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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, JUNE 2, 2009 No. 81

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 2, 2009.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

God eternal, Creator of unfailing light, give that same kind of light to all who call upon Your Holy Name.

May our minds and hearts be purified of all self-centered wishes and judgments.

So, freed enough to be attentive to Your Word and Holy Inspirations, enable this Congress to accomplish Your purpose for this country and do what is best, not only for ourselves but for those most in need. This will give You lasting glory, both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Arizona (Mrs. KIRKPATRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. KIRKPATRICK of Arizona 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK
Washington, DC, May 22, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 22, 2009, at 9:55 a.m.:

That the Senate passed without amendment H.R. 663.

That the Senate passed without amendment H.R. 918.

That the Senate passed without amendment H.R. 1284.

That the Senate passed without amendment H.R. 1595.

That the Senate agreed to without amendment H. Con. Res. 133.

That the Senate passed S. Con. Res. 19.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK
Washington, DC, May 26, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 26, 2009, at 10:03 a.m.:

That the Senate passed with an amendment H.R. 2346.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM CHIEF OF STAFF, THE HONORABLE PETER VISCLOSKY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Charles E. Brimmer, Chief of Staff, the Honorable PETER VISCLOSKY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 1, 2009.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with counsel, I will make the determinations required by Rule VIII.

Sincerely,

CHARLES E. BRIMMER,
Chief of Staff.

COMMUNICATION FROM THE HONORABLE PETER VISCLOSKY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PETER VISCLOSKY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 1, 2009.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the

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Rules of the House of Representatives, that my office has been served with two grand jury subpoenas for documents issued by the U.S. District Court for the District of Columbia.

After consultation with counsel, I will make the determination required by Rule VIII.

Sincerely,

PETER J. VISCLOSKY,
Member of Congress.

HONORING THE LIVES OF JOHN BROWN, JR. AND THOMAS CLAW

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise to honor the lives of two American heroes. In May, we lost two of the last surviving Navajo Code Talkers, John Brown, Jr., of Crystal, New Mexico, and Thomas Claw of Chinle, Arizona.

Navajo Code Talkers saved the lives of countless Americans in World War II and Korea by using DINE to communicate without risk of interception.

Mr. Brown was among those who developed the original code. At the 2001 ceremony, where the original 29 Code Talkers received Congressional Gold Medals, he said, ''As Code Talkers, as Marines, we did our part to protect freedom and democracy. It is my hope that our young people will carry on this honorable tradition as long as the grass shall grow and the rivers flow.''

I hope for just as long, we remember to honor the memory of Mr. Brown, Mr. Claw and all those DINE who served our Nation.

SAVING PLANET EARTH TAX

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

Mr. POE of Texas. Mr. Speaker, the new carbon energy tax is about to nail all Americans who use energy. It's about old-fashioned, central planning control that would make the now-defunct Soviet Union green with envy.

In the name of saving Planet Earth, the taxacrats want to control every dollar spent on energy in America. They also want control over who can use it and how. So they came up with the mother of all mandates: The cap-and-trade national tax on energy consumption. This scheme will bankrupt manufacturing businesses and cost American families thousands of dollars a year in new taxes.

If you use electricity or natural gas in your home, you've got another tax. If you drive your car, the gasoline tax will go up. It's all about government control over our lives.

And the nonpartisan Congressional Budget Office said the cap-and-trade boondoggle will be a major tax increase or a massive expansion of government, or both. And they also told the Senate last week that it won't have any impact on the Earth's temperature. Now isn't that lovely.

And that's just the way it is.

CONCERN FOR THE DOLLAR

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

Mr. KIRK. Mr. Speaker, the dollars in your wallet are about to become less valuable, a lot less valuable.

Over the last several months, the Federal Reserve has been lending money to the Federal Government using ''monetized'' assets. That's Washington-speak for printing money we do not have. To date, the Fed has printed over $130 billion by just running a virtual electronic printing press on its balance sheet. Most Americans do not know this is happening. Most Chinese do.

The dollar-printing policy of Chairman Bernanke and Secretary Geithner should worry every American. High interest rates and inflation are the enemy of homeowners with a mortgage and senior citizens on a fixed income. Nothing sinks a middle class faster than inflation.

Concern for the dollar is also front page news in China. China's leaders approved over $1 trillion in lending to the U.S. And if the Fed continues printing money, then China's dollar-denominated loans will lose considerable value.

As co-chair of the China Working Group, I led a mission to China, where I heard about deep concern in China. It's a concern that we should all listen to for our own sakes, as well as our international trade.

REMEMBERING THE LIFE AND SERVICE OF LIEUTENANT LEEVI K. BARNARD

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

Ms. FOXX. Mr. Speaker, today I rise in solemn remembrance of the life of a fallen hero, 1st Lieutenant Leevi Khole Barnard, of the North Carolina National Guard. Lieutenant Barnard was killed while serving his country in Iraq on May 21 when an improvised explosive device targeted his unit in Baghdad.

Lieutenant Barnard joined the North Carolina National Guard in 2004 after graduating as a Distinguished Military Graduate from the Advanced Individual Training Class at Fort Sill, Oklahoma. His unit, the 30th Heavy Brigade Combat Team, was recently deployed to Iraq this April.

Lieutenant Barnard graduated from UNC Charlotte, where he participated in the university's ROTC program. This selfless American patriot, who paid the heaviest price for his country, will be remembered forever as a young man whose life was overflowing with potential and whose personality filled other people's lives with joy. His tragic death in the line of duty is an irreplaceable loss for his family and friends, his community and his country.

Today we mourn with those who mourn. And we pay tribute to and honor this soldier and his inspiring life that was cut short while he was serving his country. His country owes him an immeasurable debt of gratitude for his 5 years of service and his great sacrifice on the battlefield.

May God's peace be with Lieutenant Barnard's family, friends and all those who continue to mourn his death and remember his life.

CAP-AND-TRADE OR CAP-AND-TAX

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

Mr. LUETKEMEYER. Mr. Speaker, the cap-and-trade bill currently working its way through the House is nothing more than a national energy tax. The right to emit carbon would essentially be auctioned off to generate revenue for more government spending programs, amounting to a major tax increase for all American consumers.

This proposed cap-and-trade is actually a cap-and-tax system that will increase taxes, eliminate jobs, or drive them offshore, and raise the cost of energy and the price of purchasing any product or service dependent upon energy. Many sources have looked at this and said that it will cost about $4,000 per household, if not more. Even the President expects energy prices to rise, and describes them as skyrocketing. This national energy tax will be disastrous, particularly in light of our Nation's current economic circumstances.

As an alternative, I support an ''all of the above'' energy policy to end our dependence on foreign oil. I support increasing domestic exploration for oil, investing in biofuels, alternative fuels, clean coal and nuclear technology.

HONORING THE SACRIFICE OF ARMY FIRST SERGEANT BLUE C. ROWE

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, First Sergeant Blue Rowe, who sacrificed his life in support of Operation Enduring Freedom.

In 1994, after graduating from Siloam Springs High School, Blue enlisted in the Army. He served honorably all over the world, and earned several military awards, including the Meritorious Service Medal and Posthumous Combat Action Badge, and a Bronze Star.

Blue's family and friends describe him as funny, compassionate, hard-working and 100 percent Arkansan. A lifelong Razorback fan, it wasn't out of the ordinary for Blue to leave Northwest Arkansas with a bag full of new

Razorback gear and show his support for the team while stationed in California.

Blue made the ultimate sacrifice for his country. He is a true American hero.

I ask my colleagues to keep Blue's family and friends in their thoughts and prayers during these very difficult times, and I humbly offer my thanks to Army First Sergeant Blue Rowe for his selfless service to the security and well-being of all Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

AVRA/BLACK WASH RECLAMATION AND RIPARIAN RESTORATION PROJECT

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 325) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 325

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 ''Avra/Black Wash Reclamation and Riparian Restoration Project''.

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 16___. AVRA/BLACK WASH RECLAMATION AND RIPARIAN RESTORATION PROJECT, PIMA COUNTY, ARIZONA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with Pima County, Arizona, may participate in the planning, design, and construction of water recycling facilities and to enhance and restore riparian habitat in the Black Wash Sonoran Desert ecosystem in Avra Valley west of the metropolitan Pima County area.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the cost of the project.

''(c) LIMITATION.—Federal funds provided under this section shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $14,000,000.

''(e) USE OF FUNDS.—Federal funds provided under this section shall only be used for the design, planning and construction of water-related infrastructure.''.

(b) CLERICAL AMENDMENT.—The table of sections for Public Law 102–575 is amended by inserting after the last item relating to title XVI the following:

''Sec. 16___. Avra/Black Wash Reclamation and Riparian Restoration Project, Pima County, Arizona.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

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GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I yield myself such time as I may consume.

Mr. Speaker, H.R. 325, sponsored by the National Parks, Forests and Public Lands Subcommittee chairman, RAÚL GRIJALVA, authorizes the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project. The extremely arid conditions and climate of the Tucson, Arizona metropolitan area require the careful and innovative planning of both water supply and wastewater treatment systems.

The proposed Avra Valley Reclamation and Riparian Restoration site would spread treated wastewater on the mesquite riparian forest in Black Wash, creating valuable riparian habitat for migrating birds while recharging groundwater for the greater Tucson area.

I commend Mr. GRIJALVA for bringing this legislation to our attention, and I urge my colleagues to support the passage of H.R. 325.

I reserve the balance of my time.

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

Mr. Speaker, the Democratic bill manager has adequately explained this bill. An earlier version of the bill would have allowed water infrastructure funds to be expended for trails and a visitors center. The bill now targets funding for water recycling infrastructure only. As such, we have no objection to this narrowly focused bill.

I would yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 325.

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

A motion to reconsider was laid on the table.

CENTRAL TEXAS WATER RECYCLING ACT OF 2009

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1120) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1120

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 ''Central Texas Water Recycling Act of 2009''.

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by inserting after section 16___ the following new section:

''SEC. 16___. CENTRAL TEXAS WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Waco and other participating communities in the Central Texas Water Recycling and Reuse Project is authorized to participate in the design, planning, and construction of permanent facilities to reclaim and reuse water in McLennan County, Texas.

''(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project described in subsection (a).

''(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16___ the following:

''Sec. 16___. Central Texas Water Recycling and Reuse Project.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1120 authorizes the Secretary of the Interior to participate

in the Central Texas Water Recycling and Reuse Project. The project will treat and recycle wastewater generated by the city of Waco and six neighboring communities. Similar legislation was passed by the House under suspension of the rules in the 109th and 110th Congresses.

I urge my colleagues to support the passage of H.R. 1120, and I commend the bill's sponsor, Mr. EDWARDS of Texas, for his persistence and hard work to secure authorization for this very important project.

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

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

The Democratic bill manager has adequately explained this bill, which authorizes limited Federal participation in a water reuse project in McLennan County, Texas. We have no objection to this well-intended bill.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I would now like to yield such time as he might consume to the sponsor of this act, to our colleague, Mr. EDWARDS of Texas.

Mr. EDWARDS of Texas. Mr. Speaker, I first want to thank the gentlewoman from the Virgin Islands for her courtesy and for her kind comments and support for this legislation and for her leadership on the committee.

Mr. Speaker, our communities and Nation have a responsibility to be good stewards of our water resources. That is why I introduced H.R. 1120, the Central Texas Water Recycling Act of 2009.

This bill will authorize approximately $8 million in Federal funds to help build an innovative water recycling program in partnership with my hometown of Waco, Texas, and with several neighboring communities. It supports efforts to manage water resources efficiently in McLennan County by strategically locating regional satellite water treatment plants that will not only provide for the conservation of our community's water supply but will also reduce costs to the taxpayers.

This project can provide up to 10 million gallons per day of reused water, thereby reducing the water demand on Lake Waco. Instead of wasting valuable drinking water for use in factories and on golf courses in July and August in Texas, which doesn't make much sense, we will be able to use lower-cost recycled wastewater for those purposes, and will be able to save enough drinking water for over 20,000 households.

The bottom line is this: By being good stewards of our water supply, we will reduce water costs for businesses and for working families. It will save taxpayers millions of dollars, and it will encourage economic growth and jobs.

I want to thank Chairman RAHALL and Ranking Member HASTINGS for their support of this measure, and I want to thank the subcommittee chairwoman, Mrs. NAPOLITANO, and the ranking subcommittee member, Mrs. MCMORRIS RODGERS, for their key roles in this bill's passage.

This legislation, Mr. Speaker, is a kind of effort that shows what Congress can do when we work together on a bipartisan basis.

I also want to thank the mayors, city council and staff from the cities of Waco, Lorena, Robinson, Hewitt, Woodway, Bellmead, and Lacy-Lakeview for their cooperative efforts that brought us here today.

Finally, I want to extend special credit to Waco's city manager, Larry Groth, for his extraordinary leadership on this bill. Without his leadership and that of his staff's, without their hard work and professionalism, we would not be here today. As a citizen of Waco, I am grateful for his and his staff's outstanding service to my hometown.

I urge a ''yes'' vote on H.R. 1120.

Mr. LAMBORN. Mr. Speaker, I will just reaffirm the support that this bill has from our side of the aisle, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 1120.

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

A motion to reconsider was laid on the table.

LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2009

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1393) to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1393

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 ''Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2009''.

SEC. 2. AUTHORIZATION OF ADDITIONAL PROJECTS AND ACTIVITIES UNDER THE LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) ADDITIONAL PROJECTS.—Section 4(a) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067) is amended by adding at the end the following:

''(20) In Cameron County, Texas, Bayview Irrigation District No. 11, water conservation and improvement projects as identified in the March 3, 2004, engineering report by NRS Consulting Engineers at a cost of $1,425,219.

''(21) In the Cameron County, Texas, Brownsville Irrigation District, water conservation and improvement projects as identified in the February 11, 2004, engineering report by NRS Consulting Engineers at a cost of $722,100.

''(22) In the Cameron County, Texas Harlingen Irrigation District No. 1, water conservation and improvement projects as identified in the March 2004 engineering report by Axiom-Blair Engineering at a cost of $4,173,950.

''(23) In the Cameron County, Texas, Cameron County Irrigation District No. 2, water conservation and improvement projects as identified in the February 11, 2004, engineering report by NRS Consulting Engineers at a cost of $8,269,576.

''(24) In the Cameron County, Texas, Cameron County Irrigation District No. 6, water conservation and improvement projects as identified in an engineering report by Turner Collie Braden, Inc., at a cost of $5,607,300.

''(25) In the Cameron County, Texas, Adams Gardens Irrigation District No. 19, water conservation and improvement projects as identified in the March 2004 engineering report by Axiom-Blair Engineering at a cost of $2,500,000.

''(26) In the Hidalgo and Cameron Counties, Texas, Hidalgo and Cameron Counties Irrigation District No. 9, water conservation and improvement projects as identified by the February 11 engineering report by NRS Consulting Engineers at a cost of $8,929,152.

''(27) In the Hidalgo and Willacy Counties, Texas, Delta Lake Irrigation District, water conservation and improvement projects as identified in the March 2004 engineering report by Axiom-Blair Engineering at a cost of $8,000,000.

''(28) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 2, a water conservation and improvement project identified in the engineering reports attached to a letter dated February 11, 2004, from the district's general manager, at a cost of $5,312,475.

''(29) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 1, water conservation and improvement projects identified in an engineering report dated March 5, 2004, by Melden and Hunt, Inc. at a cost of $5,595,018.

''(30) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 6, water conservation and improvement projects as identified in the March 2004 engineering report by Axiom-Blair Engineering at a cost of $3,450,000.

''(31) In the Hidalgo County, Texas Santa Cruz Irrigation District No. 15, water conservation and improvement projects as identified in an engineering report dated March 5, 2004, by Melden and Hunt at a cost of $4,609,000.

''(32) In the Hidalgo County, Texas, Engelman Irrigation District, water conservation and improvement projects as identified in an engineering report dated March 5, 2004, by Melden and Hunt, Inc. at a cost of $2,251,480.

''(33) In the Hidalgo County, Texas, Valley Acres Water District, water conservation and improvement projects as identified in an engineering report dated March 2004 by Axiom-Blair Engineering at a cost of $500,000.

''(34) In the Hudspeth County, Texas, Hudspeth County Conservation and Reclamation District No. 1, water conservation and improvement projects as identified in the March 2004 engineering report by Axiom-Blair Engineering at a cost of $1,500,000.

''(35) In the El Paso County, Texas, El Paso County Water Improvement District No. 1, water conservation and improvement

projects as identified in the March 2004 engineering report by Axiom-Blair Engineering at a cost of $10,500,000.

''(36) In the Hidalgo County, Texas, Donna Irrigation District, water conservation and improvement projects identified in an engineering report dated March 22, 2004, by Melden and Hunt, Inc. at a cost of $2,500,000.

''(37) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 16, water conservation and improvement projects identified in an engineering report dated March 22, 2004, by Melden and Hunt, Inc. at a cost of $2,800,000.

''(38) The United Irrigation District of Hidalgo County water conservation and improvement projects as identified in a March 2004 engineering report by Sigler Winston, Greenwood and Associates at a cost of $6,067,021.''.

(b) INCLUSION OF ACTIVITIES TO CONSERVE WATER OR IMPROVE SUPPLY; TRANSFERS AMONG PROJECTS.—Section 4 of such Act (Public Law 106–576; 114 Stat. 3067) is further amended by redesignating subsection (c) as subsection (e), and by inserting after subsection (b) the following:

''(c) INCLUSION OF ACTIVITIES TO CONSERVE WATER OR IMPROVE SUPPLY.—In addition to the activities identified in the engineering reports referred to in subsection (a), each project that the Secretary conducts or participates in under subsection (a) may include any of the following:

''(1) The replacement of irrigation canals and lateral canals with buried pipelines.

''(2) The impervious lining of irrigation canals and lateral canals.

''(3) Installation of water level, flow measurement, pump control, and telemetry systems.

''(4) The renovation and replacement of pumping plants.

''(5) Other activities that will result in the conservation of water or an improved supply of water.

''(d) TRANSFERS AMONG PROJECTS.—Of amounts made available for a project referred to in any of paragraphs (20) through (38) of subsection (a), the Secretary may transfer and use for another such project up to 10 percent.''.

SEC. 3. REAUTHORIZATION OF APPROPRIATIONS FOR LOWER RIO GRANDE CONSTRUCTION.

Section 4(e) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067), as redesignated by section 2(b) of this Act, is further amended by inserting before the period the following: ''for projects referred to in paragraphs (1) through (19) of subsection (a), and $42,356,145 (2004 dollars) for projects referred to in paragraphs (20) through (38) of subsection (a)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to add extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1393 amends the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2009 to authorize the construction of several water conservation projects in Cameron, Hidalgo, Willacy, Hudspeth, and El Paso Counties in Texas. I commend the bill's sponsor, Mr. HINOJOSA, for bringing this measure to our attention. I urge the passage of this noncontroversial bill.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 1393. The Democratic bill manager has adequately explained this bill, which has passed the House in the last two Congresses in one form or another.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I now want to yield as much time as he might consume to the sponsor of the bill, to my classmate, Mr. RUBÉN HINOJOSA of Texas.

Mr. HINOJOSA. Mr. Speaker, I thank the gentlewoman from my wonderful congressional class of 1996 for giving me this time and opportunity to speak about an issue that is very important to us in Texas.

I rise in strong support of H.R. 1393, a bill that will authorize a variety of water conservation projects, including several in my congressional district in Texas and other projects all the way up to El Paso.

I want to thank Chairman RAHALL and Ranking Member HASTINGS for bringing the legislation to the floor.

I represent a region of the country that is subject to periodic droughts but yet is experiencing phenomenal population growth. When I came to Congress in 1997, we had 7 years of drought that made it impossible for our farmers to be able to make a profit. The 2000 census showed that the population of Hidalgo County, in my congressional district, increased by 48 percent. The 2010 census is expected to show a very similar growth of 48 to 50 percent.

On the Mexican side of the border, millions have come to work in the maquiladoras to take advantage of the economic boom that has come from NAFTA. This growth has placed an enormous strain on water delivery systems along the Texas-Mexico border.

Agriculture irrigation water often flows through open dirt ditches, and studies show that much is lost to seepage. Much of it is also lost to evaporation. Municipalities rely on the water from the irrigation delivery systems to meet the water needs of growing communities.

This bill, H.R. 1393, will authorize 19 projects that will allow border water districts to continue upgrading and modernizing our antiquated water delivery systems through the installation of water pipes—PVC pipes and canal linings. That is what we have been doing during the last 10 years, saving anywhere from 38 to 42 percent of water that we would have lost to seepage and evaporation. Similar projects were authorized in the 106th and 107th Congresses. This identical bill was passed in the 109th and 110th Congresses, but it has always stalled in the Senate. I am hoping that the third time is the charm.

We have already made a great deal of progress because this has been a collaborative effort. The irrigation districts have provided matching funds. The Texas Water Development Board and Texas A&M University have paid for many of the engineering studies. Federal appropriators have provided close to $20 million for previously authorized projects. These funds are being put to good use. Numerous projects are already under way, and some are almost completed.

Mr. Speaker, as a result, we are seeing a water savings of as high as 80 percent in the projects that have been completed. When the metering system is fully installed, irrigation districts have a much clearer picture of water usage and of water savings. This type of investment is bringing us the state of the art in irrigation systems in agricultural regions like the ones we have in deep south Texas. This data will be vital to improving water management throughout our region.

Most importantly, Federal authorization has allowed us to tap into the resources of the North American Development Bank. To date, NADBank has approved almost $24 million for these kinds of projects, and the passage of H.R. 1393 will make these new projects eligible for NADBank assistance.

In closing, I wish to say that, as south Texas moves back into a drought cycle, I urge my colleagues to support this critical legislation. I urge my colleagues on both sides of the aisle to support H.R. 1393.

Mr. LAMBORN. Mr. Speaker, at this point, I will yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 1393.

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

A motion to reconsider was laid on the table.

□ 1430

LAND GRANT PATENT MODIFICATION

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1280) to modify a land grant patent issued by the Secretary of the Interior.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1280

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

SECTION 1. AMENDMENTS TO LAND GRANT PATENT ISSUED BY SECRETARY OF THE INTERIOR.

Patent Number 61–2000–0007, issued by the Secretary of the Interior to the Great Lakes Shipwreck Historical Society, Chippewa County, Michigan, pursuant to section 5505 of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–516) is amended in paragraph 6, under the heading ''SUBJECT ALSO TO THE FOLLOWING CONDITIONS'' by striking ''Whitefish Point Comprehensive Plan of October 1992, or a gift shop'' and inserting ''Human Use/Natural Resource Plan for Whitefish Point, dated December 2002, permitted as the intent of Congress''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I'm pleased to bring to the House for its consideration this legislation sponsored by the gentleman from Michigan (Mr. STUPAK). This bill makes a minor technical correction to a land patent issued by the Secretary of the Interior to the Great Lakes Shipwreck Historical Society.

In 1997, Congress directed the Secretary to grant a land patent transferring a portion of the Whitefish Point Coast Guard Light Station to the society for the purposes of developing a public museum dedicated to shipping on the Great Lakes, including the well-known tragedy of the S.S. Edmund Fitzgerald, an iron ore carrier lost on Lake Superior in 1975.

A condition of the patent was that the use of the land conform to the Whitefish Point Comprehensive Plan of 1992. That plan has been replaced by a new document, the December 2002 Human Use/Natural Resource Plan for Whitefish Point. This bill strikes the reference to the old plan and replaces it with the title of the current document.

Congressman STUPAK has worked diligently on behalf of this legislation. The museum is one of the most popular attractions in Michigan's Upper Peninsula, and Mr. STUPAK has been a great advocate on its behalf.

I wholeheartedly support H.R. 1280 and urge its adoption by the House today.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I rise to speak on H.R. 1280, and I yield myself such time as I may consume.

H.R. 1280 has been well explained by the majority, and we support the legislation.

At this point, I would reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, at this time I would like to yield to the sponsor of the legislation, Mr. BART STUPAK of Michigan.

Mr. STUPAK. Mr. Speaker, I rise today as the author of H.R. 1280. I would like to thank the chairman and ranking member of the Interior Committee, Mrs. CHRISTENSEN and Mr. LAMBORN, and the committee staff for their assistance in moving forward with this legislation.

H.R. 1280 is a straightforward bill that would allow the Great Lakes Shipwreck Historical Society to implement the new Human Use/Natural Resource Management Plan for the Great Lakes Shipwreck Museum in Chippewa County, Michigan.

We have passed identical legislation on suspension out of the House of Representatives in the 109th and 110th sessions of Congress before, but it was not considered by the Senate. I am hopeful, with the House acting early this year in this legislative session, that the legislation we pass today will allow the Senate ample time to consider and approve this legislation.

The Great Lakes Shipwreck Historical Society is a nonprofit organization dedicated to preserving the history of shipwrecks in the Great Lakes. Since 1992, the Great Lakes Shipwreck Historical Society has operated the Great Lakes Shipwreck Museum to educate the public about shipwrecks in the region. The museum provides exhibits on several shipwrecks in the area, including an in-depth exhibit on the Edmund Fitzgerald, which was lost with her entire crew of 29 men near Whitefish Point, Michigan, on November 10, 1975. Among the items on display is the 200-pound bronze bell recovered from the wreckage in 1995, as a memorial to her lost crew.

In 2002, the Great Lakes Shipwreck Historical Society, working with the U.S. Fish and Wildlife Service, the Michigan Audubon Society, and the local community finalized a new management plan to improve the experience at the museum. The new management plan, which was signed and agreed upon by the interested parties, will allow the historical society to expand the museum's exhibits while addressing concerns about parking and access to surrounding wildlife areas. However, because the original land patent references the previous management plan, legislation to amend the patent is necessary before the new management plan can be implemented.

H.R. 1280 amends the land grant patent to allow the new management plan to be implemented. Congressman CAMP of Michigan has joined me in cosponsoring this legislation, and I thank him for his support.

The Great Lakes Shipwreck Historical Society has continuously improved the experience at the museum since it was established in 1992. With the approval of H.R. 1280, Congress will allow the Great Lakes Shipwreck Museum to further develop this cultural and historical resource.

I encourage my colleagues to support this simple legislation which would improve the opportunities available to visitors of Chippewa County, Michigan, and the Great Lakes Shipwreck Museum.

I thank the gentlewoman for yielding me time.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 1280.

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

A motion to reconsider was laid on the table.

SHASTA-TRINITY NATIONAL FOREST LAND TRANSFER

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 689) to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 689

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

SECTION 1. INTERCHANGE OF LANDS TO THE BUREAU OF LAND MANAGEMENT.

(a) INTERCHANGE.—Effective on the date of the enactment of this Act, administrative jurisdiction of the federally owned lands described in subsection (b) is transferred from the Secretary of Agriculture to the Secretary of the Interior to be subject to the laws, rules, and regulations applicable to the public lands administered by the Bureau of Land Management (hereafter in this Act referred to as the ''BLM'').

(b) LANDS AFFECTED.—Except as provided in subsection (c), the lands transferred to the administration of the Secretary of the Interior, through the BLM, under subsection (a) are those heretofore within the Shasta-Trinity National Forest in California, Mount Diablo Meridian, as shown on the map titled ''H.R. 689, Transfer from Forest Service to BLM, Map 1'', dated April 21, 2009.

(c) EXCEPTED LANDS.—Excepted from the transfer under this section are those lands within the Shasta Dam Reclamation Zone which shall continue to be administered by the Secretary of the Interior through the Bureau of Reclamation.

SEC. 2. INTERCHANGE OF LANDS TO THE FOREST SERVICE.

