H2901–02

Senate Message: Message received from the Senate today appears on page H2890.

Senate Referrals: S. Con. Res. 9 was referred to the Committee on Energy and Commerce and S.J. Res. 12 was referred to the Committee on the Judiciary. **Page H2922**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H2899, H2900, H2900–01. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 6:21 p.m.

Committee Meetings

COMMERCE JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on Science Overview. Testimony was heard from Ralph Cicerone, President, National Academy of Sciences.

The Subcommittee also held a hearing The Place of NASA Science in the Overall Science Enterprise. Testimony was heard Leonard Fish, former Associate Administrator, Space Science and Applications; and a public witness.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Psychological Health and Traumatic Brain Injury Programs. Testimony was heard from Ellen Embry, Deputy Assistant Secretary, Force Heath Protection; GEN Loree Sutton, Special Assistant to the Assistant Secretary of Defense (Health Affairs) for Psychological Health and Traumatic Brain Injury.

HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Health Services for Detainees in U.S. Immigration and Customs Enforcement (ICE) Custody. Testimony was heard from the following officials of the Department of Homeland Security: Dora Schirio, Special Advisor to the Secretary of Homeland Security; and the following officials of the U.S. Immigration and Customs Enforcement (ICE): Jim Hayes, Director, Office of Detention and Removal Operation; CAPT Jose Rodreguez, Director, Division of Immigrant Health Services; and Alicia Puente Cackley, Director, Health Care, GAO.

INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS

Commttee on Appropriations: Subcommittee on Interior, Environment and Related Agencies held a hearing on Department of the Interior Oversight. Testimony was heard from the following officials of the GAO: Robin Nazzaro, Director, for Natural Resources and Environment and Frank Russo, Director for Natural Resources and Environment; and Mary Kendall, Acting Inspector General, Department of the Interior.

RECRUITING, RETENTION AND END STRENGTH OVERVIEW

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on recruiting, retention and end strength overview. Testimony was heard from the following officials of the Department of Defense: Curtis Gilroy, Director, Accessions Policy, Office of the Under Secretary for Personnel and Readiness; LTG Michael D. Rochelle, USA, Deputy Chief Of Staff, Headquarters, U.S. Army; VADM Mark E. Ferguson III, USN, Chief of Navy Operations, Total Force; LTG Richard S. Coleman, USMC, Deputy Commandant, Manpower and Reserve Affairs, Headquarters, U.S. Marine Corps; LTG Richard Y. Newton, III, USAF, Deputy Chief of Staff, Manpower and Personnel, Headquarters, U.S. Air Force; LTG Clyde A. Vaughn, ARNG, Director, Army National Guard; LTG Jack C. Stultz, USAR, Chief U.S. Army Reserve and Commanding General; U.S. Army Reserve Command; VADM Dirk J. Debbink, USN, Chief, Navy Reserve; LTG John W. Bergman, USMCR, Commander, Marine Forces Reserve; LTG Harry M. Wyatt, III, ANG Director, Air National Guard; Charles E. Stenner, Jr., AFR, Chief, Air Force Reserve; and RADM, Daniel R. May, USCG, Chief, Coast Guard Reserve Forces.

DOD FUEL DEMAND MANAGEMENT

Committee on Armed Services: Subcommittee on Readiness held a hearing on Department of Defense fuel demand management at forward management at forward-deployed locations and operational initiatives. Testimony was heard from Alan R. Shaffer, Acting Director, Defense Research and Engineering, Department of Defense; and William M. Solis, Director, Defense Capabilities and Management, GAO.

SPECIAL OPERATIONS FORCES

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on Special Operations Forces: Challenges and Opportunities. Testimony was heard from public witnesses.

PRESIDENT'S FY 2010 BUDGET

Committee on the Budget, Held a hearing on the President's Fiscal Year 2010 Budget. Testimony was heard from Peter Orszag, Director, OMB.