(a) INTERCHANGE.—Effective on the date of the enactment of this Act, administrative jurisdiction of the federally owned lands described in subsection (b) is transferred from the Secretary of the Interior to the Secretary of Agriculture to be subject to the laws, rules, and regulations applicable to the National Forest System. Such lands are hereby withdrawn from the public domain and reserved for administration as part of the Shasta-Trinity National Forest.

(b) LANDS AFFECTED.—The lands transferred to the administration of the Secretary of Agriculture, through the Forest Service, under subsection (a), are those heretofore administered by the BLM in California, Mount Diablo Meridian, as shown on the map titled ''H.R. 689, Transfer from BLM to Forest Service, Map 2'', dated April 21, 2009.

(c) WILDERNESS ADMINISTRATION.—The transfer of administrative jurisdiction from the BLM to the Forest Service of certain lands previously designated as part of the Trinity Alps Wilderness shall not affect the wilderness status of such lands.

(d) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Shasta-Trinity National Forest, as adjusted pursuant to this Act, shall be considered the boundaries of that national forest as of January 1, 1965.

SEC. 3. EXISTING RIGHTS AND AUTHORIZATIONS.

Nothing in this Act shall affect any valid existing rights, nor affect the validity or term and conditions of any existing withdrawal, right-of-way, easement, lease, license or permit on lands transferred by this Act, except that any such authorization shall be administered by the agency having jurisdiction of the land after the enactment of this Act in accordance with applicable law. Reissuance of any such authorization shall be in accordance with applicable law and regulations of the agency having jurisdiction.

SEC. 4. HAZARDOUS SUBSTANCES.

(a) NOTICE.—The Forest Service for lands described in section 1, and the BLM for lands described in section 2, shall identify any known sites containing hazardous substances and provide such information to the receiving agency.

(b) CLEAN UP OBLIGATIONS.—The clean up of hazardous substances on lands transferred by this Act shall be the responsibility of the agency having jurisdiction over the lands on the day before the date of the enactment of this Act.

SEC. 5. CORRECTIONS.

(a) MINOR ADJUSTMENTS.—The Director of the BLM and the Chief of the Forest Service, may, by mutual agreement, effect minor corrections and adjustments to the interchange provided for in this Act to facilitate land management, including survey.

(b) PUBLICATIONS.—Any corrections or adjustments made under subsection (a) shall be effective upon publication of a notice in the Federal Register.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 689 was introduced by our colleague from California, Representative HERGER. The bill authorizes the exchange of land between the Forest Service and the Bureau of Land Management. The specified lands are located within the Shasta-Trinity National Forest in Northern California.

The purpose of the exchange is to ease problems that off-highway vehicle users are having with permitting. Due to the patchwork nature of the Federal land in that area, OHV users currently need to acquire two permits—one from the BLM and one from the Forest Service. This bill will mean that OHV users need only one permit from the BLM to operate the vehicles in the region.

The administration supports this legislation, and so do I.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I rise to speak on behalf of H.R. 689 and yield myself such time as I may consume.

Mr. Speaker, I want to commend Congressman HERGER and his staff for their excellent work on this legislation.

After hearing from many concerned constituents, Congressman HERGER has sought to help Forest Service and Bureau of Land Management officials better manage a complex mix of administrative jurisdictions in Shasta County, a place renown for its natural beauty. This legislation will help both agencies. It will also greatly benefit the off-highway vehicle users who have been using this area for generations.

Not surprisingly, this bill has widespread support among local OHV users. It is a rare feat to have two separate Federal agencies and the public all agreeing that a particular piece of legislation is worthy of praise. Congressman HERGER should be congratulated for this. It is for legislation such as this that Congressman HERGER has a reputation for addressing the needs of his Northern California constituents.

At this time, I would yield such time as he may consume to the gentleman from California (Mr. HERGER), the author of the bill.

Mr. HERGER. I thank the gentleman.

Mr. Speaker, I rise today in support of H.R. 689 to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management. This bill is a simple jurisdictional exchange between Federal agencies to allow for more consolidated and efficient management of the Chappie-Shasta Off-Highway Vehicle area in the Northern California congressional district I represent.

I'm a firm believer in policies that limit bureaucracy and government interference in our everyday lives. H.R. 689 accomplishes these goals and will also improve access and recreational use of these Federal lands.

For years, many of my constituents have raised their concerns over difficulties in dealing with two Federal agencies to use one OHV area. Issues such as duplicative permits add substantial and unnecessary costs to the users, and even different opening dates for the same area have resulted in frustration from the thousands of users from across California and elsewhere who try to cope with this redundant management.

This noncontroversial exchange was developed collaboratively at the local level by the Forest Service and BLM in conjunction with the local OHV community. The BLM will be able to consolidate the OHV area, while in exchange, the Forest Service will benefit by receiving small tracts of wilderness area that are currently managed by the BLM but are contiguous to Forest Service land. The exchange only involves lands that are already controlled by the Federal Government and will not change the designation of these lands.

This legislation is a prime example of commonsense solutions and better government that will result in a win-win for the taxpayers and their access to our public lands.

I would urge my colleagues to support this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I would inquire if my colleague has any other speakers on the other side?

Mr. LAMBORN. We have no more speakers.

Mrs. CHRISTENSEN. I yield back the balance of my time.

Mr. LAMBORN. And I yield back also.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 689, as amended.

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

A motion to reconsider was laid on the table.

CAMP HALE STUDY ACT

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2330) to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2330

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 ''Camp Hale Study Act''.

SEC. 2. SPECIAL RESOURCE STUDY OF THE SUITABILITY AND FEASIBILITY OF ESTABLISHING CAMP HALE AS A UNIT OF THE NATIONAL PARK SYSTEM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service (hereinafter referred to as the ''Secretary''), shall complete a special resource study of Camp Hale to determine—

(1) the suitability and feasibility of designating Camp Hale as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of Camp Hale by the National Park Service, other Federal, State, or local government entities or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with

section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 3. EFFECT OF STUDY.

Nothing in this Act shall affect valid existing rights, including—

(1) all interstate water compacts in existence on the date of the enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(2) water rights decreed at the Camp Hale site or flowing within, below, or through the Camp Hale site;

(3) water rights in the State of Colorado;

(4) water rights held by the United States; and

(5) the management and operation of any reservoir, including the storage, management, release, or transportation of water.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, again I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 2330 was introduced by our colleague from Colorado, Representative LAMBORN, and the bill directs the National Park Service to study how best to preserve Camp Hale near Leadville, Colorado. Camp Hale operated from 1942 to 1965 as a winter and high-altitude training venue for the 10th Mountain Division and other elements of the U.S. Armed Forces.

This 250,000-acre camp was also used by the Central Intelligence Agency as a secret center for training Tibetan refugees in guerilla warfare to resist the Chinese occupation. The lands were returned to the Forest Service in 1966.

Today, the camp is part of the White River and San Isabel National Forests. Camp Hale was placed on the National Register of Historic Places in 1992. This legislation passed the House last Congress but was not acted upon by the other body.

Mr. Speaker, we support the passage of this measure.

I reserve the balance of my time.

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

Thank you. I would like to thank the gentlelady for her kind words.

I am pleased to be the sponsor of this bill that directs the National Park Service to study the suitability of Camp Hale for designation as a unit of the National Park System. Tennessee Pass and Camp Hale served as the training site for the 10th Mountain Division, a specialized skiing unit whose heroism during World War II in Italy still inspires our Nation. Later, the site was used for covert training operations for Tibetan freedom fighters and other activities that furthered the cause of freedom during the Cold War.

The geography of the area is ideal for winter and high-altitude training, with steep mountains surrounding a level valley suitable for housing and other facilities. In addition to the 10th Mountain Division, the 38th Regimental Combat Team and 99th Infantry Battalion, as well as soldiers from Fort Carson, were trained at Camp Hale from 1942 to 1965.

Today, this landmark section of Colorado is the location of an outstanding ski area. With Park Service recognition, it will provide unique educational opportunities for learning about an important but little-known part of our history. Listing Tennessee Pass and Camp Hale as a unit of the National Park System will allow us to learn about and experience a unique episode of history in its original setting in this spectacular beauty of Colorado.

□ 1445

I also want to thank Senator MARK UDALL, who last year as a Representative was a cosponsor of this bill with me and this year has agreed to be the Senate sponsor if, and when, this bill goes to the Senate.

At this point, I would yield back the balance of my time.

Mrs. CHRISTENSEN. I have no further speakers. I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 2330, as amended.

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

A motion to reconsider was laid on the table.

DIRECTING FISH STOCKING IN CERTAIN WASHINGTON LAKES

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2430) to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2430

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

SECTION 1. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The North Cascades complex contains 245 mountain lakes, of which 91 have been historically stocked with fish.

(2) In many cases, the stocking of fish in these lakes dates back to the 1800s.

(3) This practice has been important to the economy of the area because of the recreational opportunities it creates.

(4) During congressional hearings on the designation of the North Cascades National Park, the Department of the Interior indicated that the practice of fish stocking would be continued if the area became a unit of the National Park Service system.

(5) Since designation of the National Park in 1968, the stocking of certain lakes has continued under various agreements between the National Park Service and the State of Washington.

(6) An Environmental Impact Statement completed by the National Park Service recommends continued stocking of up to 42 of the lakes that have historically been stocked with fish.

(b) PURPOSE.—The purpose of this Act is to clarify the continued authority of the National Park Service to allow the stocking of fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

SEC. 2. STOCKING OF CERTAIN LAKES IN NORTH CASCADES NATIONAL PARK, ROSS LAKE NATIONAL RECREATION AREA, AND LAKE CHELAN NATIONAL RECREATION AREA.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, shall authorize the stocking of fish in lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

(b) CONDITIONS.—The following conditions shall apply to stocking of lakes under subsection (a):

(1) The Secretary is authorized to allow stocking in not more than 42 of the 91 lakes which have historically been stocked with fish.

(2) The Secretary shall only stock fish that are—

(A) native to the watershed; or

(B) functionally sterile.

(3) The Secretary shall coordinate the stocking of fish with the State of Washington.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 2430, introduced by the ranking member of the Natural Resources Committee, Doc Hastings, directs the Secretary of the Interior to stock certain lakes in the North Cascades National Park with fish.

Fish did not naturally inhabit any of the 245 lakes in the North Cascades of

Washington because they are at such high elevations. But in the late 1800s, local officials began stocking some of these mountain lakes with nonnative fish. By the late 1930s, the State had assumed management of this effort, and recreational fishing in these lakes became increasingly popular.

In 1968, North Cascades was designated as a national park, and in 1988, the Steven T. Mather Wilderness Area was set aside within the park. Now, all but one of these lakes are located within the Mather Wilderness Area. Stocking continued, though, through a series of National Park Service waivers, but the National Park Service has made it clear that stocking will not continue unless the practice is specifically authorized by Congress.

H.R. 2430 will provide that authorization. We have no objections to H.R. 2430.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 2430 was introduced by the ranking Republican of the committee, Mr. HASTINGS of Washington, and has the bipartisan support of five other Members of the Washington delegation.

This legislation simply implements the recommendations of the National Park Service's 2008 final Environmental Impact Statement on mountain lakes fishery management in the North Cascades National Park.

Beginning in the 1880s, 91 of the 245 lakes within the park complex have been stocked with trout. When the North Cascades National Park was created in 1968, the Park Service continued to allow fish stocking under the supervision of the Washington State Department of Fish and Wildlife.

To address subsequent questions about the environmental impact of stocking the lakes, the Park Service agreed to complete a NEPA review on fisheries management within the park. This review began in 2002 and resulted in a record of decision last year, which concluded that fish stocking could continue in 42 of these lakes without adversely affecting native ecosystems.

The legislation creating the North Cascades National Park specifically identifies fishing as an important recreational use. Although recreational fishing is called for in the park's enabling act and stocking has continued throughout its existence, the Park Service has requested that this authority be specifically authorized for it to continue.

H.R. 2430 adopts the 42 lakes identified in the Park Service's Environmental Impact Statement as a ceiling for fish stocking, directs the agency to work with the Washington State Department of Fish and Wildlife to supervise this activity, and limits stocking to native or sterile fish.

Passing this legislation will authorize fish stocking in limited circumstances in this particular park rather than relying on a waiver from the director of the Park Service to the agency's general policy against stocking lakes. This will ensure that allowing this activity to continue where it has been carefully reviewed and found to be appropriate does not set a precedent for other Parks.

Mr. Speaker, the National Parks, Forests and Public Lands Subcommittee held hearings on this legislation on April 24 of last year, and it passed the House by voice vote on July 14, 2008. This bipartisan legislation has been carefully and narrowly drafted and has the support of recreation advocates, as well as State and local government. I urge my colleagues to support this bill.

Mr. LARSEN of Washington. Mr. Speaker, I rise today to express my support for H.R. 2430, legislation which will allow for the continued stocking of trout in mountain lakes in the North Cascades National Park, Lake Chelan National Recreation Area, and Ross Lake National Recreation Area in my home State of Washington.

For over 100 years, sportsmen and women in the Pacific Northwest have stocked lakes in the North Cascades with trout early each summer and returned later in the year with family and friends to camp and fish.

Fish stocking brings not only recreational benefits, but also economic benefits for rural communities that rely on sportsmen and park visitors to sustain local businesses.

The practice of fish stocking is supported by both the angling community and the Washington State Department of Fish and Wildlife. Earlier this year, the North Cascades National Park issued an Environmental Impact Statement supporting the continued stocking of fish.

However, a recent legal opinion issued by the National Parks Service threatens this decades-old tradition. The Parks Service has determined that, without legal clarification from Congress, they will be unable to allow fish stocking in the future.

H.R. 2430 would provide the Parks Service with the clarification it needs to continue to allow fish stocking. This legislation will authorize the Secretary of the Interior, in coordination with the State of Washington, to allow sportsmen to stock native or functionally sterile trout in up to 42 alpine lakes in the North Cascades National Park, Lake Chelan National Recreation Area, and Ross Lake National Recreation Area.

I urge my colleagues to join me in supporting this bipartisan legislation to protect the tradition of fish stocking in and around the North Cascades National Park.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to support H.R. 2430, legislation to allow for the continued stocking of fish in certain alpine lakes in the North Cascades National Park Complex, including the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

Many of these lakes have been stocked since the late 19th century, long before they became part of the National Park complex. For decades, volunteer groups, working with the State of Washington, have stocked trout in a number of lakes in this area under carefully constructed management plans written by State and Park Service biologists. In addition, congressional consideration of the creation of the North Cascades National Park clearly indicated that fish stocking should continue. More significantly, the legislation creating the Park even identifies fishing as an important recreational use.

When questions were raised about the environmental impacts of fish stocking, the Park Service prepared an Environmental Impact Statement on the fisheries in these mountain lakes. The preferred alternative selected in the final record of decision is to allow continued fish stocking in forty-two lakes where the agency has concluded there would be no adverse impact on native ecosystems. In this report the Park Service also requested explicit authority to allow fish stocking to continue within the Park.

In order to protect this longstanding practice in the North Cascades, I introduced H.R. 2430 to ensure that fish stocking can continue. After years of consultation with local leaders on this issue, it is clear to me that communities in and around the North Cascades National Park Complex want fish stocking to continue. Many tourists visit the Park for its scenic beauty as well as for its fishing opportunities, helping make fish stocking an important component of the Central Washington economy.

Finally, I would like to thank many of my Washington state colleagues who cosponsored H.R. 2430, including RICK LARSEN, NORM DICKS, CATHY MCMORRIS RODGERS, BRIAN BAIRD and ADAM SMITH. I especially would like to note the assistance provided by NORM DICKS, whose involvement in this issue goes back to his time as a staff member in Congress. I urge all my colleagues to support this common sense legislation and ensure that local residents and all visitors to the North Cascades National Park can continue to enjoy recreational fishing as they have for more than a century.

Mr. LAMBORN. I would yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 2430.

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

A motion to reconsider was laid on the table.

NATIVE AMERICAN HERITAGE DAY ACT OF 2009

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 40) to honor the achievements and contributions of Native Americans to the United States, and for other purposes, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 40

Resolved 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 ''Native American Heritage Day Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of and who governed the lands that now constitute the United States;

(2) Native Americans have volunteered to serve in the United States Armed Forces and have served with valor in all of the Nation's military actions from the Revolutionary War through the present day, and in most of those actions, more Native Americans per capita served in the Armed Forces than any other group of Americans;

(3) Native American tribal governments included the fundamental principles of freedom of speech and separation of governmental powers;

(4) Native Americans have made distinct and significant contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

(5) Native Americans should be recognized for their contributions to the United States as local and national leaders, artists, athletes, and scholars;

(6) nationwide recognition of the contributions that Native Americans have made to the fabric of American society will afford an opportunity for all Americans to demonstrate their respect and admiration of Native Americans for their important contributions to the political, cultural, and economic life of the United States;

(7) nationwide recognition of the contributions that Native Americans have made to the Nation will encourage self-esteem, pride, and self-awareness in Native Americans of all ages;

(8) designation of the Friday following Thanksgiving of each year as Native American Heritage Day will underscore the government-to-government relationship between the United States and Native American governments;

(9) designation of Native American Heritage Day will encourage public elementary and secondary schools in the United States to enhance understanding of Native Americans by providing curricula and classroom instruction focusing on the achievements and contributions of Native Americans to the Nation; and

(10) the Friday immediately succeeding Thanksgiving Day of each year would be an appropriate day to designate as Native American Heritage Day.

SEC. 3. HONORING NATIVE AMERICAN HERITAGE IN THE UNITED STATES.

Congress encourages the people of the United States, as well as Federal, State, and local governments, and interested groups and organizations to honor Native Americans, with activities relating to—

(1) appropriate programs, ceremonies, and activities to observe Native American Heritage Day;

(2) the historical status of Native American tribal governments as well as the present day status of Native Americans;

(3) the cultures, traditions, and languages of Native Americans; and

(4) the rich Native American cultural legacy that all Americans enjoy today.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, House Joint Resolution 40 honors the achievements and contributions of Native Americans to the United States. The descendants of the original indigenous people of this great Nation have greatly contributed to our Nation's rich cultural heritage and deserve to be recognized for their contributions to the United States as national leaders, artists, athletes, scholars and patriots.

Native Americans have made distinct and significant contributions to the United States and the world in many fields, including agriculture, medicine, music, language, and art. Native Americans have distinguished themselves as notable inventors, entrepreneurs, spiritual leaders, and scholars.

Tribal governments have embodied the spirit of the U.S. Constitution and the liberties of democracy since before the Founding Fathers. They enjoyed the fundamental principles of freedom of speech and separation of governmental powers that we hold so dearly. Native Americans have, and continue to be, noteworthy and tireless community activists, fair and impartial judges, and deft politicians.

With this resolution, we honor the contributions and cultural heritage of Native Americans.

Mr. Speaker, I want to take this time to congratulate and thank our colleague, Mr. BACA of California, for his hard work to bring this bill to the floor. Were it not for him, the continuing legacy of Native Americans would go unrecognized for its great achievements. Mr. BACA's dedication to all Native Americans is most admirable.

I urge all of my colleagues to support the passage of House Joint Resolution 40.

I reserve the balance of my time.

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

We have no objection to the joint resolution, and in fact, we wholeheartedly support passage of this measure. This measure encourages all people in the United States to recognize the legacy, as well as the future, of Native Americans as an intrinsic part of our Nation's culture and history.

Indian Country has produced such a treasury of wisdom and talent that it is difficult to know how to begin to describe it all. From the Indian people who encountered the Pilgrims, to those who helped Lewis and Clark, from the courageous souls who fought in the Revolutionary War, to veterans of the foreign wars, from Chief Joseph, to Maria Tallchief, to Jim Thorpe; Indian people from hundreds of different tribes have distinguished themselves across history as leaders, peacemakers, and in many walks of life. They bequeathed a legacy that inspires and enriches future generations.

It is right that this resolution encourages all Americans to recognize the day after Thanksgiving as a day to appreciate and learn more about Native Americans, and again, we support this measure.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, at this time I'd like to yield such time as he may consume to the sponsor of this resolution, Congressman BACA of California.

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

Mr. BACA. I rise today in support of H.J. Res. 40, the Native American Heritage Day Act of 2009.

I would like to thank Natural Resources Chairman NICK RAHALL, Ranking Member DOC HASTINGS, and the leadership for their support and efforts in bringing this resolution to the floor.

I also would like to recognize the gentlelady from the Virgin Islands, Representative CHRISTENSEN, and DOUG LAMBORN from Colorado, for their hard work in the Natural Resources Committee.

H.J. Res. 40 will help pay tribute to Native Americans for their many contributions to the United States by encouraging all Americans to observe Native American Heritage Day through appropriate programs, ceremonies, and activities.

I have been working diligently towards an official day of recognizing for Native Americans since my time in the California legislature.

In the 110th Congress, H.J. Res. 62 was passed in both the House and the Senate and was signed by President George Bush. This bill encouraged all Americans to recognize the Friday after Thanksgiving in 2008 as Native American Heritage Day. This law was the first time in 25 years that Native Americans were honored on such a national level.

Due to House rules that restrict commemorative legislation, we are not able to have legislation on an annual basis recognizing the Native American holiday and I hope one day we will be able to do that. This legislation needed to be reintroduced to ensure that this day of recognition continues in 2009.

So in this Congress, under a new administration, I introduced H.J. Res. 40, the Native American Heritage Day Act of 2009. The act encourages all Americans, the Congress, and President Barack Obama to recognize the important contributions of the Native American community.

I will work with Senator DANIEL INOUYE and his colleagues to pass this resolution in the Senate and send this once again to the President for his signature. This recognition should not be just for 1 year or one Congress, but it should be for every year.

I thank Senator INOUYE and the National Indian Gaming Association for their help in this Congress and for all of their efforts from the 110th Congress.

It is important that we recognize the contributions of Native Americans in all aspects of our society, including government, language, and history. Native Americans distinguished themselves throughout history as inventors, entrepreneurs, spiritual leaders, athletes, and scholars. People caring about people. They have made significant contributions in the fields of agriculture, medicine, music, language, and art.

We must not forget that Native Americans have fought with valor in every American war dating back to the Revolutionary War. In fact, Native Americans have the highest record of service per capita when compared to other ethnic groups. More than 44,000 served with distinction between 1941 and 1945 in both European and Pacific theaters of war. One Native American hero many of us are familiar with is Corporal Ira Hayes, the courageous soldier immortalized forever when he helped to raise the flag at Iwo Jima.

More than 40,000 Native Americans left their reservations to work in ordnance depots, factories, and other war industries. They also invested more than $50 million in war bonds, and contributed generously to the Red Cross and the Army and Navy Relief societies.

During the Vietnam War, over 42,000 Native Americans fought bravely, of these over 90 percent of them volunteers. Native American contributions in United States military combat continued in the 1980s and 1990s as they saw duty in Grenada, Panama, Somalia, and the Persian Gulf.

Last Congress, as chair of the Congressional Hispanic Caucus, I worked with my colleagues to ensure the PBS World War II documentary ''The War'' included the sacrifices of both our Native American and our Hispanic heroes.

But there are many other Native American contributions away from the battlefield that also deserve to be recognized. Our history, our culture, our traditions, and what we give to our society and each of our communities is part of an integral educational process that we should do.

□ 1500

In an area near and dear to my heart—athletes—Native Americans have produced one of the greatest football players ever—Jim Thorpe. And their native languages are cultural treasures that were often used to keep the United States safe from attack—as was the case with the Navajo Code Talkers of World War II, who fought for freedom and democracy.

Last Congress—again, in my role as the chair of CHS—I fought with my colleagues to beat back harmful English-only amendments that would have threatened the continued existence of their language and their contributions to our society.

Today—through Indian gaming—Native Americans build an important economic engine that creates good-paying jobs, that can't be outsourced, in many of our communities.

In my own area, the Inland Empire of Southern California, the Pechanga and Sobaba Band of Luiseno Indians both make it a point to give back to the community, along with the San Manuel Band of Mission Indians. My good friend James Ramos and I served to make sure that the legislation passed in the State of California.

These tribes contribute extensively to local charities and also have donated funds to counties and local governments. The funds have been used to purchase everything from police equipment to books for the classroom.

It is important for all of us to see the significant contributions of the cultures and traditions and that everyone is properly educated on the heritage and achievements of Native Americans. And I state: everybody is properly educated, without the stereotypes that have been in place.

That is why my bill encourages public schools to place a greater emphasis on teaching Native American history and culture to our children. We must ensure that future generations understand the significant cultural legacy of Native Americans to this country—the true Americans, the true heroes, and the true citizens of this country.

For many of us, the Friday after Thanksgiving is known simply as a day of shopping or a day off work or off school. It's a day to recognize what it means in recognizing those who have contributed to our country. Let us make this day a true reflection of the significant contributions of all Native Americans.

As we all know, nationwide recognition of this contribution is long overdue. I urge my colleagues to support H.J. Resolution 40, and take a firm step in honoring Native Americans. I thank both of my colleagues for supporting this legislation.

Mr. LAMBORN. I want to commend Representative BACA for his work on this issue and for his eloquent remarks. At this point I will reaffirm that we support this measure wholeheartedly.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of House Joint Resolution 40, which honors the achievements and contributions of Native Americans to the United States, and for other purposes.

I want to commend the sponsor of this resolution, my good friend from California, Mr. JOE BACA, for introducing such an important piece of legislation designating a day to honor and celebrate the rich traditions and cultures of our Native American heritage. I also want to thank and recognize my fellow colleagues and supporters of this joint resolution.

Today, this legislation honors the distinct and notable contributions the Native Americans have made to the United States and the rest of the world. They have achieved significant accomplishments and have made many contributions to the many fields of agriculture, medicine, music, language, and art. These First Americans who were here prior to the arrival of Europeans have been and always will be an integral part of our U.S. history. This resolution recognizes the contributions they have made through politics, economics, and, importantly, enriching the cultural fabric of our country.

Our Native American brothers and sisters have always volunteered to serve in the Armed Forces since the time of the Revolutionary War and they continue to serve with valor in our military today. We must also acknowledge the contributions and impact the Native Americans had on the creation of the fundamental principles that make our great country. Either through inspiring the Founding Fathers of the separation of governmental powers or providing for and the protection of freedom of speech, the Native American tribal governments are instrumental in the creation of our United States Constitution.

This day, Native American Heritage Day, will provide for the nationwide recognition of all our Native Americans who are estimated to number almost 2.5 million. It will help the American public celebrate and understand the culture and history of the many 562 federally recognized tribes as well as the other hundreds of tribes who have yet or are in the process being recognized by the states and the federal government. By way of programs, ceremonies, or activities to celebrate Native American Heritage Day or the enhancement of classroom instruction, we will better appreciate and understand the richness of the Native Americans.

In today's world, our country is more diverse than ever and it is important that we honor the Native Americans. It is imperative that we celebrate and recognize the rich cultural legacy of our first brothers and sisters.

For these reasons, I strongly urge my fellow colleagues to support this resolution honoring the First Americans.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today to offer my support for H.J. Res. 40, the Native American Heritage Day Act of 2009. Though I was unable to vote for this measure, I would like the record to reflect that I wholeheartedly support the establishment of a Native American Heritage Day whereby all Americans can pause to remember the numerous contributions Native Americans have made to our country.

Their commitment to family, to community and our country is noteworthy and substantial. They have played important roles in our society as artists, teachers, leaders, statesmen and stateswomen, soldiers and public servants. As Native American communities across Arizona and the country seek to empower and improve their community through self-governance and strengthen the bond of the government-to-government relationship between the United States and Native American governments, we should welcome the opportunity to reflect on their past and continued contributions to the United States' society and culture.

It is an honor to have 11 tribal communities in the First Congressional District of Arizona. My commitment to serving their communities and improving their lives by working together is a natural extension of my earliest memories living and growing up on White Mountain Apache tribal lands.

Establishing Native American Heritage Day is an important step to help celebrate and preserve the cultures of Native America, and I congratulate Rep. BACA and this House for their support and recognition of Native America.

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

Mrs. CHRISTENSEN. I, too, want to thank and commend Congressman BACA for this resolution. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the joint resolution, H.J. Res. 40, 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.

Mrs. CHRISTENSEN. 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.

RECOGNIZING 75TH ANNIVERSARY OF GREAT SMOKY MOUNTAINS NATIONAL PARK

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 421) recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 421

Whereas groups of local citizens and officials in western North Carolina and east Tennessee in the 1920s displayed enormous foresight in recognizing the potential benefits of a national park in the southern Appalachians;

Whereas the boundaries and location of said park were selected from among the finest examples of the most scenic and intact mountain forests in the Southeast;

Whereas its creation was the product of over two decades of determined effort by leaders of communities across western North Carolina and east Tennessee;

Whereas the State Assemblies and the Governors of those two States exercised great vision in appropriating funding, along with the Laura Spellman Rockefeller Memorial Fund for the purchase of the over 400,000 acres of private lands which had been accumulated;

Whereas the citizens of surrounding communities generously contributed to that land acquisition funding to bring the park into being;

Whereas over 1,100 families and other property owners were called upon to sacrifice their farms and homes for the benefit and enjoyment of future generations;

Whereas Great Smoky Mountains National Park was created by Congress on June 15, 1934;

Whereas Great Smoky Mountains National Park covers approximately 521,621 acres of land, in both Tennessee and North Carolina making it the largest protected areas in the Eastern United States;

Whereas the park provides sanctuary for the most diverse flora and fauna of any national park in the temperate United States, and preserves an unparalleled collection of historic structures as a ''time capsule'' of Appalachian culture during the 19th and early 20th centuries;

Whereas, on September 2, 1940, President Franklin D. Roosevelt dedicated Great Smoky Mountains National Park;

Whereas the Great Smoky Mountains National Park has been America's most popular national park since it opened, and now attracts 9,000,000 to 10,000,000 visitors each year, making it the most visited of the 58 national parks; and

Whereas park visitors contribute over $700,000,000 each year resulting in over 14,000 jobs within the States and the surrounding local economies: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the citizens of east Tennessee and western North Carolina for their vision and sacrifice;

(2) commends the Great Smoky Mountains National Park and the National Park Service for 75 years of successful management and preservation of the park land;

(3) congratulates the Great Smoky Mountains National Park on its 75th anniversary; and

(4) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Great Smoky Mountains National Park Headquarters located at 107 Park Headquarters Road, Gatlinburg, TN 37738, for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, The Great Smoky Mountains National Park was created by Congress on June 15, 1934. The park now encompasses more than 520,000 acres of land in Tennessee and North Carolina, making it the largest protected area in the eastern United States. It is also our Nation's most visited national park.

This great park is world-renowned for the diversity of its plant and animal life, the beauty of its ancient mountains, and the quality of its remnants of Southern Appalachian mountain culture.

House Resolution 421, introduced by the gentleman from Tennessee, Representative DAVID ROE, would express the commendation of the House of Representatives to Great Smoky Mountains National Park and the National Park Service for 75 years of successful management and preservation of the park land.

Mr. Speaker, we support House Resolution 421, and urge its adoption by the House today.

I reserve the balance of my time.

Mr. LAMBORN. I rise in support of House Resolution 421 and yield myself such time as I may consume.

This resolution celebrates one of the most popular national parks in our country. It is a beautiful part of the country that I have had the privilege of visiting on several occasions.

I congratulate Congressman ROE for bringing this resolution to the House so that we may recognize the 75th anniversary of the establishment of the Great Smoky Mountains National Park. I urge my colleagues to support this resolution.

At this time I would yield such time as he may consume to the distinguished gentleman from Tennessee (Mr. DUNCAN), whose congressional district includes about half of the Tennessee portion of the Great Smoky Mountains National Park.

Mr. DUNCAN. I thank the gentleman from Colorado for yielding me this time. I rise in support of this resolution to recognize the 75th anniversary of the Great Smoky Mountains National Park, a resolution that was introduced by my good friend and neighbor from the First Congressional District of Tennessee, Dr. ROE.

I represent about half of the Tennessee part of the Great Smoky Mountains National Park and Dr. ROE represents the other half of the Tennessee portion, which is, of course, the bigger portion of the national park.

The Great Smoky Mountains National Park is one of the things of which those of us from east Tennessee are most proud. It has often been said that our national parks are our Nation's crown jewels. If that is true, then the Great Smoky Mountains National Park must certainly be one of the largest jewels in that crown.

The Great Smoky Mountains National Park is, by far, our most visited national park, with over 9 million visitors each year—approximately three times the number of visitors that go to our second and third largest national parks.

The Great Smoky Mountains National Park, with only 520,000 acres, seems huge to anyone who comes there. Of course, it is very small in comparison. We talk often here about the Arctic National Wildlife Refuge, which is 19.8 million acres, which is 36 or 37 times the size of the Great Smokies, but it certainly is one of the most beautiful areas of this country. And more than 50 percent of the Nation's population lies within a day's drive of the park.

Within the park you can find more than 1,500 species of plants, over 200 species of birds, 66 species of mammals, 50 species of fish, and so on. You will also find plenty of recreation opportunities in the park, including 800 miles of hiking and horse trails, and some of the most beautiful valleys and high

peaks anyone has ever seen, such as Cades Cove and Mount LeConte.

Although any time is a great time to visit the park, the views are truly spectacular in the spring, with the blooming of the dogwoods and redbud trees and in the fall when the leaves begin turning various shades of red and orange and yellow.

My hometown of Knoxville is considered by many to be the gateway to the Smokies, and residents of Knoxville played a very important role in establishing the park.

The original idea for a Smokies National Park came from a wealthy and influential Knoxville family, Mr. and Mrs. William P. Davis, who came back from a visit to the national parks out West in the early 1920s with a simple question: Why can't we have a national park in the Smokies?

Very quickly, other influential citizens of Knoxville such as politicians, businessmen, naturalists, and others joined in this movement. Eventually, the legislatures in Tennessee and North Carolina realized that this was a worthy project. Both legislatures appropriated $2 million in 1927.

Although this was a large amount of money, it was not enough. Colonel David C. Chapman of Knoxville joined forces with National Park Service Director Arno Cammerer and began seeking additional sources of funding. Ultimately, they convinced John D. Rockefeller, Jr., to contribute to the cause.

The Rockefeller family was well known for their philanthropy, especially in regards to the National Parks. They made a gift of $5 million to the effort, but only on the stipulation that the funds would be matched. To get the full $5 million, the States and Park Service would have to come up with $5 million on their own.

Once the funding commitments were in place by 1929, it took several more years to acquire the land and develop the facilities. While this land has become almost priceless today, I don't think enough credit or recognition has been given to those families and people from whom land was taken to create this park.

During the Great Depression, the Civilian Conservation Corps, the Works Progress Administration, and other Federal organizations made trails, fire watchtowers, and other infrastructure improvements to the park. The park was officially opened in June of 1934. That date is the date we are commemorating with this resolution.

I would like once again to thank and congratulate Dr. ROE for his very thoughtful resolution, and I urge all of my colleagues to support this resolution celebrating and recognizing the 75th anniversary of the Great Smoky Mountains National Park.

Mrs. CHRISTENSEN. I reserve the balance of my time.

Mr. LAMBORN. I think it's evident from the remarks of Representative DUNCAN that he has a great love and appreciation and support for this beautiful national park, and the fact that it's the most visited national park in the entire park system attests to its popularity and its beauty.

I would urge all of my colleagues to support this resolution.

Mr. ROE of Tennessee. Mr. Speaker, I urge support for H. Res. 421 and congratulate the Great Smoky Mountains National Park on turning 75. What an amazing success story!

This Park—the most visited in the United States—serves as a source of pride for residents of our entire region and we celebrate the vision of our ancestors who had the foresight to preserve this amazing area for all future generations to enjoy. As an avid outdoorsman myself, I am particularly grateful for this natural wonder.

Two weeks from yesterday, the Park will officially turn 75 with activities planned all summer to commemorate this accomplishment. I hope all Americans will join in the celebration and come visit what is truly one of our nation's finest examples of scenic beauty.

I also want to congratulate the National Park Service for its diligent management of the Park. Without its leadership, the Great Smoky Mountains National Park would not be what it is today.

I hope all members of Congress will join me in supporting H. Res. 421.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 421.

The question was taken.

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

Mrs. CHRISTENSEN. 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.

JOSH MILLER HELPING EVERYONE ACCESS RESPONSIVE TREATMENT IN SCHOOLS ACT OF 2009

Mr. TONKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1380) to establish a grant program for automated external defibrillators in elementary and secondary schools.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1380

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 ''Josh Miller Helping Everyone Access Responsive Treatment in Schools Act of 2009'' or the ''Josh Miller HEARTS Act''.

SEC. 2. GRANT PROGRAM FOR AUTOMATED EXTERNAL DEFIBRILLATORS.

(a) PROGRAM REQUIRED.—The Secretary of Education shall carry out a program under which the Secretary makes grants to local educational agencies, to be used by the local educational agencies for one or both of the following:

(1) To purchase automated external defibrillators for use in elementary and secondary schools served by the local educational agency.

(2) To provide training to enable elementary and secondary schools served by the local educational agency to meet the requirements of subsection (d)(1), but only if automated external defibrillators are already in use at such schools or are acquired through this program.

(b) ELIGIBILITY.—

(1) LOCAL EDUCATIONAL AGENCIES.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(2) ELEMENTARY AND SECONDARY SCHOOLS.—To be eligible to receive an automated external defibrillator through a grant under this section, a school may be any public or private school served by the local educational agency, except that an Internet- or computer-based community school is not eligible.

(c) MATCHING FUNDS REQUIRED.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, the local educational agency must provide matching funds from non-Federal sources equal to not less than 25 percent of the amount of the grant.

(2) WAIVER.—The Secretary shall waive the requirement of paragraph (1) for a local educational agency if the number of children counted under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)) is 20 percent or more of the total number of children aged 5 to 17, inclusive, served by the local educational agency.

(d) TRAINING AND COORDINATION REQUIRED.—A local educational agency that receives a grant under this section shall demonstrate that, for each elementary and secondary school at which the automated external defibrillators are to be used—

(1) there are at least 5 individuals at the school who—

(A) are employees or volunteers at the school;

(B) are at least 18 years of age; and

(C) have successfully completed training, with the expectation that the certification shall be maintained, in the use of automated external defibrillators and in cardiopulmonary resuscitation, conducted by the American Heart Association, the American Red Cross, the National Safety Council, or another nationally recognized organization offering training programs of similar caliber;

(2) local paramedics and other emergency services personnel are notified where on school grounds the automated external defibrillators are to be located; and

(3) the automated external defibrillator will be integrated into the school's emergency response plan or procedures.

(e) PRIORITY.—In making grants under this section, the Secretary shall give priority to schools—

(1) that do not already have an automated external defibrillator on school grounds;

(2) at which a significant number of students, staff, and visitors are present on school grounds during a typical day;

(3) with respect to which the average time required for emergency medical services (as defined in section 330J of the Public Health Service Act (42 U.S.C. 254c–15(f))) to reach the school is greater than the average time

for emergency medical services to reach other public facilities in the community; and

(4) that have not received funds under the Rural Access to Emergency Devices Act (42 U.S.C. 254c note).

(f) ESEA DEFINITIONS.—The terms used in this section shall have the meanings given to such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Thank you, Mr. Speaker. I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 1380 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 1380, the Josh Miller HEARTS Act. This is a bill that my colleague and friend from the neighboring State of Ohio has introduced that will save countless lives at a relatively low cost to taxpayers.

According to the American Heart Association, more than 200,000 Americans die of sudden cardiac arrest each year. Even more disturbing is the fact that 50,000 of these deaths could have been prevented with the use of an automated external defibrillator, or AED.

AEDs are portable devices used to restart the heart after sudden cardiac arrest. Studies have shown that these devices, which are required in Federal buildings and on airplanes, can be safely used by anyone, including children. Defibrillators talk the user through the lifesaving process and do not deliver a shock unless the heartbeat analyzed by the machine is in need of it.

Prompt response to a patient experiencing cardiac arrest is imperative, and waiting for EMS to arrive can be indeed fatal. Utilizing CPR techniques and administering an AED can more than double the victim's chances of surviving. A defibrillator shock is the most effective treatment for sudden cardiac arrest, and heart experts at Johns Hopkins University believe over 500 lives can be saved annually with the widespread placement of AEDs.

The legislation put forward today will go a long way towards saving lives in our Nation's schools. This bill establishes a grant program to place lifesaving defibrillators in every elementary and secondary school that chooses to participate in the program.

□ 1515

Additionally, the law would require recipients of these grants to train school staff in AED and CPR practices, coordinate with local paramedics, and integrate AEDs into existing medical emergency response plans. These provisions will save the lives of students, of teachers, of parents, staff and community members in our American schools. On any given day as much as 20 percent of the community's population passes through its schools, and it is our duty to ensure that these are safe places for our children to learn and for the community members to interact. Since schools are natural meeting places for the public, this bill can save the lives of countless children, teachers, parents and others. Similar legislation passed the House last year; and some States, such as Ohio and New York, are taking a leadership role in making an important difference. As a response to the tragic death of 15-year-old Josh Miller, Ohio instituted a program to place AEDs in schools. Since the inception of the program in 2005, 13 lives have been saved by defibrillators. Similarly, the New York program, in honor of 14-year-old Louis Acompora, has saved 38 lives since 2002.

I want to thank families like those of the Millers and the Acomporas whose hard work has brought national attention to this important issue. They have worked through their grief and, fueled by the tragic loss of a child, have toiled tirelessly to keep other parents from experiencing a similar loss. With passage of this bill, Congress has the opportunity to join these families and prevent future tragedies. Encouraging results and the many lives saved already demonstrates why we must pass this legislation. By putting in place preventative measures like those offered in this bill, we can save more lives.

Mr. Speaker, once again I express my support for H.R. 1380, and I thank Representative SUTTON for her dedication to this cause. I urge my colleagues to pass this resolution sponsored by the Member of our House, Representative SUTTON.

I reserve the balance of my time.

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

I rise in support of H.R. 1380, the Josh Miller Helping Everyone Access Responsiveness Treatment in Schools Act of 2009, also referred to as the Josh Miller HEARTS Act. This legislation would authorize the United States Secretary of Education to make grants to public and private elementary and secondary schools to purchase automated external defibrillators, also known as AEDs, for school grounds and to train employees and volunteers on how to use these devices which have saved thousands of lives all over the United States.

An AED is a portable, computerized medical device that can check a person's heart rhythm to determine whether he or she is in cardiac arrest. It can recognize a rhythm that requires an electronic shock and can advise a rescuer when a shock is needed. The AED uses voice prompts, lights and text messages to tell the rescuer the precise steps he or she needs to take to operate the device. It is an extremely accurate and easy device to use. As such, the device is widely credited for saving hundreds of lives each year.

This bill requires local education agencies that receive a grant under the program to provide at least a 25 percent match from non-Federal sources. It also ensures that local paramedics and other emergency services personnel are notified regarding where the actual AED is located on the school grounds in case they ever have to respond to a situation on the campus. H.R. 1380 is an important piece of legislation that will help save lives all across the country. I urge my colleagues to support the bill.

I have no requests for time, and I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, I am pleased to recognize the gentlewoman from Ohio (Ms. SUTTON) whose thoughtful resolution is before the House for as much time as she may consume.

Ms. SUTTON. I thank the gentleman from New York for his great leadership on this issue and for all of the work that he does in Education and Labor on many issues that are so important to the people of America.

Mr. Speaker, I rise today as the proud sponsor of H.R. 1380, the Josh Miller Helping Everyone Access Responsiveness Treatment in Schools Act, also known as the Josh Miller HEARTS Act. Sudden cardiac arrest is the leading cause of death in the United States and is the leading cause of death on school property and for student athletes. This bill establishes a grant program to help elementary and secondary schools across the country purchase automated external defibrillators, or AEDs.

I introduced the Josh Miller HEARTS Act in memory of a young man from my hometown of Barberton, Ohio. To know Josh Miller was to know a kindhearted and generous young man with limitless potential. Josh was a Barberton High School sophomore with a 4.0 grade point average, the son of proud parents Ken and Geri Miller. He was a linebacker who dreamed of playing football for Ohio State someday. He was the kind of kid who could walk into a room and light it up. But one day, without warning, his dreams were cut short. Josh never showed any signs of heart trouble; but while playing football for his school in 2000, he collapsed after leaving the field. And by the time his heart was shocked with an automated external defibrillator, it was too late to save him. Josh suffered a sudden cardiac arrest which, according to the American Heart Association, claims the lives of nearly 300,000 Americans every year. Josh's death was devastating not only to his family but to our entire community.

Like Josh, the vast majority of these individuals who suffer sudden cardiac arrest do not display any prior signs of

heart trouble. Yet there is an easy-to-use, relatively inexpensive piece of medical equipment that more than doubles the odds of survival for someone experiencing a sudden cardiac arrest. An AED is the single most effective treatment for starting the heart after a sudden cardiac arrest; and because the chances of survival decrease by up to 10 percent for every minute that passes, every second is critical.

In March, I reintroduced the Josh Miller HEARTS Act to increase the availability of AEDs in our communities. Because schools are central gathering places in our communities, placing AEDs in our schools will save the lives of students enrolled there; but they will also be available for teachers and staff, parents and volunteers, and the many other members of the community who pass through their halls every single day.

This legislation is modeled on a similar program for the State of Ohio. Dr. Terry Gordon, a cardiologist at Akron General Medical Center, has dedicated his life to this lifesaving mission. His tireless efforts in Ohio led to the adoption of a statewide initiative to put an AED into every school in our State. I hope that we in Congress can build on Dr. Gordon's good work and carry out this program at the national level.

This bill is endorsed by the American Red Cross, the American Heart Association, the Heart Rhythm Society, the Sudden Cardiac Arrest Association, the International Association of Firefighters, the American College of Cardiology, the National Education Association, the Parent Heart Watch, the American Federation of Teachers and the National Safety Council. I want to thank these organizations for their support on this issue, and I look forward to working with them to continue to raise awareness on AEDs.

Losing a young life like Josh's can bring a sense of helplessness. In just the last year in the short time from August 2008 to December 2008, 63 children lost their lives to sudden cardiac arrest. But today we have an opportunity to act. This bill passed the House in the last Congress, but it did not emerge from the Senate. This time I am pleased to report that Ohio Senator GEORGE VOINOVICH will be leading the charge in the Senate and that Ohio Senator SHERROD BROWN will be working alongside him to make sure that it gets done.

It is appropriate that this bill comes to the floor this week. This week is National CPR and AED Awareness Week, and this week serves to raise awareness of the importance of CPR training and AED accessibility. In fact, the American Heart Association has embarked on a campaign to train 1 million people in CPR and the use of AEDs this week. I urge my colleagues to join me in supporting this effort to bring AEDs into every single school across this country. I thank the gentleman from across the aisle for his support of this measure. AEDs in schools will save lives. I want to thank the Miller family and the Acompora family and others who have turned their personal tragedies into a lifesaving mission.

Mr. TONKO. Mr. Speaker, I am pleased to recognize the gentleman from Kentucky (Mr. YARMUTH) for 3 minutes.

Mr. YARMUTH. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of the Josh Miller HEARTS Act so that we may take another step to ensure that all the resources necessary to keep our children safe in their schools are readily available.

More than 200,000 Americans die of sudden cardiac arrest each year. Of these, more than 50,000 lives could be saved if automated external defibrillators were easily accessible. The AED is a portable device that can restart the heart after cardiac arrest, and can be safely used by anyone, including children, as the device actually talks users through the lifesaving process and automatically analyzes whether a potentially lifesaving shock is needed. Making defibrillators available in our schools will save lives, and the Josh Miller HEARTS Act will go a long way toward increasing the availability of these emergency lifesaving devices.

As we recognize National CPR and AED Awareness Week, this legislation is particularly timely. The bill will require recipients of these grants to train school staff in AED and CPR practices, coordinate with local paramedics and integrate AEDs into existing medical emergency response plans. These provisions will save the lives of students, teachers, parents, staff and community members in U.S. schools.

As we have heard, the act bears the name of Josh Miller, 15-year-old from Barberton, Ohio. I had the privilege of meeting with Josh's family, and I was so taken with how they have used his loss to mount a national effort to prevent additional losses like their tragic one. Last fall in my district, a young football player also died on a practice field. I don't know that the existence of an AED might have saved his life, but I do know that we owe our young people every possible resource, including AEDs, to make sure that these tragedies do not recur.

I want to congratulate Congresswoman SUTTON for her leadership in this effort. She has been tireless and passionate about making sure that our kids are protected. I also want to thank Dr. Terry Gordon who is now Congresswoman SUTTON's constituent but is a long-time friend and a native of Louisville, Kentucky. He has also been tireless and passionate in this effort.

With that, I urge my colleagues to support the Josh Miller HEARTS Act and take one more step forward to protecting our young Americans.

Mr. TONKO. Mr. Speaker, to the point of H.R. 1380, we have heard of the wisdom of making available defibrillators throughout the schools of our great country. It's a natural fit because of the clustering that takes place each and every school day where the need may arise. Obviously a preventative sort of plan like this will help with saving lives and certainly will honor the memory of Josh Miller and Louis Acompora in that hopefully they will not have died in vain, that a measure like this can bring us to a sound bit of policy.

For all those reasons, I would strongly urge our House to support H.R. 1380 and commend Representative SUTTON for her outstanding leadership on this issue.

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 New York (Mr. TONKO) that the House suspend the rules and pass the bill, H.R. 1380.

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

A motion to reconsider was laid on the table.

CONGRATULATING UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 196) congratulating the University of Tennessee women's basketball team (the ''Lady Vols'') and Head Coach Pat Summitt on her 1,000th victory.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 196

Whereas, on February 5, 2009, Head Coach Pat Summitt recorded her 1,000th win with a victory over Georgia 73–43;

Whereas Coach Summitt has a lifetime record of 1,000–188 in her more than 35 years of coaching, all with the Lady Vols;

Whereas Coach Summitt's first win as Coach of the Lady Vols was on January 10, 1975, against Middle Tennessee State 69–32;

Whereas, on March 22, 2005, Coach Summitt passed Dean Smith for most NCAA collegiate basketball wins of all-time with a 75–54 victory over Purdue on March 22, 2005;

Whereas Coach Summitt and the Lady Vols own a 404–62 all-time record verses 12 teams from the Southeastern Conference (SEC);

Whereas Coach Summitt and the Lady Vols have won 27 SEC titles;

Whereas Coach Summitt has never had a losing season;

Whereas Coach Summitt and the Lady Vols have had 32 consecutive seasons with at least 20 wins;

Whereas Coach Summitt and the Lady Vols teams have gone undefeated in SEC play 8 times;

Whereas since Tennessee began contesting games with SEC opponents, the Lady Vols have produced a 168–12 record in home games;

Whereas Coach Summitt has been named SEC Coach of the Year 7 times;

Whereas Coach Summitt has been named NCAA Coach of the Year 7 times;

Whereas Coach Summitt and the Lady Vols have an NCAA Tournament Best record (men or women) of 104–19, including 18 NCAA Tournament number 1 seeds;

Whereas Coach Summitt and the Lady Vols have won 8 NCAA Championships;

Whereas Coach Summitt is recognized as a leader and role model for her work not only on the basketball court but also for her work off the court; and

Whereas Coach Pat Summitt's Lady Vols continue their remarkable 100 percent graduation rate, with every student athlete who has completed her eligibility at the University of Tennessee either graduating or working toward all of the requirements for graduation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the University of Tennessee women's basketball team and Head Coach Pat Summitt on her 1,000th victory;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work have contributed greatly to the success of the Lady Vols program and Coach Summitt; and

(3) respectfully requests the Clerk of the House of Representatives to transmit copies of this resolution to the following for appropriate display—

(A) Dr. John D. Petersen, President of the University of Tennessee;

(B) Dr. Loren Crabtree, Chancellor of the University of Tennessee, Knoxville;

(C) Joan Cronan, Women's Athletics Director; and

(D) Pat Summitt, Women's Basketball Head Coach.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 196 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today to congratulate the University of Tennessee's women's basketball team and Head Coach Pat Summitt on winning her 1,000th NCAA basketball game.

On February 5, 2009, basketball fans witnessed Head Coach Pat Summitt lead her Lady Volunteers to her 1,000th basketball victory. The University of Tennessee easily defeated the University of Georgia 73–43. This 30-point victory over Georgia not only reflects the Lady Vols' dominance but this victory reflects another milestone in the great Coach Summitt's illustrious career.

Pat Summitt started coaching at the age of 22 and recorded her first win for the Lady Vols on January 10, 1975.

□ 1530

From the moment she started coaching, she excelled in every facet of the game. During her tenure, the Lady Vols have won eight NCAA titles, as well as 27 Southeastern Conference tournament and regular season championships. Tennessee has made an unprecedented 27 consecutive appearances in the NCAA Sweet 16 and produced 12 Olympians, 19 Kodak All-Americans named to 33 teams, and 71 All-SEC performers. Her 1,000–188 lifetime record leaves basketball fans in complete awe. She has collected more wins than any other NCAA collegiate basketball program, men's or women's.

Coach Summitt garnered a multitude of awards. The NCAA recognized her great success by awarding Summitt with seven Southeastern Coach of the Year awards and seven NCAA Coach of the Year awards. Coach Summitt and the Lady Volunteers have left a legacy of greatness that will certainly place them in the Basketball Hall of Fame.

Along with her success on the court, Summitt's student athletes have had tremendous productivity in the classroom. Coach Summitt has a 100 percent graduation rate for all Lady Vols who have completed their eligibility at Tennessee. She still considers the academic success of her athletes as one of her greatest accomplishments.

While Coach Summitt and the Lady Vols produced remarkable success, congratulations also go to the assistant coaches, the fans, the alumni, and students for their unyielding support and contributions.

Once again, I congratulate Coach Summitt and the Lady Vols for their unprecedented success. Mr. Speaker, I want to thank Congressman DUNCAN for bringing this resolution forward, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the sponsor of the resolution, the gentleman from Tennessee, my colleague, Mr. DUNCAN.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time. It is a very special honor and privilege for me to rise to urge support for a resolution honoring a personal friend of mine, the head women's basketball coach at my alma mater, the University of Tennessee, and that is our great coach, Pat Head Summitt.

The gentleman from New York has very succinctly outlined many of the accomplishments and honors that Coach Summitt has received in her career, but I would like to reiterate some of these things. It is really a phenomenal record that she has.

Coach Summitt has coached for more than 35 years, all with the Lady Vols. Her overall record is 1,005 wins and 192 losses for a winning percentage of better than 84 percent. Coach Summitt and the Lady Vols have won 27 Southeastern Conference titles. Coach Summitt and the Lady Vols have won eight NCAA championships. She has been named the NCAA Coach of the Year seven times and SEC Coach of the Year seven times.

Coach Summitt also coached the U.S.A. women's basketball team to the Olympic Gold Medal in the 1984 Olympics in Los Angeles. She is the author of two books, ''Reach for the Summitt'' and ''Raise the Roof.'' They are both very inspiring books.

In 1999, Coach Summitt was inducted into the Women's Basketball Hall of Fame, and in 2000 she was inducted into the Basketball Hall of Fame in Springfield, Massachusetts, becoming only the fourth women's basketball coach to receive that distinction. Also in 2000, she was named the Naismith Coach of the Century.

On February 2, 2007, Wheaties unveiled a Breakfast of Champions box in her honor, making her the first women's basketball coach to be honored on such a box. Coach Summitt has two streets named in her honor: Pat Head Summitt Street on the University of Tennessee-Knoxville campus, and Pat Head Summitt Avenue on the University of Tennessee-Martin campus.