ENCOURAGING FAMILY-FRIENDLY WORKFORCE POLICIES

Committee on Education and Labor: Subcommittee on Workforce Protections held a hearing on Encouraging Family-Friendly Workplace Policies. Testimony was heard from public witnesses.

U.S.-BOLIVIA RELATIONS

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing on U.S.-Bolivia Relations: Looking Ahead. Testimony was heard from public witnesses.

FEMA's GULF COAST REBUILDING

Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness and Response held a hearing entitled ''FEMA's Gulf Coast Rebuilding Efforts: The Path Forward.'' Testimony was heard from the following officials of the Department of Homeland Security: David Garratt, Acting Deputy Administrator, and James Walke, Acting Assistant Administrator, both with FEMA's Disaster Assistance Directorate; Stanley J. Czerwinski, Director, Strategic Issues, GAO; and public witnesses.

MANAGING OUR OCEAN AND WILDLIFE RESOURCES

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held an oversight hearing entitled ''Managing Our Ocean and Wildlife Resources in a Dynamic Environment: Priorities for the New Administration and the 111th Congress.'' Testimony was heard from public witnesses.

ROLE OF FEDERAL LANDS IN COMBATING CLIMATE CHANGE

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held an oversight hearing entitled ''The Role of Federal Lands in Combating Climate Change.'' Testimony was heard from Gail Kimbell, Chief, Forest Service, USDA; Thomas R. Armstrong, Senior Advisory, Global Change Program, U.S. Geological Survey, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: 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; and H.R. 409, To provide for the conveyance of certain Bureau of Land Management land in the state of Nevada to the Las Vegas Motor Speedway. Testimony was heard from Ed Roberson, Assistant Director, Renewable Resources and Planning, Bureau of Land Management, Department of the Interior; and public witnesses.

VA HEALTH LEGISLATION

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the following bills: H.R. 784, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to submit to Congress quarterly reports on vacancies in mental health professional positions in Department of Veterans Affairs medical facilities; H.R. 785, To direct the Secretary of Veterans Affairs to carry out a pilot program to provide outreach and training to certain college and university mental health centers relating to the mental health of veterans of Operation Iraqi Freedom and Operation Enduring Freedom; and other draft legislation. Testimony was heard from Representatives Tsongas, Filner, and Herseth Sandlin; Gerald M. Cross, MD, Principal Deputy Under Secretary, Health, Department of Veterans Affairs, and public witnesses.

VA DOCUMENT TAMPERING/ MISHANDLING

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs and the Subcommittee on Oversight and Investigation held a joint hearing on Document Tampering and Mishandling at the Veterans Benefits Administration. Testimony was heard from the following officials of the Department of Veterans Affairs: Belinda Finn, Assistant Inspector General, Auditing, Office of Inspector General; and Michael Walcoff, Deputy Under Secretary, Benefits; Veterans Benefits Administration; and public witnesses.

PRESIDENT'S FISCAL YEAR 2010 BUDGET OVERVIEW

Committee on Ways and Means: Held a hearing on the President's Fiscal Year 2010 Budget Overview. Testimony was heard from Timothy F. Geithner, Secretary of the Treasury.

Hearings continue tomorrow.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 4, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine improving nutrition for America's children in difficult economic times, 9:30 a.m., SH–216.

Committee on Finance: to hold hearings to examine the President's proposed budget for fiscal year 2010, 10 a.m., SD–215.

Committee on Foreign Relations: to hold closed briefing to examine Iran status report, focusing on nuclear and political issues, 2:30 p.m., SVC–217.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine systemic risk and breakdown of financial governance, 9 a.m., SD–342.

Permanent Subcommittee on Investigations, to hold hearings to examine tax haven banks and United States tax compliance, focusing on obtaining names of United States clients with Swiss Accounts, 2:30 p.m., SH–216.