Coach Summitt also has a remarkable 100 percent graduation rate, as the gentleman from New York mentioned, with every student athlete who has completed their eligibility at UT either graduating or working toward all of the requirements for graduation within the NCAA-allotted time of 6 years. I don't think there is any other coach, men or women's coach, in this country that can say that. And I will tell you that she also insists on her students taking tough courses that lead to good careers. And we often read in the Knoxville newspapers about the great success of many of her graduates.

Pat Head Summitt is simply an outstanding woman and an outstanding individual in every way, both personally and professionally. And it is a great honor for me to stand here before you today to bring this resolution to the floor honoring Coach Pat Head Summitt and the Lady Vols and congratulating her on achieving that tremendous, just almost unbelievable mark of 1,000 victories.

I urge all of my colleagues to support the resolution.

Mr. PETRI. I have no further requests for time. I urge all of my colleagues to join me in supporting the resolution of our colleague from Tennessee honoring Head Coach Pat Summitt on her exceeding 1,000 victories.

I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, it is most obvious that Coach Summitt and the Lady Vols have set basketball history with more than five times the number of wins in relation to the number of losses. And while they have excelled on the basketball court, it is important to note that they have also excelled in the classroom. And so for those records, both athletically and academically, and for the great career to date of Coach Summitt, we acknowledge that this is a very worthy resolution and that H. Res. 196 should be supported in the House, Mr. Speaker.

Mr. TANNER. Mr. Speaker, I rise today to join our colleagues in honoring a very gifted leader and my friend, University of Tennessee Lady Vol Head Coach Pat Summitt. Earlier this year, Coach Summitt marked her 1000th victory, the first coach in women's or men's college basketball to reach that hallmark.

I have had the pleasure of getting to know Coach Summitt over the years, and my chief of staff, Vickie Walling, is a long-time friend of Pat's, from their days together at the University of Tennessee-Martin, which I now have the honor of representing in this chamber. Summitt became the winningest coach in college basketball in 2005, passing Dean Smith's 879 career wins. You can imagine our Tennessee pride when, on February 5 of this year, the Lady Vols helped Pat achieve another hallmark: winning her 1000th game as head coach.

During Pat's time at UT, the Lady Vols have won eight NCAA titles, as well as 27 Southeastern Conference tournament and regular season championships and 28 consecutive appearances in the NCAA tournament. Tennessee has produced 12 Olympians, 19 Kodak All-Americans and 71 All-SEC performers.

As an alumnus of the University of Tennessee and of the UT basketball program, I understand the importance of the Lady Vols to the university and to our state. The talented women led by Coach Summitt not only demonstrate great athletic ability but also understand the importance of academic accomplishment; under Pat's leadership, the Lady Vols have a 100 percent graduation rate for those who have completed their eligibility at Tennessee.

Pat's continued dedication to the academic, athletic and personal growth of her players is a trademark of her coaching style and a testament to her tireless commitment to women's basketball and the well-rounded development of young women.

Mr. Speaker, I want to thank my friend JIMMY DUNCAN for introducing this resolution and giving us the opportunity to congratulate Pat Summitt on accomplishing this feat, recognize her outstanding career, and wish her and the Lady Vols all the best in their future successes.

Mr. TONKO. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 196.

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. TONKO. 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.

RECOGNIZING TOYS FOR TOTS LITERACY PROGRAM

Mr. TONKO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 232) recognizing and commending the Toys for Tots Literacy Program for its contributions in raising awareness of illiteracy, promoting children's literacy, and fighting poverty through the support of literacy.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 232

Whereas, for more than 60 years, Toys for Tots has been bringing smiles to the faces of less fortunate children through the gift of a new toy;

Whereas, after supporting Toys for Tots since 2005 and raising $1.3 million to help brighten the lives of thousands of children nationwide, The UPS Store and Mail Boxes Etc. network launched the Toys for Tots Literacy Program in March 2008 to expand upon their existing partnership as an example of what small businesses can do to help their community;

Whereas the mission of the Toys for Tots Literacy Program is to offer the Nation's most economically disadvantaged children the ability to compete academically and to succeed in life by providing them direct access to resources that enhance their ability to read and to communicate effectively;

Whereas this initiative maintains the Toys for Tots mission of delivering hope while extending its reach and impact in a meaningful way by providing less fortunate children with tools that can help them break the cycle of poverty;

Whereas, in 2007, the National Center for Educational Statistics released its annual Reading Report, which asserts that 33 percent of all fourth graders in the United States still cannot read at even the basic level, highlighting the need for a program like the Toys for Tots Literacy Program;

Whereas every $1 donation helps the Marine Toys for Tots Foundation buy a book for a deserving child within the community where it was donated;

Whereas since March 2008 more than $630,000 has been raised for the Toys for Tots Literacy Program through a variety of activities, including donation card campaigns, coin box collections, special events, and sponsorships;

Whereas March 2009 marks the one-year anniversary of the Toys for Tots Literacy Program; and

Whereas the Toys for Tots Literacy Program has created a literacy award, in honor of Alferd Williams, a 71-year-old resident of St. Joseph, Missouri, who, to combat illiteracy, enrolled in Alesia Hamilton's first-grade class at Edison Elementary School in St. Joseph; Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the Toys for Tots Literacy Program has made significant contributions in raising awareness of illiteracy and promoting children's literacy; and

(2) recognizes and commends the Toys for Tots Literacy Program for its effort to battle poverty through the support of literacy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes. The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 232 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Res. 232, a resolution to recognize and commend the Toys for Tots Literacy Program for its contributions in raising awareness of illiteracy, promoting children's literacy, and fighting poverty through the support of literacy.

For more than 60 years, Toys for Tots has been bringing smiles to the faces of less fortunate children through the gift of a new toy. After supporting Toys for Tots since 2005 and raising some $1.3 million to help brighten the lives of thousands of children nationwide, the UPS Store and Mail Boxes Etc. network launched the Toys for Tots Literacy Program in March 2008 to expand upon its existing partnership and to serve as an example of what small businesses can do to help their community.

The Toys for Tots Literacy Program stands by its mission of offering the Nation's most economically disadvantaged children the ability to compete academically and to succeed in life by providing them direct access to resources that enhance their ability to read and to communicate effectively. By providing less fortunate children with tools that will help them break the cycle of poverty, Toys for Tots maintains its initiative of delivering hope while extending its reach and impact in a very meaningful way.

This outstanding program has touched the lives of many since every $1 donation helps the Marine Toys for Tots Foundation buy a book for a deserving child within the community where it was donated. Since its creation in March of 2008, more than $800,000 has been raised for the literacy program through a variety of activities, including donation card campaigns, coin box collections, special events, and sponsorships. This equates to more than 800,000 books being delivered to children across our Nation.

Given the estimate that in low-income neighborhoods the ratio of books per child is one age-appropriate book for every 300 children, this program not only brings children the joy of reading, but also serves as an important tool in breaking that cycle of poverty.

Mr. Speaker, this resolution serves to commend the Toys for Tots Literacy Program for its outstanding efforts in raising awareness of illiteracy and fighting poverty by promoting literacy. And I thank my colleague, Representative GRAVES, for introducing this resolution.

I urge my colleagues to resoundingly pass this resolution, Mr. Speaker, and I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I am honored to recognize the Toys for Tots Literacy Program for their commitment

to providing our Nation's less fortunate children with the resources they need to develop early reading skills. I ask all of my colleagues to support this resolution. I have no requests for time.

I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, obviously the literacy issue is one of great significance to all age demographics out there. However, if we can create a program such as Toys for Tots whereby we combat illiteracy and raise awareness of the importance of literacy and allow for us to conquer poverty at the same time, we can accomplish many, many good things in the lives of children.

I thank Representative GRAVES for having introduced House Resolution 232. Again, I strongly encourage our colleagues to support the measure before the House.

Mr. GRAVES. Mr. Speaker, I rise today in strong support of H. Res. 232, a measure recognizing and commending the Toys for Tots Literacy Program for its contributions in raising awareness of illiteracy, promoting children's literacy, and fighting poverty through the support of literacy.

I want to thank Chairman MILLER and Ranking Member MCKEON for allowing this important resolution to come to the floor today. I also want to thank my colleagues who joined me as co-sponsors in moving forward such an important tribute.

Mr. Speaker, earlier this year I was honored to introduce a resolution recognizing the achievements of the Toys for Tots Literacy Program. For over 60 years Toys for Tots has collected toy donations for underprivileged youth. Beginning in March 2008, Toys for Tots expanded beyond toy donations to taking on the challenge of rising illiteracy rates. With the help of the UPS Store and Mail Boxes Etc., and UPS Store owners like Bob and Share Tate of Kearney, MO, the Toys for Tots Literacy Program was formed to assist economically disadvantaged children compete and succeed in academics by providing them direct access to resources that enhance their ability to read and communicate effectively.

Through this initiative comes an inspiring story. Alferd Williams, a son of sharecroppers, had a simple and uncomplicated dream—he wanted to learn to read. That is how the then 70-year-old came to enroll in Alesia Hamilton's first grade class at Edison Elementary School in St. Joseph, Missouri.

With help from Alesia, Alferd learned to read. And in the process he inspired a movement to do more to combat illiteracy. The Toys for Tots Literacy program was started with the goal of providing the nation's least fortunate children with books and educational material.

Nationwide over 33 percent of fourth graders cannot read according to the 2007 annual Reading Report. There is an economic cost to taxpayers, but more importantly there is a cost to that individual. When a child does not learn to read, they lose out on a world of opportunity.

The story of Alferd Williams demonstrates that ventures such as the Toys for Tots Literacy program are important vehicles in raising awareness of illiteracy. Through the gift of a book, we can provide individuals with the tools they need to help break the cycle of poverty.

Please join with me in thanking Toys for Tots and congratulating Alferd and Alesia's commitment to literacy by supporting this important resolution.

Mr. TONKO. I yield back my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and agree to the resolution, H. Res. 232.

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. TONKO. 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.

ANTHONY DEJUAN BOATWRIGHT ACT

Mr. TONKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1662) to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1662

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 ''Anthony DeJuan Boatwright Act''.

SEC. 2. AMENDMENTS.

Section 658e(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

(1) in subparagraph (E)(i) by adding at the end the following: ''The State shall include as part of its regulatory process for issuance and renewal of licenses to providers of child care services, a recommendation to each provider that it carry current liability insurance covering the operation of its child care business.'', and

(2) in subparagraph (F)—

(A) in clause (ii) by striking ''and'' at the end,

(B) in clause (iii) by striking the period at the end and inserting a semicolon,

(C) by inserting after clause (iii) the following:

''(iv) a requirement that each licensed child care provider—

''(I) post publicly and conspicuously in the service area of its premises a notice specifying whether or not such provider carries current liability insurance covering the operation of its child care business;

''(II) provide to parents of children to whom it provides child care services a written notice stating whether or not such provider carries current liability insurance covering the operation of its child care business, including the amount of any such coverage;

''(III) obtain the signature of at least 1 parent of each such child on such written notice acknowledging that such parent has received such notice; and

''(IV) maintain such notice (or a copy of such notice) as signed by such parents (or a copy of the signed notice) in such provider's records during the period in which the child receives such services.'', and

(D) in the last sentence by inserting ''clauses (i), (ii), or (iii) of'' after ''Nothing in''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1 of the 1st fiscal year that begins more than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TONKO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes. The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 1662 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 1662, which amends the Child Care and Development Block Grant Act of 1990 to require child care providers to provide information regarding whether such providers carry current liability insurance. Working parents depend on child care so they can earn an income needed to support their families, as well as ensure that their children are well cared for in a safe environment while they are working. As such, child care is an integral part of the daily routine for millions of American families with young children.

Nearly 12 million children under 5 years of age are regularly in child care settings. Research clearly shows us that high quality child care has a lasting impact on a child's development and well-being. Children in poor quality child care miss a crucial early learning opportunity and are more likely to arrive at kindergarten unprepared and unable to succeed in school. As a country, we need to be doing much more to invest in and support high quality child care programs so that children have the best opportunity to develop.

Back in 2001, Anthony DeJuan Boatwright's mother, Jacqueline Boatwright, placed her child in child care so that she could work to improve her and her son's life. She understood the child care program market. She shopped around and found a child care center. It was licensed by the State. It was clean, and it complied with Federal regulations under the Child Care Development Block Grant Act governing such items as the prevention and control of infectious diseases, building safety, premises access, and safety training for staff. However, little Anthony nearly drowned and ended up on life support due to an oversight at the child day care center.

Jackie Boatwright did not know that a child care program could take her money, harm her child, and escape punishment for their dire mistake.

□ 1545

Because the childcare center had no liability insurance, the facility could not be financially responsible for any harm they could do. There wasn't a law, State or Federal, that required childcare centers to tell Ms. Boatwright either.

The bill before us makes a small but, indeed, important amendment to current law. This bill would require each provider to openly post whether or not they have current liability insurance covering the operation of the childcare business, and it requires each provider to supply parents with a written notice stating whether or not the provider carries liability insurance, including the amount of such coverage.

This legislation does not supersede any State regulations regarding facility licensure or insurance requirements. We are simply asking childcare providers to inform parents whether or not they hold liability insurance.

As we move forward reauthorizing this program, we must consider policies that foster effective learning environments where children can obtain the cognitive, the social and the academic skills needed to succeed. And we must make sure that parents can feel secure in the knowledge that their children will be safe from harm while out of their care.

This bill gives parents more information that they need to make educated decisions about daycare facilities. We must provide safe childcare programs for our children.

I thank Representative BARROW for introducing this bill, and ask my colleagues to support the measure.

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

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

Mr. Speaker, I rise to discuss H.R. 1662, to amend the Child Care and Development Block Grant Act to require childcare providers to supply parents with information regarding whether such providers carry current liability insurance.

The bill before us today requires that States, as part of their licensing requirements, recommend that childcare providers carry liability insurance. The bill also requires childcare providers to post whether or not they have current liability insurance covering the operation of their childcare businesses, and it requires providers to supply parents with a written notice stating whether or not the provider carries liability insurance.

Today, many parents depend on childcare in order to continue to work to support their families. As such, childcare is an integral part of the daily routine for millions of American families with young children. A cost-efficient childcare is very important and, hopefully, this legislation, if it is passed, can be implemented without adding to the costs of these hard-working families.

Asking providers to post information on their liability insurance may give additional peace of mind if it's properly implemented, at little or no additional cost to these families and, hopefully, will avoid tragedies such as the one that affected 14-month old Anthony DeJuan Boatwright, who fell, and the accident left him in a semi-comatose state and ventilator-dependent.

I'd like to note that the bill before us does not reauthorize the Child Care and Development Block Grant Act. Hopefully, that bill will be brought before the Education and Labor Committee for reauthorization and full committee consideration during the 111th Session of Congress so that additional improvements can be made.

As we move forward, we must ensure that Federal policy provides States maximum flexibility in developing childcare programs and policies, and provides parents with the ability to choose from a variety of options so that parents can decide the care best suited for their children.

With those comments, I reserve the balance of my time.

Mr. TONKO. Mr. Speaker, I am pleased to recognize the gentleman from Georgia, sponsor of H.R. 1662, a very thoughtful piece for the children of this country, Mr. BARROW, for as much time as he may consume.

Mr. BARROW. Mr. Speaker, back home in Augusta, Georgia, there's a little 9-year old boy by the name of Anthony DeJuan Boatwright, who's in a semi-comatose state and hooked up to a ventilator. He's been like this since September 9, 2001.

Now, Juan, as he's called, wasn't born that way. He was the victim of a tragic and a preventable accident. The worst of it is if his mom had been given the information that this bill requires, then this accident never would have happened.

Back in 2001, Juan's mother, Jacqueline Boatwright, was doing what millions of mothers and fathers all over the country do everyday. She dropped her child in daycare so that she could go to work to improve her family's life.

Ms. Boatwright had done her homework. She was a sophisticated consumer and she shopped around and found a daycare center that she felt comfortable leaving her baby boy with. It was licensed by the State of Georgia. It was clean. And most importantly, it complied with all sorts of Federal regulations under the Child Care Development Block Grant Act that are designed to prevent and control infectious diseases, ensure building safety, premises access, and mental health and safety training for staff.

But there was one thing that Jackie Boatwright did not know; that these folks could take her money, they could take her child, they could harm her child, and they would not be financially responsible for any of the harm that they do. That's because they had no liability insurance. There was no law that required them to have any liability insurance, and there wasn't even any law that required them to tell her that.

Mr. Speaker, sure enough, that's just what happened. They ignored Juan long enough for him to find a bucket of water. Like every child that age, he had just enough strength to pull himself up to look over inside and to fall inside head first, but not enough upper body strength to push himself back up. It was a death trap, and little Juan fell into it. Well, Juan survived, but his life and that of his family have been ruined and changed forever.

Now, this bill would have prevented all of this from happening. It wouldn't have prevented this from happening by adding a whole new bureaucracy of daycare inspectors to watch the watchers. It would have prevented this from happening in the least expensive and most efficient way possible, by simply requiring the daycare center to tell parents that they're willing to accept the moral responsibility of taking care of your children, but they won't accept any of the financial responsibility for failing to do so.

That would have prevented this from happening, because if Jackie had known that she would have done what any other parent would do. She would have taken her business someplace else, someplace where they accept some degree of financial responsibility for the consequences of their negligence and incorporate that cost in the cost of doing business, just like every other financially responsible business does.

Now, Jackie has tried to make something positive out of all this. She's determined to prevent this from happening to anybody else. Thanks to her efforts, financial responsibility disclosure laws are now on the books in four States: Georgia, California, Virginia and New Hampshire. This bill will close the gap by requiring financial responsibility disclosure for licensed daycare facilities in the rest of the country.

In 2005, there were literally millions of kids in this country receiving daycare in facilities that are governed by the Child Care and Development Block Grant Act. Only a fraction of these kids live in the four States that have now stepped forward to enact financial responsibility disclosure laws. That means that millions of kids still go to licensed daycare facilities all around the country, today, where parents have no idea that their daycare centers can harm their child and accept none of the financial consequences for doing so.

This bill will give the parents of these millions of children the same information that parents are entitled to as a matter of law in the States of Georgia, California, Virginia and New Hampshire. These parents have just as

much need to know about the financial responsibility of the folks they give their kids to, and this bill will give them the same right to that information.

Now, this bill does not require any daycare facilities to actually go out and get liability insurance. It merely requires licensed daycare centers to tell parents whether or not they have insurance and, if so, how much. That's all. It then leaves it up to the parents to do what Jackie Boatwright would have done if only she had had this information, and that is to decide for themselves whether or not to leave their child with somebody who wants to accept the responsibility for caring for your child, wants to take your money for doing so, but is unable and unwilling to accept any of the financial consequences for failing to fulfill this responsibility.

Indirectly, Mr. Speaker, this bill actually does more than that. By giving parents the information that they have a right to know, it places a powerful economic incentive on all daycare centers to do what all of the responsible daycare centers are already doing, and that is to assume the financial responsibility that goes along with the moral responsibility of taking care of children in their care and to incorporate the cost of that into the cost of doing business. Anyone who wants to do business without doing that will be at a competitive disadvantage compared to those who do.

This approach gives the invisible hand of self interest the opportunity to do some good in the marketplace. Parents who place their children in daycare centers will have the information that they need in order to make the right choice for their children, and daycare centers that don't want to do the right thing by the children in their care will compete at a disadvantage compared to those who do.

We have truth in labeling. We have truth in lending, and we have truth in advertising. This is truth in daycare. The States have led the way, and now it's time for the Federal Government to follow their lead. The families who end up being harmed because they are kept in the dark deserve to know the truth.

Mr. PETRI. I have no further requests for time.

I yield back the balance of my time.

Mr. TONKO. Mr. Speaker, I thank my good friend from the State of Georgia, Representative BARROW, for introducing H.R. 1662.

Obviously, childcare decisions are major decisions for any family. And in addition to those cognitive and social and educational skills that are invested in our children, the sense of security and comfort that needs to be afforded the families who participate in these wonderful resources needs to be enhanced. And by simply and rightfully asking childcare providers to inform parents whether or not they hold liability insurance is a strengthener for any family and any children in our country.

So, with all that being said, I strongly encourage our colleagues to support H.R. 1662.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TONKO) that the House suspend the rules and pass the bill, H.R. 1662.

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

A motion to reconsider was laid on the table.

RECOGNIZING 65TH ANNIVERSARY OF ALLIED LANDING ON D-DAY

Mr. KRATOVIL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 259) expressing the gratitude and appreciation of the House of Representatives for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 259

Whereas June 6, 2009, marks the 65th anniversary of the Allied assault at Normandy, France, which was known as Operation Overlord;

Whereas before Operation Overlord, the German Army still occupied France and the Nazi government still had access to the raw materials and industrial capacity of Western Europe;

Whereas Supreme Allied Commander General Dwight D. Eisenhower called Operation Overlord a ''Crusade in Europe'', telling the soldiers, sailors, and airmen who would participate in the operation that ''The free men of the world are marching together to victory. I have full confidence in your courage, devotion to duty, and skill in battle.'';

Whereas the naval assault phase on Normandy was code-named ''Neptune'', and the June 6th assault date is referred to a D-Day to denote the day on which the combat attack was initiated;

Whereas significant aerial bombardments and operations (including Operation Fortitude) by Allied forces during the weeks and months leading up to, and in support of Operation Overlord, played a significant role in the success of the Normandy landings;

Whereas more than 13,000 soldiers parachuted, and several hundred soldiers of the glider units participating in Mission Detroit and Mission Chicago landed, behind enemy lines to secure landing fields in the 24 hours preceding the amphibious landing;

Whereas soldiers of six divisions (three American, two British and one Canadian) stormed ashore in five main landing areas on beaches in Normandy, which were code-named ''Utah'', ''Omaha'', ''Gold'', ''Juno'' and ''Sword'';

Whereas the D-Day landing was the largest single amphibious assault in history, consisting of approximately 31,000 members of the United States Armed Forces and more than 3,000 vehicles, which embarked on 208 vessels from Weymouth and Portland, England;

Whereas, of the estimated 9,400 casualties incurred by Allied troops on the first day of the landing, an estimated 5,400 casualties were members of the United States Armed Forces;

Whereas only five days after the initial landing, Allied troops secured a beachhead that was 50 miles long and 12 miles deep and was occupied by more than 325,000 soldiers;

Whereas on July 25, 1944, Allied Forces launched Operation COBRA to break out of the beachhead and began the liberation of France, which contributed to the destruction of the Nazi regime on May 7, 1945; and

Whereas members of the ''greatest generation'' assumed the task of freeing the world from Nazi and Fascist regimes and restoring liberty to Europe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 65th anniversary of the Allied amphibious landing on D-Day, June 6, 1944, at Normandy, France, during World War II;

(2) expresses its gratitude and appreciation to the members of the United States Armed Forces who participated in Operation Overlord; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the anniversary with appropriate ceremonies and programs to honor the sacrifices of their fellow countrymen to liberate Europe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. KRATOVIL) and the gentlewoman from Oklahoma (Ms. FALLIN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. KRATOVIL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 259 recognizing June 6 as the 65th anniversary of D-Day, the massive amphibious landing on the beaches of Normandy, France, beginning the initial assault of Operation Overlord, and the eventual victory for Allied Forces of World War II.

I rise not only to recognize a day whose historical significance cannot be overstated, but to express gratitude and appreciation to the members of the United States Armed Forces who served in defense of freedom that day, and throughout the campaign.

Before Operation Overlord, the German Army occupied France, giving the Nazi government unrestricted access to the raw materials and industrial capacity of Western Europe. Hailed as a crusade in Europe by Supreme Allied Commander General Dwight D. Eisenhower, this successful undertaking forced Germany into a two-front war, subsequently beginning the liberation of

France and contributing to the downfall of the Nazi regime.

Approximately 31,000 members of the United States Armed Forces joined the Allied troops on D-day, the largest single amphibious assault in world history. Allied and American soldiers stormed onto five landing fields, secured only 24 hours prior, through airborne operations designed to slow the enemy's ability to launch counterattacks while sufficient forces gathered along the beachhead.

□ 1600

American troops suffered an estimated 5,400 of the 9,400 Allied casualties that day, and their immeasurable sacrifice will never be forgotten.

I would like to make special note of the 29th Infantry Division, which drew part of its ranks from Maryland's Eastern Shore. On D-day, the 29th division was the only National Guard division to land on the beaches of Normandy. Throughout the campaign, they spent 242 days in combat throughout Normandy, northern France, the Rhineland, and Central Europe, earning four Distinguished Unit Citations in the process.

House Resolution 259 is our small way of commending the United States Armed Forces for their leadership and valor in a mission that defined the beginning of the end of World War II. Today, I ask the Members of this House to join me in supporting this resolution, thereby expressing our appreciation and gratitude for the members of the United States Armed Forces involved with D-day operations. We must always remember to honor the sacrifices made by our fellow countrymen so that others around the world may continue to know the gift of freedom.

I reserve the balance of my time.

Ms. FALLIN. I yield myself as much time as I may consume.

Mr. Speaker, I am proud today to support House Resolution 259, which recognizes the valor and the military achievements of the members of the Armed Forces who participated in the invasion of France on June 6, 1944, 65 years ago.

I want to commend Representative JOHN BOOZMAN from Arkansas and the chairman of the House Armed Services Committee, IKE SKELTON, for sponsoring this legislation.

The facts of Operation Overlord, the start of what General Eisenhower called the ''crusade in Europe,'' are clearly set forth in the text of this resolution. This was the largest amphibious operation in history, and in breaching German defenses, the Allied forces suffered more than 10,000 casualties on the first day of the invasion.

Beyond the facts of the invasion, however, is the heroism and the unselfish sacrifice of the men who carried out this most magnificent operation. One such man was Sergeant Melvin ''Hawkeye'' Myers, a Comanche warrior from the Boone-Apache area of my home State of Oklahoma. As a member of the 82nd Airborne Division, Sergeant Myers parachuted into Normandy in the pre-dawn hours of D-day. He fought the vicious battles to defend the beachhead, and he rescued a fellow soldier before being killed on June 14.

Another Oklahoman who fulfilled his duty that day in June was Harry Furr from Oklahoma City. As the pilot of a glider, his job was to get his canvas and plywood aircraft safely to the ground.

He said, ''They were clumsy, difficult to land and came down pretty fast,'' and many of them crashed.

He had one chance to land with a jeep, a trailer of medical supplies and 15 men aboard. Furr's glider brushed the tops of the trees before landing in a field, smashing in the whole front of the aircraft.

''No one was hurt,'' Furr recalled. ''We got down safe,'' but the Germans were firing on the glider in the field, and they threw in mortars. So Furr noted, ''It was very intense until we got out of that field.''

On the beach, Thomas Valence, a member of the 116th Infantry in the first assault wave, left his landing craft and floundered in knee-deep water. He was almost shot twice through his left hand.

In an article he wrote, he said, ''I made my way forward as best I could. My rifle jammed, so I picked up a carbine and got off a couple of rounds. I was hit again—once in the left thigh, which broke my hip, and a couple of times in my pack, and then the chin strap of my helmet was severed by a bullet.''

He said, ''I worked my way up onto the beach and staggered up against a wall and collapsed there. The bodies of the other guys washed ashore, and I was the one live body amongst many of my friends who were dead.''

Because of the heroism and perseverance of such men as Myers, Furr and Valence, the door to Hitler's fortress in Europe was cracked open. So it is entirely fitting that today, 65 years after that historic day, we take time to honor and to commemorate the events of June 6, 1944.

On that day, which is going to be later this week, I want to urge all of my colleagues to reflect upon the extraordinary service that was rendered by the veterans of World War II. Moreover, I would like to also urge my colleagues, as they see both previous and current members of the Armed Forces whom they encounter, to take time individually to thank them for their service to our great Nation.

I heartily recommend that all of my colleagues vote ''yes'' on this resolution.

Madam Speaker, I would like to reserve the balance of my time.

Mr. KRATOVIL. Madam Speaker, at this time, I have no further requests for time. I am prepared to close after my colleague has yielded back her time.

I continue to reserve the balance of my time.

Ms. FALLIN. Madam Speaker, I have another speaker. I would like to yield as much time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Madam Speaker, on April 27, 2009, Chairman SKELTON and I introduced H. Res. 259 to recognize the members of the United States Armed Forces who participated in the amphibious D-day invasion in Normandy, France and to express the gratitude and appreciation of the House of Representatives for their achievements and acts of heroism.

Madam Speaker, 65 years ago this Saturday marks the 65th anniversary of the beginning of Operation Overlord, commonly referred to as D-day, what would be the largest single amphibious assault in the history of the world.

On June 6, 1944, the supreme commander of the Allied Expeditionary Force, General Dwight D. Eisenhower, said in his official message to the soldiers, sailors and airmen, ''You are about to embark upon the Great Crusade, toward which we have striven many months. The eyes of the world are upon you. The hopes and prayers of liberty-loving people everywhere march with you. In company with our brave allies and brothers-in-arms on other fronts, you will bring about the destruction of the German war machine, the elimination of Nazi tyranny over the oppressed peoples of Europe and security for ourselves in a free world.''

General Eisenhower then went on to express his confidence in their ''courage, devotion to duty and skill in battle,'' reminding our young men that the United States would accept nothing less than full victory.

So these brave and selfless young men, in the face of incredible danger and challenges, assaulted the Atlantic Wall—a series of military fortifications along Normandy's coast that consisted of minefields, bunkers and artillery emplacements. They courageously bombarded these fortifications, parachuted and glided behind enemy lines and stormed the beaches, code named ''Utah,'' ''Omaha,'' ''Juno,'' and ''Sword,'' to break the grip of the Nazi and fascist regimes and to restore the hope of freedom to Europe and to the entire world.

These were young men like combat medic and surgical technician Warren D. Blaylock of Alma, Arkansas, who served in the 67th Evacuation Hospital, which arrived at Utah beach shortly following the initial invasion forces. One of Warren's responsibilities was to seek out suitable places to treat and to care for the wounded—tents, schools, buildings or any other suitable cover that could be found to protect the wounded and other personnel from enemy fire.

In one instance, Warren recalls a situation in which German machine gunfire strafed his immediate area, and he dove into a foxhole. At that same moment, another soldier dove into the

same hole, landing on top of him, angrily cursing the enemy. Warren looked up, and it was none other than his good friend Clovis Bryant from Van Buren, Arkansas, who would later become an Arkansas State senator. Warren would serve in five campaigns during his 2 years in Europe, part of that in support of Patton's 3rd Army into the Bastogne area until he was held behind to care for 23 wounded soldiers, all of whom survived thanks to his direct and excellent care. Warren D. Blaylock received the Bronze Star for his service.

While he is just one of many of Arkansas' native sons who served during this very dangerous time, his story is a testament to their bravery, skill and personal sacrifice in the name of freedom. This resolution honors Warren and all of those who fought to bring peace to Europe.

So I would ask all Members of Congress to take pause this Saturday and to remember the great accomplishment of these servicemembers and what the world might have been if not for the bravery, skill and selfless determination to preserve the universal human right of freedom.

I encourage all of my colleagues to thank those servicemembers on the 65th anniversary of their great endeavor for all of the sacrifices made by them and by their entire generation to secure victory and peace for the freedom-loving people of the world.

I would also like to express my appreciation to Chairman SKELTON and to his staff for their assistance in bringing forward this resolution, as well as to Mr. MCHUGH and to his staff so that we might bring this to the House floor in time to honor these servicemembers prior to the 65th anniversary of this great feat. I strongly encourage my colleagues to vote ''yes'' on this resolution.

Mr. SKELTON. Madam Speaker, I rise in strong support of H. Res. 259, expressing gratitude and appreciation to the U.S. Forces who took part in World War II's D-Day invasion, which led to the end of the war in Europe.

This resolution urges Americans to honor the heroic deeds and immeasurable sacrifices of our Allied troops on D-Day. The passing of the years fails to diminish the tremendous debt we owe to the Greatest Generation for liberating Europe and fighting to preserve freedom.

Almost sixty-five years ago, on June 6, 1944, American and Allied Forces invaded Normandy, France, in Operation Overlord. Thus began the arduous task of liberating Europe from the yoke of Nazi tyranny. At the time, few people understood the full impact this invasion would have. But with the success of the D-Day invasion, the tide of the war swung in favor of the Allies, and Adolf Hitler began his ultimate demise.

The sheer scale of Operation Overlord is astounding and even today remains the largest single amphibious assault in history. The first day of the operation involved 5,000 naval vessels, more than 11,000 sorties by Allied aircraft, and 153,000 members of the Allied Expeditionary Force, composed of American, British, and Canadian forces.

But it is important to remember that Allied victory against the entrenched Nazi forces was hardly a foregone conclusion. Our courageous troops who participated in the invasion understood the enormous risks—and more than 6,500 lost their lives in the effort—but their dedication to duty and love of freedom gave them the strength to take on the seemingly impossible task before them. Their sacrifices made it possible to restore true freedom to millions of people across the European continent.

I was a young teenager during World War II, and my friends and neighbors in uniform were my heroes. The achievements of our D-Day veterans and all those who fought in World War II continue to inspire me today. But our nation has been blessed with generation after generation of patriotic Americans who have selflessly served our country.

As we honor the heroes of D-Day, our thoughts, prayers, and gratitude go also to today's volunteers who wear our nation's uniform. Today's soldiers, sailors, airmen, and Marines inherit a proud legacy from those who stormed the beaches of Normandy: a legacy of commitment to duty, dedication to freedom, and love of country. As we recognize the 65th Anniversary of D-Day, our nation has an obligation to remember all of these heroes.

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

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

The SPEAKER pro tempore (Ms. RICHARDSON). The question is on the motion offered by the gentleman from Maryland (Mr. KRATOVIL) that the House suspend the rules and agree to the resolution, H. Res. 259, 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.

EXPRESSING SYMPATHY FOR VICTIMS OF CAMP LIBERTY SHOOTINGS

Mr. KRATOVIL. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 471) expressing sympathy to the victims, families, and friends of the tragic act of violence at the combat stress clinic at Camp Liberty, Iraq, on May 11, 2009, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 471

Whereas on Monday, May 11, 2009, the Nation experienced a tragedy when a soldier at the combat stress clinic at Camp Liberty, Iraq, reportedly killed five innocent American servicemen, and wounded three others;

Whereas the shooting resulted in the tragic loss of Navy Commander Charles K. Springle, Army Major Matthew P. Houseal, Army Sergeant Christian E. Bueno-Galdos, Army Specialist Jacob D. Barton, and Army Specialist Michael E. Yates;

Whereas the lives of the victims were taken while they were bravely and honorably serving the United States on the front lines in Iraq;

Whereas the combat stress clinic at Camp Liberty, Iraq, and similar clinics in theater and at home provide essential mental health services to the Nation's servicemen and women;

Whereas the Nation's protracted military engagements in Iraq and Afghanistan call for increased attention to the mental health challenges faced by the courageous members of the Armed Forces; and

Whereas honoring the Nation's commitment to those who serve the Nation and their families means offering these heroic soldiers not only first class medical care for physical injuries, but also first class mental health services: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its heartfelt condolences to the families and friends of the victims of the May 11, 2009, shooting at the combat stress clinic at Camp Liberty, Iraq;

(2) conveys its ongoing deep gratitude to the brave members of the Armed Forces who risk their lives in service of protecting the Nation;

(3) recognizes the important work of the medical professionals and staff members, who provide essential mental health services to our servicemen and women, at Combat Stress Control Center in Camp Liberty, Iraq, and other clinics in theater and at home; and

(4) commits to focus on the mental, in addition to the physical, well being of the Nation's military servicemen and women, and veterans, and to support the policies, resources, and funding necessary to successfully combat the mental and physical healthcare challenges that they may confront.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. KRATOVIL) and the gentlewoman from Oklahoma (Ms. FALLIN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. KRATOVIL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Madam Speaker, I rise today to call attention to a tragedy our Nation experienced on Monday, May 11, 2009, at the combat stress clinic in Camp Liberty, Iraq, when a soldier reportedly killed five innocent American servicemen and wounded three others.

The shooting resulted in the tragic loss of Navy Commander Charles K. Springle, Army Major Matthew P. Houseal, Army Sergeant Christian E. Bueno-Galdos, Army Specialist Jacob D. Barton, and a native of my district

and Maryland's Eastern Shore, Specialist Michael E. Yates.

This resolution expresses heartfelt condolences to the families and friends of the victims of this tragic act, and it conveys Congress' ongoing deep gratitude for all of the brave members of our Armed Forces who have risked their lives in the service of our Nation. This resolution also recognizes the important work of medical professionals and staff who provide essential mental health services to servicemen and women at Camp Liberty and at other clinics both in theater and at home.

Now is the time to give increased attention to the mental health challenges faced by the courageous members of our Armed Forces, especially given our Nation's protracted military engagements in Iraq and Afghanistan. Our servicemen and -women and their families make extreme sacrifices each day in order to keep our Nation safe. Honoring our commitment to those who serve our Nation means not only offering first-class medical care for physical injuries but also in providing first-class mental health services.

Congress must commit to focusing on both the mental and physical well-being of the Nation's active military as well as of its veterans, and it must commit to supporting the policies, resources, and funding necessary to successfully combat the mental and physical health care challenges that they may confront.

As a result of this tragic accident, Maryland's Eastern Shore lost a native son in Specialist Michael Yates of Federalsburg. Growing up on the Eastern Shore, Michael was an avid hunter and fisherman. Like many of my constituents, he held a deep love for his country and a desire to serve in the defense of freedom. At the young age of 17, Michael joined the Army. He was then sent to Fort Knox, Germany and then to Iraq where he served as a cavalry scout. Michael had recently returned to Federalsburg where he was able to visit with family and friends one last time before returning to Iraq and ultimately to the counseling center at Camp Liberty.

It was here that a fellow soldier, whom Michael had described to his stepfather as a ''fairly decent guy who had some major issues,'' reportedly shot and killed Michael.

We must make soldiers' and veterans' mental health a priority and heed Secretary of Defense Gates' recommendation to support funding for traumatic brain injury and psychological health exams for our servicemen and -women.

We owe this to Specialist Yates, to Commander Springle, to Major Houseal, to Sergeant Bueno-Galdos, and to Specialist Barton, as well as to the friends and families of those involved in this tragic event.

□ 1615

We owe this to each and every brave soldier and their families who make sacrifices daily and face the intense stress that comes with the defense of our Nation.

House Resolution 471 was introduced along with fellow colleagues who lost constituents in this incident honoring their service and recognizing mental health issues among servicemen and veterans. I urge all of my colleagues to support this resolution in honor of the those who lost their lives and all who serve in our Armed Forces.

I reserve the balance of my time.

Ms. FALLIN. Madam Speaker, I am here today to lend my support to House Resolution 471 expressing my sympathy to the victims, the families, and the friends of the victims of the tragic act of violence at the combat stress clinic at Camp Liberty in Iraq on May 11, 2009. And, Madam Speaker, it is with deep sadness that we come to the floor of the House of Representatives today to recognize five of our brave members of our Armed Forces who answered the call of duty and ultimately gave their lives to preserve our freedom and our way of life.

We may never understand what led to the tragic events at Camp Liberty, but what we do know is that five honorable men lost their lives; men who were husbands, who were fathers, sons, and brothers: Navy Commander Charles K. Springle of Wilmington, North Carolina; Army Major Matthew P. Houseal of Amarillo, Texas; Army Sergeant Christian E. Bueno-Galdos of Paterson, New Jersey; Army Specialist Jacob D. Barton of Springfield, Missouri; and Army Specialist Michael E. Yates of Federalsburg, Maryland.

Madam Speaker, there is no question that serving in combat is a profoundly life-altering experience. Men and women who face the challenges of combat are forever changed, and our Nation is eternally indebted to the brave men and women of the Armed Forces who fight to preserve our freedoms. But we also owe them more than just our gratitude. We owe them our commitment to protect them and to provide support and services to help them deal with the emotional and physical effects of combat.

And with that, I would like to extend my personal deepest sympathy to the family and friends of the servicemembers who lost their lives at Camp Liberty in Iraq on May 11, 2009, and would like to urge all Members of Congress to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. KRATOVIL. Madam Speaker, I yield to my friend and colleague, the gentleman from New Jersey (Mr. PASCRELL), as much time as he may consume.

Mr. PASCRELL. Madam Speaker, I want to thank the gentleman from Maryland, the gentlewoman from Oklahoma.

This resolution, H. Res. 471, is a resolution that deserves all of our support. The legislation expresses our sympathies to the five victims and their countless friends and families of the violent acts that took place at Camp Liberty in Iraq in May. Many of us have been there many times.

These are senseless deaths. In a book that just came out 2 months ago, Joshua Cooper Ramo, ''The Age of the Unthinkable,'' wrote, Our old way of war is increasingly useless. It is senseless to aspire to periods of peace on Earth during the lifetime of anyone who reads the book unless we begin to change how, where, and why we do fight.

These deaths took place at a very particular spot at Camp Liberty, and both the gentlewoman and the gentleman who spoke of the names and places where these five soldiers came from are on the RECORD.

One of these soldiers, one of these brave men, came from the city I have lived in all my life. Army Sergeant Christian Bueno-Galdos was 25 years old. I honor, and we all honor, his sacrifice and his service. It exemplifies the deep sense of commitment that so many immigrants have for America. He was the youngest of four. He was born in Peru, and came here when he was 7 years old. He and his family settled in a gray house in a neighborhood I grew up in—Paterson, New Jersey. It was just across the street from the county road department in south Paterson.

He attended high school at Passaic County Tech. After graduating, he considered studying premed but instead decided to serve his country and joined the U.S. Army Reserves. It was in this service to his Nation that Sergeant Bueno-Galdos became a citizen of the United States of America. He went into the service before he was a citizen. His dedication and love for this country was so great, he voluntarily signed up for a second tour of duty. How many times have we heard this?

Then, on May 11, Sergeant Bueno-Galdos tragically lost his life, and Paterson and New Jersey and the United States lost a fine citizen. His parents first considered laying him to rest in their home country of Peru. But upon reflection of their son's love of America and commitment to this great Nation, Sergeant Bueno-Galdos was laid to rest in New Jersey with full military honors.

So we extend our deepest sympathies and heartfelt gratitude to his surviving wife Greisyn, his mother Eugenia, his father Carlos, and his three siblings.

Sergeant Bueno-Galdos was a courageous soldier, a loving husband, a son, a brother, a fine American citizen. He will be greatly missed but never forgotten in Paterson. We have already erected a monument on Memorial Day for him.

But my friends, today something else happened. We promoted from Lieutenant Colonel, Mike Jaffee, who is now a full Colonel in the Air Force. Dr. Jaffee is a neurologist, psychologist. He's a leader in the Department of Defense to respond to traumatic brain injury and posttraumatic stress disorder. Isn't it ironic that these killings took place in

a stress area where American soldiers were trying to help those in need?

Twenty percent of those who have fought, who have been on the front lines, whether in Iraq or Afghanistan, have posttraumatic stress disorder. Most are misdiagnosed, most are undiagnosed, and the stigma is slowly peeling away. They need our help. Their families need our help.

So not only did we go into a war unprepared, but we did little for those who put their lives on the front line while we, supposedly gray men, decided where they would go and when they would return and how many times they would return to the battlefield. We are fools, to say the least.

We need to think about what's going on. These brave men and women have taken the entire burden while we act as if nothing happens. These senseless deaths will not be forgotten.

I ask all of us to vote for this legislation and remember their families

God bless America. Thank you.

Mr. MCMAHON. Madam Speaker, the tragic events that occurred at Camp Liberty in Iraq are a sad and prominent reminder that the mental health needs of our service men and women are simply not being met.

I have co-sponsored H. Res. 471 not only to express my sympathy, but because I know that such a tragedy could have been avoided.

A month ago, 46 of my colleagues in the House and I sent a letter to Chairman MURTHA and Ranking Member YOUNG of the defense appropriations subcommittee, supporting Secretary Gates' recommendations to increase mental health funding in the FY10 DOD budget by $300 million.

I hold fast to this request and hope that this increase will contribute to an increase in mental health professionals to treat the invisible wounds of our men and women in uniform.

Mental Health screenings should be confidential, mandatory and comfortable for those who have witnessed the unimaginable on the battlefield. H.R. 1308, The Veterans Mental Health Screenings and Assessments Act, which I have introduced with my colleague, Congressman TOM ROONEY aims to do just this by eliminating the stigma of mental treatment through mandating screenings for all returning service men and women.

Again, my heart goes out to the families of the victims of the Camp Liberty shootings. We, in the Congress, must act to ensure that such a tragedy does not happen again.

Through granting Secretary Gates' request and enacting H.R. 1308, we will ensure that the victims of the awful Camp Liberty tragedy will not be forgotten and hopefully, prevent such catastrophes from occurring in the future.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. KRATOVIL) that the House suspend the rules and agree to the resolution, H. Res. 471, 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. KRATOVIL. Madam 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 4 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1707

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at 5 o'clock and 7 minutes p.m.

COMMEMORATING 20TH ANNIVERSARY OF THE TIANANMEN SQUARE SUPPRESSION

Mr. LEVIN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 489) recognizing the twentieth anniversary of the suppression of protesters and citizens in and around Tiananmen Square in Beijing, People's Republic of China, on June 3 and 4, 1989 and expressing sympathy to the families of those killed, tortured, and imprisoned in connection with the democracy protests in Tiananmen Square and other parts of China on June 3 and 4, 1989 and thereafter.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 489

Whereas freedom of expression and assembly are fundamental human rights that belong to all people, and are recognized as such under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas June 4th, 2009, marks the 20th anniversary of the day in 1989 when the People's Liberation Army and other security forces finished carrying out the orders of Chinese leaders to use lethal force to disperse demonstrators in and around Beijing's Tiananmen Square;

Whereas the death on April 15, 1989, of Hu Yaobang, former General Secretary of the Communist Party of China, was followed by peaceful protests calling for the elimination of corruption, acceleration of economic and political reforms, especially freedom of expression and freedom of assembly; and calling for a dialogue between protesters and Chinese authorities on these issues;

Whereas by early May 1989, citizens advocating publicly for democratic reform across China included not only students, but also government employees, journalists, workers, police, members of the armed forces and other citizens;

Whereas on May 20, 1989, martial law was declared in Beijing after authorities had failed to persuade demonstrators to leave Tiananmen Square;

Whereas during the late afternoon and early evening hours of June 3, 1989, ten- to fifteen thousand helmeted, armed troops carrying automatic weapons and traveling in large truck convoys moved into Beijing to ''clear the Square'' and surrounding streets of demonstrators;

Whereas on the night of June 3 and continuing into the morning of June 4, 1989, soldiers in armored columns of tanks outside of Tiananmen Square fired directly at citizens and indiscriminately into crowds, inflicting high civilian casualties, killing or injuring unarmed civilians who reportedly ranged in age from 9 years old to 61 years old; and whereas tanks crushed some protesters and onlookers to death;

Whereas after 20 years, the exact number of dead and wounded remains unclear; credible sources believe that a number much larger than that officially reported actually died in Beijing during the period of military control; credible sources estimate the wounded numbered at least in the hundreds; detentions at the time were in the thousands, and some political prisoners who were sentenced in connection with the events surrounding June 4, 1989, still languish in Chinese prisons;

Whereas there are Chinese citizens still imprisoned for ''counter-revolutionary'' offenses allegedly committed during the 1989 demonstrations, even though, according to the 1997 revision of China's Criminal Law, the ''offenses'' for which they were convicted are no longer crimes;

Whereas the Tiananmen Mothers is a group of relatives and friends of those killed in June 1989 whose demands include the right to mourn victims publicly, to call for a full and public accounting of the wounded and dead, and the release of those who remain imprisoned for participating in the 1989 protests;

Whereas members of the Tiananmen Mothers group have faced arrest, harassment and discrimination; the group's Web site is blocked in China; and international cash donations made to the group to support families of victims reportedly have been frozen by Chinese authorities;

Whereas Chinese authorities censor information that does not conform to the official version of events surrounding the Tiananmen crackdown, and limits or prohibits information about the Tiananmen crackdown from appearing in textbooks in China;

Whereas Chinese authorities continue to suppress peaceful dissent by harassing, detaining, or imprisoning advocates for democratic processes, journalists, advocates for worker rights, religious believers, and other individuals in China, including in Xinjiang and in Tibet, who seek to express their political dissent, ethnic identity, or religious views peacefully and freely; and

Whereas Chinese authorities continue to harass and detain advocates for democratic processes, such as Mr. Liu Xiaobo, a Tiananmen Square protester, prominent intellectual, dissident writer, and more recently a signer of Charter 08 (a call for peaceful political reform and respect for the rule of law published on-line in December 2008 by over 300 citizens, and subsequently endorsed by thousands more), who remains under house arrest: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses sympathy to the families of those killed, tortured, and imprisoned as a

result of their participation in the democracy protests in Tiananmen Square and elsewhere in China on June 3 and 4, 1989, and thereafter, and to all those persons who have suffered for their peaceful efforts to keep that struggle alive during the last two decades;

(2) calls on the People's Republic of China to invite full and independent investigations into the Tiananmen Square crackdown, assisted by the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross;

(3) calls on the legal authorities of People's Republic of China to review immediately the cases of those still imprisoned for participating in the 1989 protests for compliance with internationally recognized standards of fairness and due process in judicial proceedings, and to release those individuals imprisoned solely for peacefully exercising their internationally-recognized rights;

(4) calls on the People's Republic of China to end its harassment and detention of and its discrimination against those who were involved in the 1989 protests not only in Beijing, but in other parts of China where protests took place, and to end its harassment and detention of those who continue to advocate peacefully for political reform such as Mr. Liu Xiaobo, a signer of Charter 08 who remains under house arrest, and his wife, Liu Xia;

(5) calls on the People's Republic of China to allow protest participants who escaped to or are living in exile in the United States and other countries, or who reside outside of China because they have been ''blacklisted'' in China as a result of their peaceful protest activity, to return to China without risk of retribution or repercussion; and

(6) calls on the Administration and Members of the Congress to mark the 20th Anniversary of the events at Tiananmen Square appropriately and effectively by taking steps that includes—

(A) meeting whenever and wherever possible with participants in the demonstrations who are living in the United States;

(B) meeting with others outside of China who have been ''blacklisted'' in China as a result of their peaceful protest activities;

(C) signaling support for those in China who demand an accounting of the events surrounding June 4th, 1989; and

(D) expressing support for those advocating for accountable and democratic governance in China.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

Mr. LEVIN. Madam Speaker, I rise in strong support of this resolution. I now yield myself as much time as I may consume.

This resolution recognizes the 20th anniversary of the suppression of Chinese protesters and citizens in Tiananmen Square. Freedom of expression and freedom of assembly are fundamental human rights that belong to all people and are recognized as such under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In the last 20 years since Tiananmen Square, the significance of the U.S.-China relationship has grown dramatically on a variety of foreign policy issues and on our economic relationships. In pursuing these relations successfully, a key challenge has been to find the right combination of pursuit of basic American values. That was a challenge in consideration of trade relations with China in its accession to the WTO. There was incorporated in the legislation before Congress in 2000 the creation of the Congressional-Executive Commission on China to pursue issues relating to human rights, including labor rights and the rule of law. The commission has actively engaged on these issues and has issued a comprehensive report every year since its inception.

When peaceful protesters gathered in Beijing's Tiananmen Square and in over 100 other Chinese cities, it represented a burst of freedom. They called for the elimination of corruption and the acceleration of economic and political reforms, especially freedom of expression and freedom of assembly. These protesters included not only students but also government employees, journalists, workers, police and members of China's armed forces. People peacefully filled the square until thousands of armed forces moved in, surrounding the demonstrators. On June 4, 1989, soldiers fired directly into the crowds outside of Tiananmen Square, killing and injuring unarmed civilians. The exact number of the dead and wounded remains unknown. The wounded are estimated to have numbered at least in the hundreds. Detentions at the time were in the thousands. Some political prisoners still languish in Chinese prisons.

We today express our sympathy to the relatives and friends of those killed and injured on that day, and we stand with them as we honor the memory of those whose lives were lost and those who continue to suffer today. Let us be absolutely clear: this resolution asks nothing of China that is inconsistent with commitments to international standards to which China, in principle, has already agreed. We ask of China's leaders full and independent investigations into the Tiananmen Square crackdown with a full commitment to openness, and we call on Chinese authorities to release those individuals imprisoned solely for peacefully exercising their internationally recognized rights. We call on Chinese authorities to end the harassment and detention of those who were involved in the 1989 protests and to end the harassment and detention of those who continue to advocate peacefully for political reform.

I encourage my colleagues to support those in China who demand an accounting of the events of June 4, 1989, and to express support for those advocating for accountable and democratic governance in China.

In closing, let me note that two decades ago, the Chinese people stood up at Tiananmen, but China's leaders ordered them to stand down. Many defied that order, choosing instead to remain faithful to their aspirations. The world took note, and we today preserve that memory for history.

I reserve the balance of my time.

The Chairman of the committee will take over the remainder of the time. I salute him, if I might, for his work and that of the ranking member on the committee and all of those who joined in supporting this resolution.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the remainder of the time.

There was no objection.

□ 1715

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in very strong support of this resolution ''recognizing the 20th anniversary of the suppression of protesters and citizens in and around Tiananmen Square in Beijing, People's Republic of China, on June 3 and 4, 1989.'' The words ''Tiananmen'' mean ''Gate of Heavenly Peace.'' Sadly, however, the events of that dark night 20 years ago were anything but heavenly or peaceful.

It was during that dark night that the hopes of a generation for a new and democratic China were cruelly smashed along with the papier-mache and wire statue of the Goddess of Democracy, built with youthful idealism by art students in Tiananmen Square. It was during that dark night that a single, brave figure in the picture seen around the world stood in silent defiance of army tanks as they rolled toward the square.

It was during that dark night that the people of China watched in horror as their own so-called ''People's Army'' turned assault weapons and bayonets on their own people, who reportedly ranged in age from 9 years old to 61 years old, all of whom were participating in a peaceful demonstration.

It was during that dark night that the blood of student martyrs stained a square where a previous generation of students had petitioned the rulers of China for democracy during the May 4 movement in 1919.

It was during that dark night that the pain began for the Tiananmen Mothers who, through two decades of harassment and intimidation, have displayed the courage to keep their dead children's hopes alive and their dreams alive of liberty.

It would be easy to forget that night of the long knives. It would be easy to look at the glittering business towers rising above an increasingly prosperous China and say that is in the past and

that it is over. That would be the easy thing to do, Madam Speaker. But that would not be the right thing to do.

A rising China is increasingly taking its place on the international stage. But it is a rising China that has no moral compass. That compass was lost in that dark night in Tiananmen Square when they murdered their own people, mostly students.

Now, two decades later, a time for truth and a time for truth telling is overdue. That is why this resolution calls on the Chinese authorities to invite full and independent investigations into the Tiananmen Square crackdown, assisted by the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross.

A famous saying goes that ''Those who forget their past are destined to repeat it.'' Neither China nor the world could stand a repeat of that horrific tragedy of the Tiananmen Square Massacre.

It is time to honor the dead, express profound sympathy to the surviving family members, and to seek a full and honest accounting of the shocking events that occurred two decades ago this week before that gate which is meant to symbolize heavenly peace.