Committee on the Judiciary: to hold hearings to examine getting to the truth through a nonpartisan commission of inquiry, 10 a.m., SD–106.

Special Committee on Aging: to hold hearings to examine health reform in an aging America, 10 a.m., SD–562.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, on the Place of NOAA Science in the Overall Science Enterprise, 10 a.m., H–309 Capitol.

Subcommittee on Energy and Water Development and Related Agencies, on Department of Energy: Project Management Oversight, 2 p.m., 2362B Rayburn.

Subcommittee on Interior, Environment and Related Agencies, on EPA Oversight, 2 p.m., B–308 Rayburn.

Committee on Energy and Commerce, to mark up the following measures: Family Smoking Prevention and Tobacco Control Act; Dextromethorphan Distribution Act; Early Hearing Detection and Intervention Act; Health Insurance Restrictions and Limitations Clarification Act; H.R. 20, Melanie Blocker Stokes Mom's Opportunity to Access Health Education, Research, and Support for Postpartum Depression Act; H.R. 479, Wakefield Act; H.R. 577, Vision Care for Kids Act of 2009; H.R. 756, National Pain Care Policy Act of 2009; H.R. 914, Physician Workforce Enhancement Act of 2009; H.R. 1210, Arthritis Prevention, Control, and Cure Act, and H.R. 307, Christopher and Dana Reeve Paralysis Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "TARP Oversight: Is TARP Working for Main Street?" 2:30 p.m., 2128 Rayburn.

Committee on Homeland Security, hearing entitled "Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law," 2 p.m., 311 Cannon.

Committee on the Judiciary, hearing on H.R. 848, Performance Rights Act, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, hearing on H. J. Res. 18, Providing for congressional disapproval of the rule submitted by the Department of the Interior and the Department of Commerce under chapter 8 of title 5, United States Code, relating to interagency cooperation under the Endangered Species Act of 1973 (ESA), 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, hearing on Afghanistan and Pakistan: Understanding a Complex Threat Environment, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, hearing on 21st Century Water Planning: the Importance of a Coordinated Federal Approach, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled "The State of the Renewable Fuels Industry in the Current Economy," 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following measure: "Water Quality Investment Act of 2009", 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs,, Subcommittee on Economic Opportunity, hearing on the following bills: H.R. 147, To amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans; H.R. 228, To direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility; H.R. 297, Veterans Vocational Rehabilitation and Employment Subsistence Allowance Improvement Act of 2009; H.R. 466, Wounded Veteran Job Security Act; H.R. 929, To amend title 38, United States Code, to require the Secretary of Veterans Affairs to carry out a program of training to provide eligible veterans with skills relevant to the job market; H.R. 942, Veterans Self-Employment Act of 2009; H.R. 950, To amend chapter 33 of title 38, United States Code, to increase educational assistance for certain veterans pursuing a program of education offered through distance learning; H.R. 1088, Mandatory Veterans Specialist Training Act of 2009; H.R. 1089, Veterans Employment Rights Realignment Act of 2009; and other draft legislation, 1 p.m., 340 Cannon.

Committee on Ways and Means, To continue hearings on the overview of the President's Budget proposals for fiscal year 2010, 2 p.m., 1100 Longworth.

Select Committee on Energy Independence and Global Warming, hearing entitled "Preparing for Copenhagen: How Developing Countries Are Fighting Climate Change", 9:30 a.m., 210 Cannon.

Next Meeting of the SENATE

9:30 a.m., Wednesday, March 4

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 1105, Omnibus Appropriations Act.

(Senate will recess from 10:40 a.m. until 12 p.m. for a Joint Meeting of Congress to receive an address from British Prime Minister Gordon Brown. Senators will meet in the Senate Chamber at 10:30 a.m. to proceed as a body to the House of Representatives at 10:40 a.m.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, March 4

House Chamber

Program for Wednesday: Joint Meeting with the Senate to receive an Address from the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

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