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

Mr. BERMAN. Madam Speaker, I'm very honored to yield 1 minute to the Speaker of the House. For those of us who were in this Chamber at the time of the Tiananmen Square movement 20 years ago, we all remember that there was no one more passionate or eloquent on the aspirations of those students and more outraged by the dashing of those aspirations, whether the people at the square or of the Chinese people generally or the thousands of Chinese students who were studying in the United States at that time and watching that happen, than Leader PELOSI.

I am pleased to yield 1 minute to the Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding.

And I thank him and SANDER LEVIN and Congresswoman ILEANA ROS-LEHTINEN for bringing this legislation to the floor. I associate myself with the comments of Mr. POE and my friend, Mr. WOLF. We have been working on this issue for a very long time in our task force on China ever since I think even before Tiananmen.

Human rights in China is a very, very important issue. China is a very important country. The relationship between our two countries is very important economically, security-wise, culturally, and in every way. But the size of the economy, the size of the country, and the size of the relationship doesn't mean that we shouldn't speak out. I have said that if we don't speak out about our concerns regarding human rights in China and Tibet, then we lose all moral authority to discuss it about any other country in the world.

Today we come together to support a resolution on the floor of the House of Representatives recognizing that 20th anniversary of the Tiananmen Square massacre. Again, I thank my colleagues for bringing this legislation to the floor.

Twenty years ago, a generation ago, thousands, millions of Chinese students, workers, and citizens assembled in Tiananmen Square and all of the streets leading to it and from it to bravely speak out. It was about promoting more freedom in China in terms of accountability of the government in ending corruption. It was about, again, more transparency and the ability to speak and to assemble. It was about the aspirations of people in a country that they love and their desire to have dialogue with their leaders on the future of China.

It will be forever seared in our memory what happened next. The People's Liberation Army, the People's Army was used against the people, crushing demonstrators in Tiananmen Square and crushing dissent throughout China. And so again, Tiananmen Square is the place where many people assembled, but the demonstrations were beyond that and well into Beijing and across the country.

We remember, again, one of the most enduring images which actually happened after the crush, after the order was given to clear Tiananmen Square by such and such a time on June 4. A day or two later, a brave man stood before the tank. One of the most enduring images of the 20th century will forever be seared again in the conscience of the world, the picture of the lone man standing before the tank in the street bringing a line of tanks to a halt. When the tanks moved, he moved. He even climbed on the tank to communicate to the person in charge of the tank that Beijing was their city and they did not want tanks overtaking it. Today that spirit of Tiananmen lives in the hearts and minds of those continuing to work for freedom in China and beyond. The heroes had the courage to speak out for freedom.

There will be other observances of the Berlin Wall coming down throughout Europe in the next weeks and months. And actually, while the Chinese students, workers, and demonstrators used the Goddess of Democracy as the symbol in Tiananmen Square, inspired by our Founders, they, in turn, inspired others throughout Europe and the rest of the world to speak out for freedom, and they did achieve freedom. Unfortunately, the Chinese did not.

Some of the people arrested at the time of Tiananmen Square are still in prison. We really don't have all of their names, but we do have the names of some prisoners of conscience that I brought to the attention of the Chinese Government. In a letter to the President of China, I included some of those, and I want to read them into the RECORD. And I will submit their names and the description of their situation into the RECORD.

Before I read them all, I want to talk particularly about Liu Xiaobo. Liu Xiaobo is one of those individuals who spoke for freedom. He spent 5 years in prison and in reeducation-through-labor camps for supporting the Tiananmen students and for questioning the one-party system. Late last year, he was again arrested for being one of the organizers of the Charter '08, an online public petition for democracy and the rule of law. About 5,000 people signed it. Imagine the courage of these people to sign such a petition. Liu continues to be held without charges. We call for his immediate and unconditional release.

Let me read the name of Dr. Wang Bingzhang. He is very famous. There was an article in the paper yesterday about him. Hu Jia, Shi Tao, Chen Guangcheng, Gao Zhisheng, Yan Zhengxue, Pastor Zhang Rongliang, Bangri Chogtrul Rinpoche, and Ronggyal Adrag are being held. Some of these are from Tibet as well. There are others, but I want to submit these names for the RECORD as they are representative of the situation.

I just had the privilege of visiting China last week. We had magnificent hospitality from the Chinese Government, and I am grateful for the opportunity they gave us to hear about their plans for climate change and issues of global concern. It also afforded me the opportunity to speak about human rights in China and Tibet and congressional concern about it to the President, the Premier and the Chairman of the National People's Congress. In terms of our dialogue, congressional and interparliamentary dialogue, I think it was clear from our visit that this concern is bipartisan, and any dialogue we had between our two congresses would have to include a discussion of human rights.

When we were there, the first meeting we had was with Bishop Jin of Shanghai to discuss the status of religious freedom in China. He was optimistic about the Catholics that he led in Shanghai having some more freedom and making progress in that regard. And I respect that. But that is not the case for all who wish to exercise their religious freedom in China. And again, China is a country of contradictions. You see progress here and you see oppression there. Perhaps it is how regions deal with these issues. But the fact is that much more needs to be done in terms of religious freedom.

I mentioned that we had submitted this letter to the Chinese Government. When we were in Hong Kong we met with Han Dongfang. Mr. WOLF, you know him. Han Dongfang was in Tiananmen Square as a bus driver at the time, and he gave us his view about what was happening and what opportunities that could be there.

It is something that is not taught to children. What we learned is that some

students in Beijing University did not have any idea of who the man before the tank was. They didn't have any idea. They could not relate to that. It was not part of their knowledge. It didn't trigger anything that they had heard about in China. That is pretty remarkable. But the fact is that the world will never forget, and that image is one that inspires those who aspire to freedom wherever it is in the world.

I do believe that all countries of the world have to get to a place of more openness, more transparency and more accountability of government. And perhaps the issue we visited the Chinese about, climate change, is one that can open some doors. Environmental justice can help people have clean air and clean water and get answers from their government as to why they do not have it.

Today, on this floor, and this week we are observing something that is sacred ground when we talk about human rights in the world. It is a remarkable occurrence that will continue to inspire people throughout the world and also inspire those in China who hope for and aspire to freedom.

Mr. Lantos, our late colleague, introduced me to the Dalai Lama and the issue of human rights in China and Tibet. He was always saying to me, ''don't be discouraged; the fight for human rights is a long one.'' But who would have thought that 20 years after Tiananmen Square we would be observing this, that people would still be imprisoned and that we would be submitting names of people who want to be able to speak more freely, to assemble and have more accountability from their government?

For this and many other reasons, I'm grateful to our colleagues for their leadership in bringing this legislation to the floor. Thank you for that opportunity.

And with that, Madam Speaker, I want to submit, in full, my letter and the list of prisoners. This is important because they say the worst form of punishment for someone who is a political prisoner is to say that no one remembers that you are here. No one remembers why you are here. So think about that as you are in prison.

Well, we want them to know that in the Congress of the United States, we do know about them, we do care about them, and that we will continue to call for their freedom.

MAY 27, 2009.

Hon. HU JINTAO,
President,
People's Republic of China.

DEAR PRESIDENT HU: I am writing to ask for your assistance in obtaining the release of certain individuals detained or imprisoned in China. It is my understanding that these individuals are prisoners of conscience and they are detained or imprisoned for exercising rights that are guaranteed to them under Chinese law or under international human rights conventions that have been signed or ratified by the Chinese government.

Attached is a list of selected prisoners and brief descriptions of their cases. I look forward to working with you on a positive outcome on these cases and for the welfare of these individuals. Thank you for your consideration of this request.

Sincerely,

NANCY PELOSI,
Speaker of the House.

KEY PRISONERS IN CHINA WHO SHOULD BE RELEASED—SUBMITTED MAY 27, 2009

Liu Xiaobo was detained and transported to an undisclosed location in December 2008 without any legal proceeding. He was one of the original signers of Charter 08 that calls for new policies to improve human rights and democracy in China. Liu is reportedly under residential surveillance at a location outside of his residence, in violation of China's Criminal Procedure law. It is my understanding that he has not been allowed to meet with his lawyer or family except for one brief visit with his wife. Under Chinese law, a person under residential surveillance does not need permission to meet with his lawyer.

Dr. Wang Bingzhang was abducted by Chinese authorities in Vietnam in June 2002 and brought to China. He was then convicted and sentenced to life imprisonment in solitary confinement in a trial that produced no evidence or witnesses to prove the charges against him. Dr. Wang is an internationally recognized pro-democracy activist and the UN Working Group on Arbitrary Detention found that Wang's detention is arbitrary. Dr. Wang is a permanent resident of the United States and his sister and daughter are U.S. citizens. He is currently held in Beijiang Prison in Shaoguan, Guangdong province, and suffers from phlebitis and has had three major strokes. At minimum, he should be released on medical parole.

Hu Jia was detained in December 2007 and sentenced to 3.5 years in prison in March 2008. The decision to take him into custody seems to have been made after leaders in several Chinese provinces issued a manifesto demanding broader land rights for peasants whose property had been confiscated for development. Hu pleaded not guilty on charges of ''inciting subversion of state power'' at his trial.

Shi Tao is a Chinese journalist serving a ten-year prison sentence for sending an email description of a government order prohibiting Chinese media from recognizing the fifteenth anniversary of the Tiananmen Square protests to a New York-based democracy website. Shi Tao was convicted with email account information provided by Yahoo! China. His lawyer, Guo Guoting, was repeatedly harassed in an effort to prevent him from representing Shi Tao.

Chen Guangcheng, a self-trained legal advocate who tried in June 2005 to investigate reports that officials in Linyi city, Shandong province, had subjected thousands of people to forced abortions, beatings, and compulsory sterilization in order to meet population control targets. Although central government officials agreed that the officials used illegal means, authorities rejected the class-action lawsuit Chen tried to file. Chen was tried on August 24, 2006, and sentenced to four years and three months for ''intentional destruction of property'' and ''gathering people to disturb traffic order.'' Chen, who is blind, has reportedly been severely beaten in jail and has gone on a hunger strike to protest the beatings. He is serving his sentence in Linyi Prison.

Gao Zhisheng, founder of a Beijing law firm, has represented numerous activists, religious leaders, and writers. On October 18, 2005, Gao wrote an open letter to Hu Jintao and Wen Jiabao, exposing widespread torture against Falun Gong practitioners. On November 4, officials shut down his law firm and began a campaign of harassment against Gao, his family, and associates. Authorities abducted Gao on August 15, 2006 and convicted him on December 22 of ''inciting subversion of state power'' and subject to a three-year sentence, suspended for five years. After Gao sent an open letter to the U.S. Congress in September 2007, he was taken away by the police for over 50 days, and tortured. Gao disappeared again on January 19, 2009. His current whereabouts are unknown.

Yan Zhengxue, a 63-year old writer and painter, was detained on October 18, 2006, during a police raid on his home in the Jiaojiang district of Taizhou city, Zhejiang province. The Taizhou People's Intermediate Court convicted him on April 13, 2007, of inciting subversion and sentenced him to three years in prison after he attended a conference in the U.S. several years earlier and published on the Internet three articles critical of the Chinese government. Yang's cell mate reportedly attacked him, causing head injuries. Yang's family is concerned about his diminishing physical and mental health due to harsh treatment in prison.

Pastor Zhang Rongliang is a Christian leader who was detained in Zhengzhou city, Henan province, in December 2004 and sentenced in June 2006 to seven years and six months in prison. Authorities charged him with ''fraudulently obtaining border-exit documents'' and illegally crossing the border in an effort to attend missions conferences. He had been beaten, detained, and harassed a number of times since his conversion to Christianity in 1969. He is reportedly in poor health and suffering from diabetes.

Bangri Chogtrul Rinpoche, a lama who lived as a householder, was convicted of inciting splittism and sentenced to life imprisonment in September 2000. He and his wife managed a children's home in Lhasa. The Lhasa Intermediate People's Court commuted his sentence from life imprisonment to a fixed term of 19 years in July 2003, and then reduced his sentence by an additional year in November 2005. He is serving his sentence, which will be complete on July 30, 2021, in Qushui Prison near Lhasa. He suffers from heart disease and gall stones.

Ronggyal Adrag, a nomad, climbed onto a stage at a horse-racing festival in Litang county, Sichuan province, on August 1, 2007, and shouted slogans calling for the Dalai Lama's return to Tibet, the release of Gedun Choekyi Nyima (the Panchen Lama identified by the Dalai Lama), freedom of religion, and Tibetan independence. The Ganzi Intermediate People's Court sentenced him on November 20, 2007, to eight year's imprisonment for inciting splittism.

□ 1730

Mr. POE of Texas. Madam Speaker, I yield 5 minutes to the gentleman from Virginia, (Mr. WOLF), the ranking member of the Appropriations Subcommittee on Commerce, Justice and Science, and also, he's the co-chair of the Tom Lantos Congressional Human Rights Commission.

Mr. WOLF. I thank the gentleman. I also want to thank the chairman and the ranking member and the Speaker for their efforts to bring this important resolution to the floor.

Twenty years after peaceful pro-democracy demonstrators gathered in Tiananmen Square and were brutally crushed, the human rights situation in China remains bleak. Not only does the government consistently silence dissent, repress religious believers and stifle opposition, but it is in the business

of actively rewriting history, almost like the communist government did in Russia.

Today's Washington Post features an op-ed, which I'd like to submit for the RECORD, which opens with an exchange that the author, Dan Southerland, had with a Chinese student a couple of years ago. Southerland, chief of the Washington Post's Beijing Bureau in the late Eighties, references his time as a reporter in Beijing on the now infamous June 4, 1989.

He writes, ''but it soon became clear that June 4 meant nothing to her,'' a student. ''Chinese censors have managed to erase all mention of that tragedy from the country's textbooks and state-run media.''

The human rights situation in China is made worse by America's diminished commitment to raise these issues and be a voice for the voiceless. I'm saddened to say today that this has been true of successive administrations of both political parties.

In her first trip to the region, Secretary of State Clinton failed to make even a cursory public mention of human rights, saying that, ''those issues can't interfere with economic, security or environmental matters.''

Now, why would the Secretary of State say that? A Washington Post editorial following her trip and similarly dismissive comments on human rights in Egypt said that Secretary Clinton is, quote the Washington Post, and I thank them for this editorial, ''sending a message to rulers around the world that their abuses won't be taken seriously by this U.S. administration.''

Nor were they taken seriously in the waning days of the last administration. Congressman SMITH and I traveled to Beijing last July, just 1 month prior to the commencement of the 2008 Olympics. We brought with us a list of over 700 political prisoners to present to Ambassador Li, the current chairman of the Foreign Affairs Committee in the National People's Congress, and pressed for the release of all political prisoners in China.

One night during our trip we were scheduled to meet with several human rights lawyers for dinner. All but one person scheduled to meet us was detained or otherwise prevented from attending by the Chinese security forces. The one activist with whom we were able to meet was arrested later that evening, and he and his family continue to face harassment by security forces. Very little was done by the Embassy or the State Department in the last administration when that took place. Silence was their response, basically, to this problem.

Now we see just this week, news reports indicate that Treasury Secretary Geithner desperately sought to assure China, our biggest creditor, that their billions of dollars in U.S. government debt were not a liability.

Why didn't Geithner at least raise the issue of human rights? Couldn't he have just said something about it? Couldn't he have made a statement about it? Couldn't he have done something about it? And the answer? He did nothing about it. Perhaps if he's caught up or wherever he is in Beijing today he will correct the record and at least say something.

Our own economic reality has effectively silenced our voice, a tragic loss for all those political dissidents who languish in the Chinese laogai, those house church Christians who worship secretly in their homes, the Tibetans—and I've been to Tibet. They have plundered Tibet. The Uyghurs who are being persecuted, the Muslims who are being persecuted by the Chinese Government.

And the Catholic Church. There are 34 bishops in jail today in the Catholic Church, and yet no one speaks out on behalf of the Catholic Church.

And lastly, the Falun Gong who have suffered so much.

Since my first trip to China in 1991 with my good friend, Congressman SMITH, the human rights situation has gotten worse, despite promises to the contrary during the debate to grant China most favored nation status. One of the worst votes that this institution has ever cast was to give this evil empire, if you will, in China the most favored nation trading status.

It was during this trip that we visited Beijing Prison Number One. Chinese authorities informed us that approximately 40 Tiananmen Square protesters were in prison. Our requests to visit the demonstrators were denied. But instead, we found some demonstrators making socks for export to the United States whereby they were working on free and cheap labor to sell things to the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POE of Texas. I yield the gentleman an additional 1 minute.

Mr. WOLF. Unbelievably, 20 years after Tiananmen, our own State Department Human Rights Report indicates that the Chinese Government still has not provided a comprehensible, credible accounting of all those killed, missing or detained in connection with the violent suppression of the 1989 demonstration.

But Tiananmen is not simply a commemoration of a past event. Dozens of people are still believed to be imprisoned in connection with the demonstrating at Tiananmen, and millions more Chinese citizens still hope for the end to their oppression.

In a Constitution Day speech, President Ronald Reagan described the United States Constitution as ''a covenant we have made, not only with ourselves, but with all of mankind.''

In closing, Madam Speaker, we have an obligation to keep the covenant. And I continue to pray, as many people prayed during the days of the evil empire in the Soviet Union, pray for the fall, the collapse of the Chinese, of the Russian Government, and the collapse of the Wall, many and millions are praying here in the United States and around the West for the fall, the fall of the Chinese Government, whereby there will be freedom, the government will be changed and the people of China, the good people of China, and they are good people.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. POE of Texas. I yield the gentleman an additional minute.

Mr. WOLF. The good people of China will be able to live in freedom, and there can be a rally in Tiananmen Square, a prayer meeting in Tiananmen Square, where millions can come from every denomination and worship in peace and have freedom and justice and democracy.

So we must remember, remember those who suffer. They are the heroes for China. And we will see this government change and we will see, in my lifetime, freedom in China.

[From the Washington Post, June 2, 2009]

TIANANMEN: DAYS TO REMEMBER

(By Dan Southerland)

Two years ago I met a Chinese student who was entering graduate school in the United States. I told her I had been in Beijing during ''6–4,'' the Chinese shorthand for the massacre of June 4, 1989.

''What are you talking about?'' she asked.

At first I thought she might not have understood my Chinese, but it soon became clear that ''June 4'' meant nothing to her. I probably shouldn't have been surprised.

In the 20 years since that day in 1989 when Chinese troops opened fire on unarmed civilians near Tiananmen Square, Chinese censors have managed to erase all mention of that tragedy from the country's textbooks and state-run media.

But for me, Tiananmen is impossible to forget. As Beijing bureau chief for The Post, I covered the student demonstrations that began in mid-April, tried to track a murky power struggle among top Chinese leaders and managed a small team of young, Chinese-speaking American reporters.

What I remember best was the sudden openness of many Beijing citizens of all professions. They were inspired by throngs of students calling for political reform, media freedom and an end to ''official profiteering.''

People I believed to be Communist Party supporters were suddenly telling me what they really thought. Some who had been silent in the past even debated politics on street corners.

In early May, Chinese journalists petitioned for the right to report openly on the Tiananmen protests, which on May 17 swelled to more than a million people marching in the capital. Journalists from all the leading Chinese newspapers, including the People's Daily, the mouthpiece of the Communist Party, joined in. Their slogan was ''Don't force us to lie.''

For a brief period, Chinese journalists were allowed to report objectively on the student protests. But this press freedom was short-lived and ended May 20 with the imposition of martial law and the entry of the People's Liberation Army into Beijing.

At first, Beijing residents manning makeshift barriers blocked the troops. But late on the evening of June 3, tanks, armored personnel carriers and soldiers firing automatic weapons broke through to the square.

The death toll quickly became a taboo subject for Chinese media.

Chinese doctors and nurses who had openly sided with students on the square, and who had allowed reporters into operating rooms to view the wounded, came under pressure to conceal casualty figures.

One brave doctor at a hospital not far from Tiananmen Square led me and a colleague to a makeshift morgue, where we saw some 20 bullet-riddled bodies laid out on a cement floor. I later learned that the doctor was ''disciplined'' for allowing us to view that scene.

A Chinese journalist I considered a friend tried to convince me that government estimates of fewer than 300 killed were correct and that these included a large number of military and police casualties. I later learned from colleagues of his that this journalist was working for state security.

After comparing notes with others, my guess was that the actual death toll was at least 700, and that most of those killed were ordinary Beijing residents.

It's almost incredible that the Chinese government has succeeded for so long in covering up a tragedy of this magnitude.

But for those who closely monitor the continued repression of civil liberties in China—and the government's stranglehold on news deemed ''sensitive''—it's not surprising.

Chinese authorities continue to intimidate reporters, block Web sites and jam broadcasts of outside news organizations. China is the world's leading jailer of journalists and cyber-dissidents.

Chinese youths are among the most Web-savvy in the world. But Chinese search engines, chat and blog applications, as well as Internet service providers, are equipped with filters that block out certain keywords incorporated in a blacklist that is continually updated.

China's censorship is multipronged, sometimes heavy-handed and sometimes sophisticated, allowing debate on some issues and shutting it down on others, such as Tiananmen.

Censors hold online service providers and Internet cafe owners responsible for the content that users read and post. A small blogging service will usually err on the side of caution rather than lose its license because of a debate about June 4.

Lines that cannot be crossed shift from time to time, leaving citizens uncertain and therefore prone to self-censorship.

The good news is that the blackout isn't complete. We know from Radio Free Asia's call-in shows that some younger Chinese know just enough about Tiananmen to want to learn more.

I work with several Chinese broadcasters who were students in Beijing on June 4. Many of them saw more than I did. And they are here to remind me—and many Chinese—of a history we should never forget.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 5 minutes to the chair, or co-chair, of the Tom Lantos Human Rights Caucus, an outspoken advocate for human rights internationally and domestically, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from California (Mr. BERMAN), the chair of the Foreign Affairs Committee, for his leadership on this issue and for his advocacy of human rights.

And I also want to thank my good friend, Congressman SANDER LEVIN, for introducing this resolution.

I want to thank Congressmen FRANK WOLF and CHRIS SMITH for their dedication to promoting human rights in China.

And I especially want to thank the Speaker of the House, NANCY PELOSI, for insisting that we keep alive the memory of Tiananmen Square.

Madam Speaker, 1989 was a tumultuous year. It was the year Solidarity won the elections in Poland, the year the people of Germany tore down the Berlin Wall, and the year six Jesuit priests were murdered by the Salvadoran military.

And in May and June of 1989, it was the year when the people of China spontaneously came together calling for political and economic reforms. Students, journalists, workers, government employees, police, and even members of the Armed Forces, nonviolently raised their voices and asked their government, the Chinese Government, to listen to the people and engage in direct dialogue on how to reform the nation.

Because the largest gathering was in the largest main square of China, Tiananmen Square in Beijing, this moment in history is known as Tiananmen Square.

After an internal struggle, the Chinese authorities decided they did not want to talk directly with their people. Instead, they chose to respond with brute force that forever links the words ''Tiananmen Square'' with the brutal quelling of democracy, dissent and human aspiration.

Earlier today the Tom Lantos Human Rights Commission held a hearing entitled, ''20 years After the Crackdown: Tiananmen Square and Human Rights in China.'' And I would like to briefly describe just two of the individuals who testified before the Commission.

Mr. Fang Zheng was leaving Tiananmen Square in the early morning of June 4, 1989, along with other student protesters in an orderly retreat. He suddenly realized that a military tank was approaching them from behind. Sensing the imminent danger, he used all his strength to push a female student out of the tank's path. In doing so, both his legs were crushed by the tank's rolling treads.

Fang Zheng has continued to live in China. He has refused to cooperate with the government in its effort to cover up the truth of his lost legs and the massacre that took place. For the past 20 years he's been harassed and closely monitored by the police.

Always an excellent athlete, he excelled at sports, even after his legs were amputated. He won two gold medals and broke two Chinese national records at the 1992 All-China Disabled Athletic Games. And in 1994 he was forbidden to participate in the Far East and South Pacific Region Games, and last year he was banned from competing in the 2008 Special Olympics held in Beijing.

With the help of the mothers of Tiananmen Square and other brave Chinese who keep alive the memory of Tiananmen Square inside China, Fang Zheng is here in Washington to remember the 20th anniversary.

And even before Tiananmen, another brave man, Mr. Wang Youcai, was active in the Chinese democracy movement. In 1989 he was the Secretary-General of the Beijing Higher Education Students Autonomous Union in the Tiananmen Square protest. A graduate student at Peking University, he was arrested in 1989 and sentenced in 1991 to 4 years in prison for counter-revolutionary propaganda and incitement. He was paroled in 1991, following a visit by then-Secretary of State, James Baker.

In 1998, Wang and a group of fellow Chinese citizens tried to officially register the China Democracy Party, but it was banned by the Chinese Government. And in December of 1998, Wang was sentenced to 11 years in prison for subversion. He was released in 2004, due to U.S. and international pressure, and sent into exile.

He has since lived in the United States, studying at Harvard and the University of Illinois, and he continues to be a member of the Chinese Democracy Party and firmly believes that the transition to constitutional democracy will occur in China.

These are just two of the millions of stories surrounding the events known as Tiananmen Square. And I would like to take a moment to remember the hundreds, perhaps thousands who were murdered in Tiananmen Square or later imprisoned or sent into exile. And I want to remember the families and friends and the colleagues of those who died and those who survived.

Madam Speaker, I will enter into the RECORD articles by Dr. Jianli Yang and Mr. Ha Jin, both of whom live in Massachusetts, and have recently published reflections on Tiananmen Square. Dr. Jianli was a student in Tiananmen, and Mr. Ha, a member of the People's Liberation Army and a student in the United States.

This week there will be a number of events on Capitol Hill and around Washington to remember Tiananmen Square. I encourage my House colleagues, congressional staff and House employees to take advantage of this opportunity and hear from firsthand eyewitnesses like U.S. journalists.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I am pleased to yield the gentleman an additional 30 seconds.

Mr. MCGOVERN. They will be able to hear from firsthand eyewitnesses like U.S. journalists speaking at the Newseum on reporting live from Tiananmen Square, watching the documentary ''Tank Man'' in the Congressional Visitor Center, celebrating around a replica of the Goddess of Democracy Statue on the west lawn of the Capitol, or attending other hearings and events.

The Chinese Government wants not only the Chinese people but the world to forget Tiananmen Square. It is up to each of us to keep the memory alive.

[From the New York Times, May 31, 2009]

EXILED TO ENGLISH

(By Ha Jin)

BOSTON.—I was in the People's Liberation Army in the 1970s, and we soldiers had always been instructed that our principal task was to serve and protect the people. So when the Chinese military turned on the students in Tiananmen Square, it shocked me so much that for weeks I was in a daze.

At the time, I was in the United States, finishing a dissertation in American literature. My plan was to go back to China once it was done. I had a teaching job waiting for me at Shandong University.

After the crackdown, some friends assured me that the Communist Party would admit its mistake within a year. I couldn't see why they were so optimistic. I also thought it would be foolish to wait passively for historical change. I had to find my own existence, separate from the state power in China.

That was when I started to think about staying in America and writing exclusively in English, even if China was my only subject, even if Chinese was my native tongue. It took me almost a year to decide to follow the road of Conrad and Nabokov and write in a language that was not my own. I knew I might fail. I was also aware that I was forgoing an opportunity: the Chinese language had been so polluted by revolutionary movements and political jargon that there was great room for improvement.

Yet if I wrote in Chinese, my audience would be in China and I would therefore have to publish there and be at the mercy of its censorship. To preserve the integrity of my work, I had no choice but to write in English.

To some Chinese, my choice of English is a kind of betrayal. But loyalty is a two-way street. I feel I have been betrayed by China, which has suppressed its people and made artistic freedom unavailable. I have tried to write honestly about China and preserve its real history. As a result, most of my work cannot be published in China.

I cannot leave behind June 4, 1989, the day that set me on this solitary path. The memory of the bloodshed still rankles, and working in this language has been a struggle. But I remind myself that both Conrad and Nabokov suffered intensely for choosing English—and that literature can transcend language. If my work is good and significant, it should be valuable to the Chinese.

[From Foreign Policy, May 2009]

AN ALTERNATIVE HISTORY OF CHINA

(By Jianli Yang)

The memoirs of Zhao Ziyang provide insight into what China would be like today if the 1989 democracy movement had prevailed.

''We must establish that [the] final goal of political reform is the realization of this advanced political system. If we don't move towards this goal, it will be impossible to resolve the abnormal conditions in China's market economy.''

One of the most sincere advocates for an ''advanced political system'' in China—a system that included an independent judiciary, freedom of the press, and the right of citizens to organize (in a word, democracy)—was not a disenchanted dissident or an armchair academic. Writing at the most unlikely of times, the man was Zhao Ziyang, secretary general of the Chinese Communist Party (CCP). Zhao was toppled in 1989 after trying to peacefully negotiate with student demonstrators—like myself—in Tiananmen Square. His fall paved the way for hard-liners, under the leadership of CCP official Deng Xiaoping, to crush the demonstrations with soldiers and tanks on the morning of June 4, 1989. In one bold, violent stroke, the one-party regime, teetering on the verge of collapse, found reprieve. Zhao's vision of a more moderate democratic future, one meticulously documented in his recently released memoirs, vanished from the scene, its author put under house arrest.

There could hardly be a better time for Prisoner of the State: The Secret Journal of Premier Zhao Ziyang to be published, as the memoirs will be in both English and Chinese this week. Early June marks the 20th anniversary of Tiananmen Square—a memory that will certainly remind China of the democratic ideals left behind in tragedy. Reading Zhao's account, I—and no doubt other readers—cannot help but imagine what China would be like today if Zhao had prevailed in June 1989. What if the dissenters who stood firmly before the government in Tiananmen Square had gained Zhao as a powerful ally to their cause? Would China have devolved into political chaos? Or would it be a robust democracy, steeped in cultural freedoms, social justice, and economic vibrancy? In seeking to answer that question about the past, we can learn much about the present: a China that in terms of its political system and tendency toward authoritarianism has evolved little since 1989, and yet has become both the United States' second-largest trading partner and its most significant competitor.

Looking back at the crucial moment in 1989, it is first important to keep in mind how easily things might have turned in a different direction. China's movement toward democracy in 1989 was not as far-fetched as it might seem today. In fact, support for the democratic movement was so great that it caused an unprecedented split within the CCP leadership. A quarter or even a third of the officials in Beijing joined the protesters. Most of the rest were sympathetic toward the students. The degree of dissatisfaction within the party was very high, and many agreed with the protesters that the CCP had lost any pretense of being a ''people's'' party and had become a self-serving elite.

That disillusionment came from a series of market-oriented reforms begun a decade earlier, in 1978. Although the changes produced rapid economic growth, they also led to contradictions: opening the economy negated the moral authority of the Communist revolution and unleashed unbridled corruption in its place. The 1989 democracy movement had two slogans. One was ''Freedom and democracy,'' and the other was ''No official business dealings, no corruption.'' After Tiananmen Square protesters were quashed and their government sympathizers, like Zhao, sidelined, corruption blossomed just as much as China's GDP (the fastest-growing among developed states over the last 25 years) has.

It didn't have to be this way. If the democracy movement had succeeded, the CCP would likely still be the ruling party. But its policies and goals would have evolved more democratically under Zhao's leadership. In the last chapter of his memoirs, the former general-secretary of CCP praises the Western system of parliamentary democracy and says it is the only way for China to address corruption and inequality. He would no doubt have led the country down this path.

Zhao's reforms, one might imagine, would have proceeded at a purposeful but amenable pace, beginning with an opening of partial freedoms of assembly and demonstration. Student organizations would have become lawful, eventually precipitating a lift on the ban on political parties. The press would likewise feel a weight lifted, and the country's National People's Congress would have become more than a rubber-stamp assembly. Public participation would have followed, with public debate emerging on difficult questions from ethnic relations, to foreign affairs, to government corruption, to HIV/AIDS and the environment. In other words, China would have embarked on a peaceful transition to democracy. A democratic China—one that followed Zhao's model—would have prospered economically, too.

Instead, today China feels the consequences of rejecting this path of reform. The same corruption that motivated the opposition 20 years ago is today an open sore on the face of Chinese society. Eighty percent of China's wealth is thought to be controlled by the top 10 percent of party officials. And it's visible. Corruption distorts every aspect of Chinese society, from the shoddy workmanship of the elementary schools that collapsed during last year's earthquake (while the homes of party officials stood firm) to the summary displacement of more than 300,000 Beijing citizens in the name of ''beautification'' to prepare for the 2008 Olympics. No wonder, then, that corruption is still the largest source of alienation between the CCP and the population. Endemic corruption is the grievance cited in an estimated 100,000 major protests each year in China.

To the outside world, Chinese society has prospered. But internally, it has atrophied morally and socially. China maintains its competitive edge through a base exploitation of its workers, who labor without rights or avenues of recourse. Even the most advanced free market economies find it hard to compete. The Chinese government becomes rich, but ordinary people do not. The average Chinese citizen contributes less to the country's GDP today than he or she did in 1988.

One of the most famous slogans for China's reforms has been to ''cross the river by feeling stones.'' Surely, Deng Xiaoping meant to infer a gradual notion of change. Instead, the metaphor today mockingly describes a society at odds with itself, lacking direction to support its ever-looming one party structure. The contradiction will not easily go away—and will likely flare again, just as it did two decades ago. Zhao Ziyang foresaw this perpetual confrontation years ago, arguing that unless the Chinese government moved toward real democratic reform ''it will be impossible to resolve the abnormal conditions in China's market economy.''

They were prophetic words, indeed. Today, even as China's leadership has moved further from Zhao's vision, the Tiananmen ideals never left the political dialogue. More than at any time in the last two decades, people might just be willing to protest to bring those ideals back again. Until then, we are left to confront the equally predictive words of the Soviet-era dissident, Andrei Sakharov: ''The world community cannot rely on a government that does not rely on its own people.''

Mr. POE of Texas. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER), ranking member of the Foreign Affairs Subcommittee on International Organizations, Human Rights and Oversight.

Mr. ROHRABACHER. Madam Speaker, June 4 marks the 20th anniversary of the massacre of the Chinese democracy movement at Tiananmen Square in Beijing. This date marks a turning point, and it also marks a day of shame for the bloody murder, a murder that was committed by the Communist party bosses when they sent Chinese troops to slaughter the idealistic Chinese people who were demanding democracy in Tiananmen Square at this time just 20 years ago.

This day the government of China affirmed to the world that it is a criminal enterprise that is perfectly willing to murder unarmed people in order to stay in power.

□ 1745

Shame on those Communist Party bosses who still 20 years after Tiananmen Square would still massacre advocates of democracy if they would gather in their streets, just as they would massacre Falun Gong members one at a time as they would arrest them, put them into prison, murder them, and would sell their body parts, just as they would murder Tibetan nationalists or Christians or other religious believers. Shame on Beijing. Shame on the people of the world who would treat the Government of Beijing as if it were the same as a democratic government.

June 4 is not just a day of shame for the Beijing regime, however. It is a day of shame for our government as well. Under President Reagan, we made it clear that the United States would continue providing credit, investment, beneficial trade arrangements, and technology transfer as long as China was willing to continue on the path of reform and on the path of making their society more open. Reagan, had he been confronted with Tiananmen Square, would have sent a message: if you send the troops in to massacre these people, the deal is off. You will pay a price.

Do you know what our government did? It wasn't President Reagan. It was President Herbert Walker Bush. Do you know what his message said? It said nothing because he didn't send a message, and that was the message the murderers in Beijing needed to hear.

America really doesn't give a damn about democracy. America doesn't care about human rights. We care about making a buck, and if you have to slaughter the people at Tiananmen Square, the Americans will never ever protest; they won't whisper a protest; they won't cancel contracts, because money is more important to the Americans than freedom.

Well, I'm afraid that did not represent the America that I'm all about. That immorality of siding with a dictatorship, of siding with the gangsters, of siding with the murderers in order to make a short-term profit—that policy—is coming back to haunt us now. That policy has created a monster in Beijing—a powerful, powerful force for evil in this world that we now must confront.

Today marks an anniversary—an anniversary of shame on those who committed the murders, an anniversary of shame on what our reaction was to those murders and to the repression that took place 20 years ago.

Let us send a message to the people of China: We are on their side. Hopefully, if nothing else, this resolution will let them know that, as our people stumble over themselves in trying to make short-term profits by making deals with the gangsters who have oppressed the people of China, there are Americans here who still hold true to the values of Jefferson, of Washington—of our Founding Fathers—and that there are Americans who still hold true to those values that liberty and justice for all is more important than short-term profit gains for American capitalists.

Mr. BERMAN. Madam Speaker, let me first ask you how much time I may consume.

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining.

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

First of all, I would like to thank my good friend, Representative SANDY LEVIN of Michigan, for his leadership as the chief sponsor of this resolution and as the co-Chair of the Congressional-Executive Commission on China.

First and foremost, I would like to express my sympathy to the families of those killed, tortured and imprisoned as a result of their participation in the democracy protests in Tiananmen Square and in other parts of China 20 years ago this week.

The world must not forget the horrendous events which occurred that fateful day when the Chinese Army was ordered to clear the square, using lethal force against its own citizens. Hundreds of unarmed civilians were killed or injured. The Chinese Government detained thousands of Chinese citizens in connection with the protests. Many of them still languish today in Chinese prisons.

Even after 20 years, the precise number of dead, wounded, and detained remains unclear. Chinese authorities still censor information that does not conform to its official version of events surrounding the Tiananmen massacre. The government also limits or bans information about the crackdown from appearing in Chinese textbooks.

How can China claim its place as a major global power if the government refuses to address the Tiananmen protests in an honest and candid way? How can China develop into a modern society if its own citizens are prevented from knowing their own history?

This resolution calls on the Chinese Government to initiate a full investigation into the crackdown, to review the cases of those still imprisoned for participating in the protests and to end its harassment and discrimination against those who were involved. Finally, this resolution recognizes those Chinese citizens who have suffered for their efforts to keep the struggle for democracy alive during the last two decades.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Madam Speaker, in 1992, I had the opportunity to go to Tiananmen Square. I was there by myself, but the square was packed. Once again, it was packed with a lot of people, with a lot of students. I was well-received by those students. They wanted to talk to me. They were very friendly, and they were friendly to me for the sole reason that I was an American. Otherwise, they did not know me at all.

While talking to some of the students who weren't afraid to talk to me because of the authorities that were nearby, one of them whispered to me in perfect English that we want what you have in America. Of course, he was speaking of that word ''liberty.'' Down in the soul of every person on Earth, I believe, is that spirit that the good Lord gives us for freedom. I think we are made that way. We are made that way in this country, but we are made that way throughout the world, and those students in China are made that way as well for they seek and hope to obtain the word ''liberty.''

The rulers in China need to release the Tiananmen Square students. China should show the world that they are no longer going to continue to murder their own people who peaceably disagree with the government.

In Beijing, not only is there Tiananmen Square, but also nearby is the Forbidden City. The Forbidden City got its name because it was a walled fortress where the emperors for thousands of years would live and rule the massive country of China, but they forbade the people to come into the Forbidden City. The Forbidden City still exists in a mentality way in China for the City of Beijing still forbids its own people the freedom to speak as they wish, the freedom to assemble, and it forbids the freedom of the people to disagree with their government in a peaceful way.

In the name of liberty and in the name of freedom in which we believe, we have an obligation here in the United States to speak out against the acts of terror that the Chinese Government imposes on their own people. We need to remember the dark nights of June 1989. We need to light a candle to bring openness and transparency to the acts that the Chinese Government committed on its own students.

And that's just the way it is.

Mr. SMITH of New Jersey. Madam Speaker, I would like to thank, Mr. LEVIN for introducing this important resolution commemorating the 20th anniversary of the brutal suppression of innocent men, women and children in China.

Twenty years ago, in May 1989, hundreds of thousands of demonstrators gathered on Tiananmen Square and elsewhere in China to express their desire for peaceful democratic reform. In the face of these massive demonstrations the Chinese Communist Party hesitated. There were apparently some decent men and women in the party's leadership, who had begun to understand what a tragedy Communist rule has been for the Chinese people, countless millions of whose lives had been destroyed by its famines and cultural revolutions and totalitarian social controls.

But we know what happened. Jiang Zemin [JANG ZUH-MEEN] pushed the reformers

aside, cleared Tiananmen Square with tanks, and shot to death thousands of peaceful demonstrators.

In December of 1996 here in Washington, at the invitation of President Bill Clinton, General Chi Haotian, the Defense Minister of the People's Republic of China, the general who was the operational commander of the soldiers who slaughtered pro-democracy demonstrators in and around Tiananmen Square in June of 1989, said, ''Not a single person lost his life in Tiananmen Square.''

According to General Chi, the Chinese Army did nothing more violent than, and I quote him, ''pushing of people.''

General Chi not only met with Mr. Clinton in the White House but was accorded full military honors, including a 19-gun salute and visits to military bases. Rather than getting the red carpet, General Chi should have been held to account for his crimes against humanity.

To counter the big lie, I quickly put together and chaired a hearing of eyewitnesses to the Tiananmen Square massacre, including several Chinese, a former editor of the People's Daily, and Time Magazine's Beijing bureau chief.

I also invited General Chi or anyone else to testify before our committee from the government of China. They were no-shows, although I left a chair for them.

One of our witnesses, a man by the name of Xuecan Wu, the former editor of the People's Daily, was singled out by Li Peng for punishment and got 4 years in prison for trying to tell the truth to his readers in Beijing.

Mr. Wu called General Chi's lie about no one being killed ''shameless'' and told my subcommittee that he personally saw at least, and I quote him here, ''at least 30 carts carrying dead and wounded people.''

Eyewitness Jian-Ki Yang, Vice President of the Alliance for a Democratic China, testified, and I quote, ''I saw trucks of soldiers who got out and started firing automatic weapons at the people. Each time they fired the weapons, three or four people were hit, and each time the crowd went down to the ground. We were there for about an hour and a half. I saw 13 people killed. We saw four tanks coming from the square, and they were going very fast at a very high speed. The two tanks in front were chasing students.''

He went on to say, ''They ran over the students. Everyone was screaming. We counted 11 bodies.''

Time Magazine's David Aikman, another eyewitness said, and I quote, ''Children were killed holding hands with their mothers. A 9-year-old boy was shot seven or eight times in the back, and his parents placed the corpse on a truck and drove through the streets of northwest Beijing on Sunday morning. 'This is what the government has done,' the distraught mother kept telling crowds of passersby through a makeshift speaker system.''

Madam Speaker, 20 years after Tiananmen Square, the Chinese government perpetuates General Chi's Orwellian fabrication that no one died. In truth, thousands died and approximately 7,000 were wounded.

Twenty years after Tiananmen Square, an untold number of democracy activists remain incarcerated for peacefully advocating human rights. To be jailed by the Chinese, as we all know, means torture, humiliation, and severe deprivations. The ugly spirit of the Tiananmen Square Massacre continues. The brave and noble human rights attorney Gao Zhisheng has been subjected to excruciating torture that continues today. We must raise our voice on his behalf—and for others like him.

Earlier this year, Secretary of State Hillary Clinton said she wouldn't let China's shameless human rights record ''interfere'' with other issues including and especially China's purchase of U.S. treasury securities to finance America's debt. Wittingly or not, that kind of attitude enables abuse and torture.

In the early 1990s, Congressman FRANK WOLF and I visited Beijing Prison Number 1, a bleak gulag where 40 Tiananmen Square prisoners were being unjustly detained. We saw firsthand the price paid by brave and tenacious individuals for peacefully petitioning their government for freedom. And it was not pretty. They looked like the walking skeletons of Auschwitz.

Despite the hopes and expectations of some that robust trade with China would usher in at least a modicum of respect for human rights and fundamental liberties, the simple fact of the matter is that the dictatorship in China oppresses, tortures and mistreats millions of its own citizens.

Moreover, China is the land of the one-child-per-couple policy, a barbaric policy that makes brothers and sisters illegal. Forced abortion, force sterilization and ruinous fines are routinely deployed to ensure compliance with this Draconian and utterly cruel family planning policy.

The criminal slaughter of Tiananmen has had terrible and lasting consequences for the Chinese people, and for the world. China had reached a turning point, and failed to turn. Twenty years later, it still has not turned.

The Chinese people still live under a one-party government that ruthlessly represses dissenters and democratic activists, that controls all news media and blocks and censors the Internet. The Communist party still enforces a one-child policy that makes brothers and sisters illegal, and regularly conducts campaigns of forced abortion. It still persecutes religious believers, and it has stepped up its campaign of cultural genocide in Xinjiang [SHIN JANG] and Tibet.

The men and women who rule China today are the protégés of the criminals of Tiananmen, and, in order to claim legitimacy, do everything they can to suppress the facts about Tiananmen. Last summer FRANK WOLF and I walked across Tiananmen Square—officials searched us before we entered the square, and squads of police surrounded us while we were on it, terrified we might hold up a simple sign or banner. Later, we tried to look up ''Tiananmen Square'' on the tightly-controlled Chinese Internet. Of course, mere mention of the slaughter has been removed from the Chinese Internet. As noted in the resolution before us, the Chinese authorities censor any effort to inform the public about what occurred in June 1989.

I also want to say that our government has not done enough to support the Chinese people. And our failure has been a defining event for our own foreign policy, also with terrible consequences for the world.

The Chinese Communist Party, and dictators around the world, drew the conclusion that America's talk of human rights was just hot air, that the only interests that really matter to us are financial.

Our government has a duty to speak up more on human rights in China. Unfortunately, they have been doing the opposite. President Obama has not shown much interest in human rights. In our policies towards Cuba, Venezuela, Iran, and Russia, to name a few countries, human rights has been dramatically downgraded, and everyone understands this.

And Secretary Clinton has effectively taken human rights off the U.S. agenda with the Chinese Government, telling the global media that concern for the protection of human rights of the Chinese people can't be allowed to ''interfere'' with the economic crisis, climate change, and security—as if human rights were disconnected and irrelevant to those issues.

And so, Madam Speaker, it is all the more important that the House of Representatives pass this resolution, and by doing so:

express sympathy to the families of those who suffered so terribly as a result of the Chinese Government's actions 20 years ago, and our solidarity with those who continue to suffer human rights abuses at the hands of Chinese Government officials;

call for a full and independent investigation into what occurred during the Tiananmen Square suppression;

call on the Chinese Government to release all those, including those who participated in the Tiananmen Square demonstrations, who are wrongfully imprisoned in violation of their human rights; and

call on the Administration to take aggressive action in support of China's human rights defenders.

Mr. DREIER. Madam Speaker, this week, on June 3 and 4, we will mark the 20th anniversary of the tragic events at Tiananmen Square in Beijing in 1989. I remember very vividly the terrible images of tanks rolling through the square. At the time, I happened to be in Krakow, Poland as an election observer for Poland's first free elections. As we watched the television coverage from Solidarity Headquarters, we did not know the context or the details of the event that was unfolding before us. We didn't know what we were witnessing, and speculated that it was stock footage meant to intimidate the Polish people from voting the next morning.

Of course, the reality of what had happened soon became clear: a brutal crackdown on Chinese supporters of democracy. Twenty years later, on the occasion of this anniversary, we should take the opportunity not only to remember the victims of that terrible event, but to assess both the path that China has since followed and our bilateral relationship.

We know well that China has a very long way to go in eradicating human rights abuses. Unlawful and politically motivated imprisonments, ethnic persecution and restrictions on free speech rank highest among the abuses that persist. But that is only part of China's story in the past two decades. Hundreds of millions of Chinese people have also been lifted out of poverty because of economic reforms, and today have a far better quality of life than ever before. Chinese civil society has developed, government transparency has improved and a number of key human rights laws have been passed. Of course, laws aren't worth the paper they are printed on if they are not enforced, but that only highlights the need to develop legal institutions and a professional, independent judiciary that can enforce the laws that have been passed.

All of this paints a mixed picture—but one that is slowly improving. In China's 5,000-year

history, no period has seen more rapid and dramatic change than the last 20 years. The pace of progress may seem glacial by American standards; but in the Chinese context, this is important progress that must be continued. It is also important to recognize that this progress has been made possible through U.S. engagement. By working with the Chinese and encouraging economic and political reform, on a bilateral and multilateral basis, we have been able to ensure that the move toward greater freedom and accountability continues. By bringing China into the WTO and other multilateral institutions, we have bound the Chinese to a rules-based system where the rule of law is the only arbiter.

Looking down the road, we see that the Chinese government has a very long way to go indeed before it has the moral authority that only comes from being of the people, by the people and for the people. But we also cannot lose sight of the road behind us, the progress that has already been made. Any improvement in the quality of life of the Chinese people since 1989 is due in large part to engagement with the American people. If we are to ensure that progress does not stop until every Chinese person is free and the rule of law prevails, we must continue to engage, encourage and hold China accountable.

Mr. POE of Texas. I yield back.

Mr. BERMAN. Madam Speaker, if the gentleman has yielded back the balance of his time, I will yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and agree to the resolution, H. Res. 489.

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. BERMAN. Madam 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.

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 5 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1840

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 6 o'clock and 40 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 31, LUMBEE RECOGNITION ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 1385, THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–131) on the resolution (H. Res. 490) providing for consideration of the bill (H.R. 31) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes, and providing for consideration of the bill (H.R. 1385) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF MEMBERS TO HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 501(b), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the House Commission on Congressional Mailing Standards:

Mr. DANIEL E. LUNGREN, California
Mr. PRICE, Georgia
Mr. MCCARTHY, California

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:

House Resolution 421,
House Joint Resolution 40, and
House Resolution 489, in each case by the yeas and nays.

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

RECOGNIZING 75TH ANNIVERSARY OF GREAT SMOKY MOUNTAINS NATIONAL PARK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 421, 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 gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 421.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 40, as follows:

[Roll No. 292]

YEAS—392

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Fallin
Farr
Fattah
Filner
Flake
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
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
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)
Jenkins
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
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
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye

Oberstar
Obey
Olson
Olver
Ortiz
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
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
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Berry

NOT VOTING—40

Barrett (SC)
Broun (GA)
Brown, Corrine
Clarke
Coble
Conyers
Delahunt
Doyle
Engel
Etheridge
Franks (AZ)
Griffith
Harper
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Lipinski
Maloney
McCollum
McMahon
Meeks (NY)
Pallone
Payne
Peters
Radanovich
Ros-Lehtinen
Rothman (NJ)
Ruppersberger
Salazar
Sanchez, Loretta
Sestak
Shuler
Smith (NJ)
Speier
Sullivan
Sutton
Waters
Wilson (OH)
Wilson (SC)

□ 1905

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.

NATIVE AMERICAN HERITAGE DAY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the joint resolution, H.J. Res. 40, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the joint resolution, H.J. Res. 40, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 0, not voting 48, as follows:

[Roll No. 293]

YEAS—385

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
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)
Braley (IA)
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Fallin
Farr
Fattah
Filner
Flake
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
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
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)
Jenkins
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
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
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—48

Barrett (SC)
Brady (TX)
Broun (GA)
Brown, Corrine
Burgess
Coble
Conyers
Delahunt
Doyle
Engel
Etheridge
Franks (AZ)
Griffith
Harman
Harper
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Kirkpatrick (AZ)
Lipinski
Lucas
Lummis
Maloney
McCaul
McMahon
Meeks (NY)
Pallone
Payne
Peters
Rangel
Ros-Lehtinen
Rothman (NJ)
Ruppersberger
Salazar
Sanchez, Loretta
Sestak
Shuler
Shuster
Skelton
Smith (NJ)
Speier
Sullivan
Tiberi
Waters
Wilson (OH)
Wilson (SC)
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1912

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATING THE 20TH ANNIVERSARY OF THE TIANANMEN SQUARE SUPPRESSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 489, 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 Michigan (Mr. LEVIN) that the House suspend the rules and agree to the resolution, H. Res. 489.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 1, not voting 37, as follows:

[Roll No. 294]

YEAS—396

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
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
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Fallin
Farr
Fattah
Filner
Flake
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
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
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)
Jenkins
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
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
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
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch
Westmoreland
Wexler
Whitfield
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—37

Barrett (SC)
Broun (GA)
Brown, Corrine
Burgess
Coble
Conyers
Delahunt
Doyle
Engel
Etheridge
Franks (AZ)
Griffith
Harper
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Lipinski
McMahon
Meeks (NY)
Pallone
Payne
Ros-Lehtinen
Rothman (NJ)
Ruppersberger
Salazar
Sanchez, Loretta
Sestak
Shuler
Smith (NJ)
Speier
Stearns
Sullivan
Waters
Weiner
Wilson (OH)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

□ 1921

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.

PERSONAL EXPLANATION

Mr. BROUN of Georgia. Madam Speaker, today, I was unable to vote on the following bills: H.J. Res. 40, H. Res. 421, and H. Res. 489. If I had been able to make these votes, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, due to events in my congressional district, I was unable to vote today. If I were present, I would vote "yea" to the following bills:

H. Res. 421, recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary;

H.J. Res. 40, Native American Heritage Day Act of 2009;

H. Res. 489, recognizing the 20th anniversary of the brutal suppression of protesters and citizens in and around Tiananmen Square.

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 that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a ''federal investigation into potentially corrupt political contributions,'' has given $3.4 million in political donations to no less than 284 members of Congress.

Whereas, the New York Times noted that Mr. Magliocchetti ''set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmarks contracts back to his clients.''

Whereas, a guest columnist recently highlighted in Roll Call that ''. . . what [the firm's] example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system.''

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to ''straw man'' contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees of the firm and its clients when it reported that they ''have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill.

Whereas, the Associated Press highlighted the ''huge amounts of political donations'' from the firm and its clients to select members and noted that ''those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests.''

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, the Associated Press reported that ''the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash.''

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the 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. Now, therefore, be it:

Resolved, That (a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(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 the 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.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Madam Speaker, I was unavoidably detained on official business.

Had I been present, I would have voted ''aye'' for the adoption of H. Res. 421, recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary; I would have voted ''aye'' on adoption of H.J. Res. 40, Native American Heritage Day Act of 2009; and I would have voted ''aye'' on H. Res. 489, recognizing the 20th anniversary of the brutal suppression of protesters and citizens in and around Tiananmen Square.

□ 1930

STOP SELLING AMERICA TO CHINA

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

Mr. GOHMERT. On the last resolution, I heard earlier tonight my friend from California (Mr. BERMAN) who has a heart for those who suffer around this world, and I certainly acknowledge that.

In support of the resolution of remembering the devastation in Tiananmen Square, he asked a question about how China could rightfully take a place among the superpowers, or among the world powers, when there is so much left unresolved about Tiananmen Square. Who was shot? Who was killed? I have an answer. They're buying America. We're going into debt bigger and bigger every day, and they're buying us, so they can kind of do what they want as long as they're buying America. The answer that it started with Bush is not a good answer because, yes, it did. So stop already. We were promised change. Let's change. Let's stop running up debt, and let's stop selling this country to China.

STANDING ALONGSIDE PAKISTAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the eyes of the world have been watching the terrible conflict in Pakistan. They have watched the Pakistani military attempt to free certain areas of terrorist interests that would undermine the peace and security of that nation.

I would hope that we would all support the idea of peace and security. I believe in peace over conflict. I actually am appalled at the level of violence, but we must support the people of Pakistan and its military, which has risen to the occasion to fight against those who would undermine the civilian government. We can't have it both ways, and they are not doing this at the behest of the United States Government but for their own people.

We must also join in the humanitarian aid to give to those 2.5 million people who are now being evacuated. We must be prayerful about the young people who were abducted, and we must praise again the Pakistani military, which itself has lost lives. We now need to stand alongside this country and not forsake it and stand for its democracy and its security.

THE CONGRESSIONAL RURAL CAUCUS

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I come before the House today to bring attention to the Congressional Rural Caucus, of which I have the privilege of being vice Chair, along with my colleague from across the aisle, Mr. WALZ of Minnesota. The caucus is being led by co-Chairs Mr. CHILDERS of Mississippi and Mr. SMITH of Nebraska, whom I commend for their bipartisan spirit and for their ability to reach across this so-often divided aisle in order to push for the betterment of rural issues—our rural values and our rural way of life.

The Rural Caucus has re-formed and is alive and well. Together, we will focus on issues of telecom, education and workforce development, transportation, and health care.

In January, the Congressional Rural Caucus penned a letter to the President asking him to form an Office of Rural Policy to complement the recently created Office of Urban Policy. Today, I echo that call, and I encourage the administration to make a commitment to create communities of choice, not of destiny, where no one should ever be at a disadvantage because of where one is born or chooses to live.

MEDIA SHOULD NOT ALLOW VOTING TO INFLUENCE REPORTING

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

Mr. SMITH of Texas. Mr. Speaker, at the recent White House Correspondents' Dinner, President Obama joked to the reporters in attendance: ''Most of you covered me. All of you voted for me.''

Some jokes are true; and, unfortunately, this joke is on the American people.

According to Investor's Business Daily, journalists who gave campaign money to then-Senator Obama outnumbered those who contributed to Senator MCCAIN by a 20–1 margin. The media gave money to him. They voted for him. Now they're giving him a free pass.

According to one analysis, network newscasts have portrayed the President as a deficit fighter five times more often than they have portrayed him as a big spender even though his budget will double the national debt in 5 years and will triple it in 10.

Yes, the media voted for President Obama, but they should not allow their voting to influence their reporting.

SPECIAL ORDERS

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

THE COMPLEX EMERGENCY IN PAKISTAN

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

Mr. CUMMINGS. Recently, Mr. Speaker, I met with a distinguished group of Pakistani Americans whom I proudly represent in the Seventh Congressional District of Maryland. I listened to their perspectives regarding the current situation in Pakistan.

Ladies and gentlemen, I rise today to share their concerns, and I urge each of you to recognize the complex emergency that is taking place in Pakistan. The situation requires our immediate attention and assistance.

As you should be aware, more than 3 million people have been displaced from the Swat Valley area of Pakistan since early April 2009. At a rate of approximately 85,000 people fleeing per day, the unfolding internal displacement crisis in Pakistan is the fastest movement of people in such massive numbers since the Rwandan genocide

of 1994. The United Nations has warned of a long-term humanitarian crisis, and it has called for massive aid for the refugees.

President Obama's administration took a proactive role in providing humanitarian aid to the internally displaced people. The administration's recent announcement to provide $110 million in additional humanitarian aid was the beginning of a new era of friendship and trust between the governments and the people of Pakistan and the United States. Although this funding was a significant first step, it is only a fraction of what is required to repatriate the internally displaced people to their homes and to reestablish some degree of normalcy in their lives.

All efforts must be made for the safe and early return of the internally displaced Pakistanis to their homes. The United States, along with the international community, must come together and provide the needed assistance.

Recently, I sent a letter to Secretary of State Hillary Clinton to ask that she immediately increase her appeal of help to the international community from the current $500 million to $1 billion in humanitarian aid to provide immediate assistance to the internally displaced people from Swat. Lending support of this magnitude equates to a small pledge of approximately $400 per IDP.

The second concern is the impression the Pakistani people have about the United States' interest. We must work to dispel the image the Pakistanis have about our country. The time has come to establish a long-term, consistent policy to close the trust deficit in our relationship by making investments in Pakistan's future.

I believe that the United States needs to take immediate action which translates into goodwill in the eyes of the Pakistanis. Effective ways to accomplish this goal by directly impacting people's lives include providing more humanitarian aid, investing in infrastructure development projects such as electrical power plants, road construction and railway improvements, and contributing to bilateral trade. It is imperative that we focus on projects with a tangible outcome that improve the well-being of Pakistanis. Pakistanis are putting faith into democratic movements. Now we must learn how to relate to them and how to build their confidence in our ability to deliver on our promises.

My discussion with the Pakistani Americans in my district was an eye opener that allowed me to gain their perspectives on the current situation in Pakistan. I encouraged Ambassador Holbrooke to and he has agreed to sit down with a small group on June 12, 2009, so that he, too, can get a better understanding of the complex issues that the people of Pakistan now face.

I also encourage each of you to reach out to the Pakistani Americans and to their affiliated organizations within your districts. I encourage you to really listen to what they have to say. You will be amazed by what they will tell you. Let us seize the moment by delivering President Obama's promise of hope to the people of the great nation of Pakistan.

PARTISAN POLITICS IN AUTO DEALERSHIP CLOSURES?

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. Mr. Speaker, just south of Houston, there is a town called Alvin, Texas, where a Chrysler dealership called Rogers Dodge is making a lot of money selling Chryslers; but on June 9, they are going to close down because the auto task force gang has notified them that they have to close.

Rogers Dodge is on the list of 789 Chrysler dealerships around the country that are being closed down under questionable circumstances. There are five in the Houston area alone. The question remains: What are the criteria for closing down these dealerships?

The auto task force gang picks winners and losers, but they refuse to tell America how those decisions are made. Well, neither they nor the administration is talking. The blissful silence makes us wonder what's going on. Some of these Chrysler dealerships being ordered to close are profitable—others are not—but according to some news reports, there's one thing they all have in common except for one single exception found so far: they all have connections in some manner to making campaign contributions to Republicans.

Chrysler, an American institution, is no longer being run as a private-sector company. It has been taken over by the auto task force tyrants appointed personally by the administration. These individuals tell Chrysler what to do, and they have to do it because Chrysler took all that bailout money before they went into bankruptcy. Now the auto task force gang gets to run the company.

By the way, Mr. Speaker, we still don't know where that wasted bailout money went.

According to the Federal Election Commission Web site, there are reporters and bloggers around the country who have been digging through lists of donations. They have been comparing donor names on the lists with the names of owners of the Chrysler dealerships that have been forced to close. Some of these reports say that campaign contributions went to GOP candidates or to political action committees from the Chrysler dealerships that are being forcibly shut down.

Did this group of auto task force individuals discriminate against Republican dealerships in Chrysler-style or in Chicago-style paybacks? We don't know. How in the world can we square that with the reports that only one dealership being ordered to close down so far contributed to the administration's campaign—and that was only for $200? Campaign contributions appear to be the common thread in all of these ordered closures. That's some coincidence.

Rogers Dodge in Alvin, Texas, is one of the more profitable dealerships. Newspaper reports say they have increased their new car sales by 50 percent in just the last 4 months. That's a big accomplishment in this economy. They paid cash for their brand-new $3.7 million building 3 years ago. Along with many other dealerships, they bought millions of dollars of inventory after being pressured by Chrysler to help the company's financial situation so that Chrysler wouldn't go bankrupt. Now all of these assets paid for by these dealerships will be worth mere pennies on the dollar. One report in the Houston Chronicle said this inventory of cars that the dealerships were pressured to buy now will have to be sold as used cars.

□ 1945

Some of these dealerships are fighting back against the Auto Task Force with a lawsuit of their own. According to the Houston Chronicle article, Nicholas Parks, the president of Rogers Dodge and a lawyer, says he's fighting the closure because he doesn't think the bankruptcy court should be used to close these vendors, especially those that are making money. How can you use the bankruptcy laws to shut down a vendor who is making a profit for Chrysler? This is very interesting. The American people are starting to ask a few questions on their own.

Are these Auto Task Force tyrants picking the winners and losers based on campaign contributions? Does the administration have a Nixon-style enemies list? All these questions because the Auto Task Force guys aren't talking and aren't telling us why they closed down certain dealerships and why they let others remain open.

We are now living in a time where the government controls both Chrysler and GM, which we should call Government Motors. And the government alone, not the free market, decides who wins, who loses, who stays in business and who must be forcibly closed down. Meanwhile, 100,000-plus Chrysler workers at auto dealerships who did nothing wrong will be out of work on June 9 thanks to government control. So much for the promise of new jobs.

And that's just the way it is.

ENDING THE NUCLEAR THREAT

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

Ms. WOOLSEY. Mr. Speaker, when the Cold War ended, the people of the world hoped that the threat of nuclear war would end also, but that hasn't

happened. Today, more nations than ever have nuclear weapons. North Korea's powerful underground nuclear explosion last week reminded us that testing continues. And there are great fears that terrorists could get nuclear weapons through the black market. Tragically, the United States has not done enough to stop the threat.

The previous administration turned its back on arms control. It practically laughed at America's obligations under the Nuclear Non-Proliferation Treaty. It refused to push for Senate ratification of the comprehensive Test Ban Treaty, and it proceeded with plans for the United States to develop new nuclear weapons, which undermined our ability to deal with North Korea and Iran.

Mr. Speaker, we must do better. The United States must lead. We must lead a new global effort to make the world nuclear free. It's the moral thing to do, and it's also smart politics. If we are seen as leading the fight for nonproliferation and disarmament, we will be in a much better position to convince the world community to put peaceful pressure on North Korea and Iran to give up their nuclear ambitions.

President Obama is already moving the right direction. In his speech in Prague on April 5, he promised to reduce the role of nuclear weapons in our national security strategy. He announced the new diplomatic effort with Russia to reduce warheads. He promised to work for ratification of the Test Ban Treaty, and he said he would seek a new treaty to end the production of fissile materials for use in nuclear weapons. I welcome all of these policies.

In fact, 3 days before the press speech in Prague, I introduced Resolution 333, which is called No Nukes. It calls upon the United States to take a number of important actions to end the nuclear threat. It calls upon the United States to pursue multilateral negotiations to produce verifiable steps that every country should take to eliminate their nuclear weapons. It calls for the United States and Russia to work together to end the deployment of nuclear weapons that are currently operational and can be launched on short notice. It urges the President to declare that so long as the United States has nuclear weapons, we will not—and I say we will not—use them first. It calls for ending the previous administration's policy of preventative warfare and ending our development of new weapons of mass destruction, and it calls for a ban on weapons in outer space.

I've also introduced House Resolution 363, which describes my Smart Security Platform for the 21st Century, which includes several initiatives to stop the spread of weapons of mass destruction. It calls for beefing up inspections and regional security arrangements to stop proliferation. And it advocates more funding for the programs designed to keep Russian weapons and materials from falling into the wrong hands.

I urge my colleagues, please examine both of these resolutions and support them. There is no time to waste. The world is getting more dangerous every single minute. And if there is a nuclear attack, we won't be able to save our lives by ducking under our desks like we were taught in grade school.

Mr. Speaker, America must move aggressively to end the nuclear menace. It's the most important thing we can do for our country, and it is the most important thing we can do for our children and our grandchildren.

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

STOP AWARDING NO-BID CONTRACTS TO PRIVATE COMPANIES

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

Mr. FLAKE. Mr. Speaker, just moments ago I gave notice of my intent to offer a privileged resolution asking that the House Ethics Committee look into the relationship between earmarks and campaign contributions and the link between PMA, the PMA Group that is currently under investigation by the Justice Department.

Now, it has been raised several times that this privileged resolution is a blunt instrument and that the Ethics Committee is really not designed to deal with such a resolution. And let me be the first to concede that point. These resolutions that I've offered—this is the ninth one that was offered tonight—they are a blunt instrument. The Ethics Committee is not designed to deal with an investigation of this magnitude, but it's the only instrument we've got at this point. We are really out of other options.

Right now as it stands, when Members of Congress request earmarks, they have to sign a statement saying that they have no financial interest in the earmark that they are pursuing; in other words, that a family member doesn't work on or for the firm receiving the earmark. But to receive campaign contributions in close proximity to that earmark request is not considered financial interest by the House Committee on Ethics, and the guidance that they've issued to Members is that that does not necessarily constitute financial interest. Yet we know that there are numerous investigations going on outside of this body by the Justice Department that have to do with earmarks and campaign contributions.

So out of an abundance of caution, I would hope that this institution would say we need to stay above this fray, that when you can—when a Member of Congress has the ability to award a no-bid contract to a private company, and then executives in that private company—and the lobbyists that are retained by them—can turn around and make sizable campaign contributions to that same Member who awarded the no-bid contract, we are going to have problems here and we're going to have investigations go on. And it will continue to represent a cloud over this body, a cloud that rains on Republicans and Democrats alike.

This is not a partisan resolution. This is not a partisan problem. No one party is above this. Both the Democratic Party and the Republican Party have Members who are requesting earmarks for companies who then turn around and make sizable—I'm sorry—individuals in those companies turn around and make sizable contributions back to those same Members. And it is unbelievable that we continue to allow that to happen.

Now, I have said before, and I will say again, that I will stop offering this resolution as soon as we have an agreement not to allow the awarding of no-bid contracts for private companies. As soon as the leadership—both the Republicans and Democrats—agree in this body to stop that practice, to not have Members of Congress have the ability to award no-bid contracts—in other words, to get earmarks for private companies—then I will stop offering this resolution. It is a blunt instrument. I recognize that. The Ethics Committee is not really meant to deal with issues of this magnitude, but as long as we continue this practice and allow this to happen, then this institution is going to be under a cloud, as it is now.

So, again, I've noticed this resolution tonight. I don't have to call it up later this week. I would prefer not to. I would prefer not to have another vote on this resolution. But as long as we continue the practice of allowing Members of this body to award no-bid contracts to companies, private companies, who can then turn around and have their executives and the lobbyists they retain make sizable contributions to those same Members, and as long as we allow that practice to continue, we're going to need to address it somehow; and this is the only forum, this is the only vehicle that we're allowed right now.

So I would hope, Mr. Speaker, that we can bring this resolution to some type of conclusion, that we won't have to offer a 10th next week or in some week to come, that we can actually deal with this meaningfully. This institution deserves far better than we are giving it.

I think when most of us were elected, we believed that we had a higher purpose than to come here and grovel for crumbs that fall from appropriators' tables, that we're here to debate the great issues of our time. And when you

have an issue like we have now where Members are able to award no-bid contracts to private companies, then we simply have to stop the practice.

THE BANKS' ARROGANCE

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

Ms. KAPTUR. Mr. Speaker, today the New York Times lead editorial ''Foreclosures: No End in Sight,'' states there will be no economic recovery until there is a halt in the relentless rise in foreclosures. Foreclosures threaten millions of families with financial ruin, and by driving prices down, they sap the wealth of all homeowners. They exacerbate bank losses putting pressure on the still-fragile financial system.

Let's give Wall Street credit. They've accomplished the biggest transfer of wealth from the middle class to the super rich in U.S. history. And still, no one is holding them accountable. What a crying shame.

Study this picture. Five Wall Street money center banks had subsidiaries involved in the subprime mortgage loan fraud which led to our economic meltdown—JPMorgan Chase, Citigroup, Bank of America, Wachovia, and Wells Fargo—yet we, the American taxpayers, continue to bail out their bad business practices.

The Dow, in fact, removed Citigroup today from their listed companies. The very people who originated subprime loans, bundled them and passed them on are the very winners of taxpayer largesse with no strings attached. Those who come out on top are the same five, arrogant and recalcitrant. They don't even return phone calls from local Realtors trying desperately to resurrect their local housing stock.

Nonresponse is but the tip of the iceberg. The banks' arrogance has led them to use their inordinate power to hold up our Republic. Elected officials tiptoe around them. Some even protect them. And any group with that much power needs to be reined in in a democratic republic. If you're too big to fail, you're too big to exist.

But who will do it? Last year, Treasury Secretary Paulson struck fear in a skittish Congress a mere 6 weeks before elections—how convenient that timing was—to pass the $700 billion taxpayer bailout of Wall Street saying America was on the verge of an economic disaster. Congress stampeded to pass that bill, and the economy melted down anyway.

Paulson held his conversations behind closed doors—no records—banking on, both literally and figuratively, the honor of politicians to not repeat his exact words. But a few weeks after Paulson got his hands on the public spigot, he changed direction. Originally he said, We asked for $700 billion to purchase troubled assets and at the time we believed that would be the most effective means of getting credit flowing. But, in fact, after the bill was passed on October 3, in consultation with the Federal Reserve, he determined that the most timely, effective step to improve market conditions was to put the money into the banks themselves.

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So rather than holding banksters accountable in the courts and in the system, Washington has been systematically rewarding them.

Since then, every clever bill Congress has cooked up to address the credit crisis engendered by the housing market meltdown has just picked at the edges. Look at your districts. Look at our country.

The headlines and signing ceremonies look good. But there are over 5 million families' mortgages now under water, and it's rising. The economic fundamentals are out of whack. Legislation that looks good on the surface keeps being pushed forward, but in effect, the bills simply allow the government to become a bigger dumping ground for Wall Street's housing excess. Neither justice nor prudence are being brought to Wall Street.

When Louis Brandeis wrote ''Other People's Money,'' his conscience moved a Nation to regulate banks that were plundering our republic during the Roosevelt years. This included Ferdinand Pecora, who directed Senate hearings over a period of 2 years, examining and illuminating Wall Street practices. And those exhaustive hearings turned Wall Street inside-out to public view. We should do no less.

But who will be our Pecora? Where is this Congress? Where is our President? And what has happened to our democratic government?

[From the New York Times, June 2, 2009]

FORECLOSURES: NO END IN SIGHT

A continuing steep drop in home prices combined with rising unemployment is powering a new wave of foreclosures. Unfortunately, there is little evidence, so far, that the Obama administration's anti-foreclosure plan will be able to stop it.

The plan offers up to $75 billion in incentives to lenders to reduce loan payments for troubled borrowers. Since it went into effect in March, some 100,000 homeowners have been offered a modification, according to the Treasury Department, though a tally is not yet available on how many offers have been accepted.

That's a slow start given the administration's goal of preventing up to four million foreclosures. It is even more worrisome when one considers the size of the problem and the speed at which it is spreading. The Mortgage Bankers Association reported last week that in the first three months of the year, about 5.4 million mortgages were delinquent or in some stage of foreclosure.

Not all of those families will lose their homes. Some will find the money to catch up on their payments. Others will qualify for loan modifications that allow them to hang on. But as borrowers become more hard pressed, lenders—whose participation in the Obama plan is largely voluntary—may not be able or willing to keep up with the spiraling demand for relief.

One of the biggest problems is that the plan focuses almost entirely on lowering monthly payments. But overly onerous payments are only part of the problem. For 15.4 million ''underwater'' borrowers—those who owe more on their mortgages than their homes are worth—a lack of home equity puts them at risk of default, even if their monthly payments have been reduced. They have no cushion to fall back on in the event of a setback, like job loss or illness.

This page has long argued that a robust anti-foreclosure plan should directly address the plight of underwater homeowners by reducing the loans' principal balance. That would restore some equity to borrowers—and give them a further incentive to hold on to their homes—in addition to lowering monthly payments. The mortgage industry has resisted this approach, and the Obama plan does not emphasize it.

With joblessness rising, lower monthly payments could quickly become unaffordable for many Americans. In a recent report, researchers at the Federal Reserve Bank of Boston argued that unemployment is driving foreclosures and to make a difference, anti-foreclosure policy should focus on helping unemployed homeowners. The report suggests a temporary program of loans or grants to help them pay their mortgages while they look for another job.

The government will also have to make far more aggressive efforts to create jobs. The federal stimulus plan will preserve and generate a few million jobs, but that will barely make a dent—in the overall economic crisis or the foreclosure disaster. Since the recession began in December 2007, nearly six million jobs have been lost, and millions more are bound to go missing before this downturn is over.

President Obama needs to put more effort and political capital into promoting the middle-class agenda that he outlined during the campaign, including a push for new jobs in new industries, expanded union membership and a fairer distribution of profits among shareholders, executives and employees.

There will be no recovery until there is a halt in the relentless rise in foreclosures. Foreclosures threaten millions of families with financial ruin. By driving prices down, they sap the wealth of all homeowners. They exacerbate bank losses, putting pressure on the still fragile financial system. Lower monthly payments are a balm, but they are no substitute for home equity. And until more Americans can find a good job and a steady paycheck, the number of foreclosures will continue to rise.

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

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

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

(Mr. WOLF 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 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.)

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

(Mr. NEUGEBAUER 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 gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

(Mr. INGLIS 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 gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas 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 gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

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

PUBLICATION OF THE RULES OF THE COMMITTEE ON THE JUDICIARY, 111TH CONGRESS

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

Mr. CONYERS. Mr. Speaker, I submit the Committee on the Judiciary's Rules of Procedure for the 111th Congress adopted on January 22, 2009, reflecting the addition yesterday of MIKE QUIGLEY as a member of the Committee.

RULES OF PROCEDURE

RULE I.

The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its Subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Wednesday of each week while the House is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or Subcommittee meeting, each Member of the Committee or Subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or Subcommittee.

(d) In an emergency that does not reasonably allow for 24 hours' notice, the Chairman may waive the 24-hour notice requirement with the agreement of the Ranking Minority Member.

(e) Committee and Subcommittee meetings for the transaction of business, i.e., meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(g) For purposes of taking any action at a meeting of the full Committee or any Subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or Subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or Subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(h)(1) Subject to subparagraph (2), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chairman shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(i) Transcripts of markups shall be recorded and may be published in the same manner as hearings before the Committee.

(j) Without further action of the Committee, the Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chairman considers it appropriate.

RULE III. HEARINGS

(a) The Committee Chairman or any subcommittee chairman shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chairman of the Committee, or Subcommittee, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or Subcommittee chairman shall make the announcement at the earliest possible date.

(b) Committee and Subcommittee hearings shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purposes of taking testimony and receiving evidence before the Committee or any Subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

(e) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in the transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript.

RULE IV. BROADCASTING

Whenever a hearing or meeting conducted by the Committee or any Subcommittee is open to the public, those proceedings shall be open to coverage by television, radio and still photography except when the hearing or meeting is closed pursuant to the Committee Rules of Procedure.

RULE V. STANDING SUBCOMMITTEES

(a) The full Committee shall have jurisdiction over the following subject matters: copyright, patent, and trademark law, information technology, tort liability, including medical malpractice and product liability, legal reform generally, and such other matters as determined by the Chairman.

(b) There shall be five standing Subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) Subcommittee on Courts and Competition Policy: antitrust law, monopolies, and restraints of trade, administration of U.S. courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) Subcommittee on the Constitution, Civil Rights, and Civil Liberties: constitutional amendments, constitutional rights, federal civil rights laws, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) Subcommittee on Commercial and Administrative Law: bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) Subcommittee on Crime, Terrorism, and Homeland Security: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, terrorism, internal and homeland security, Federal Rules of Criminal Procedure, prisons, criminal law enforcement, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law: immigration and naturalization, border security, admission of refugees, treaties, conventions and international agreements, claims against the United States, federal charters of incorporation, private immigration and claims bills, non-border enforcement, other appropriate matters

as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and Ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each Subcommittee to which such Chairman or Ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such Subcommittee.

RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chairman and other Subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and Subcommittee meetings or hearings whenever possible.

RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or Subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or Subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

RULE IX. OFFICIAL COMMITTEE WEBSITE

(a) The Chairman shall maintain an official website on behalf of the Committee for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House.

(b) The Chairman shall make the record of the votes on any question on which a record vote is demanded in the full Committee available on the Committee's official website not later than 3 legislative days after such vote is taken. Such record shall identify or describe the amendment, motion, order, or other proposition, the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of the Members voting present.

(c) The Ranking Member is authorized to maintain a similar official website on behalf of the Committee Minority for the same purpose, including communicating information about the activities of the Minority to Committee Members and other Members of the House.

GROWING AN INNOVATION ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TONKO. Mr. Speaker, this evening we have an opportunity as members of the freshman class, Democratic members, to speak during an hour designated for our class members. Tonight is the second time our class has spoken as a group, and as you recognize, we are a diverse group of members who come from all sections and regions of the country and do share some common fabric but also would identify differences. But one thing very certainly in common that we share is the need to move forward with a positive direction on energy policy that will spark an innovation economy, Mr. Speaker.

And so this evening during this opportunity we will hear from my colleagues in our freshman class that will speak to their concerns and the optimism we share about growing an innovation economy based on energy policy that can transform just how we deal with those resources, how we create our generated power that we require, how we transmit that power, and certainly how we can effectuate conservation and efficiency programs that will strengthen our outcome.

As you know, I have spent much of my life with energy policy. My professional life found me working in the State Assembly in New York chairing the Energy Committee for some 15 years, and then I moved on to become president and CEO of NYSERTA, the New York State Energy, Research and Development Authority.

It was there that I recognized that through the program implementation we had encouraged through public policy formation that we were able to effectuate tremendously strong impacts, positive impacts on the business community and on the residential community, making certain that as we embraced efficiency efforts we could address that demand side of the equation, which has been, from a Federal perspective, not really addressed effectively at all.

And so now we find ourselves with leadership in the White House and certainly here in the House that wants to move forward and make certain that we advance sound energy policy. It is important for us to do that in a way that maintains an open mind to developing the sort of policy that needs to be crafted, policy that will speak to those innovative ideas, and projects that will find us investing in research, in development, in deployment, in engineering, in developing a green-collar workforce, all of which will create an array of jobs that are not yet on that radar screen, that will allow us to produce outcomes that are favorable to this country's economy.

And certainly as we do that, we will need to update and upgrade our transmission grid, our delivery system, which was designed for regulatory response rather than free-wheeling electrons from different regions and sections of the country, or to even imports from our neighbor to the north in Canada with hydropower that has been done in some situations. We need to make certain that we address both supply-side and demand-side solutions. For far too long, we're increasing supply but not looking at that opportunity to create here in America those needs that are addressed by American-produced power that obviously would strengthen our economy and our job situation.

It allows us to also move forward to create a more clean and more sustainable environment which needs to be a goal that is embraced by the policy that we'll formulate.

You know, Mr. Speaker, it has been said often that a crisis is a terrible thing to waste. Well, there are multiple crises that this President inherited, he and his administration. Certainly the House, as a leadership, is addressing those crises that have been passed on here to not only legislators and policymakers and executives but to the American public where we struggle with situations that for far too long have gone unaddressed.

You know, I liken this to the space race that we had decades ago, where this country came behind its leadership, where President Kennedy indicated that we could place a person on the Moon, where he boldly expressed that vision, and we were able to go forward and invest in science and technology. Sputnik was mentioned in every classroom. There was a race going on, and it was important for us to win that race.

The same can be said today with the global race that exists out there for some Nation to emerge as that go-to Nation that will export the energy intellect and the energy innovation and ideas that will transform not only our economy but the worldwide use and the worldwide response to energy needs and energy solutions. We can win that race but we need to invest. We need to open up with new policy, and we need to commit to resources that are essential.

We are doing that today as we talk about the transformation to an innovation economy, and as we look at some of the situations that we have with the power that is addressed by foreign oil imports, noting that nearly 67 percent of our oil is imported from foreign supplies, from foreign countries, that is finding we're spending some $475 billion that is shipped overseas. People will talk about different economic impacts or concerns or fears that they try to forecast and project, when in fact we need only to look at history to see what's been happening with the hundreds of billions that are invested in foreign economies and an overwhelming, near two-thirds, of our supply for oil being imported from foreign countries.

This should tell us something. It should tell us that there are opportunities to create jobs to go forward and

produce American-based power and to address jobs through energy efficiency and conservation efforts, through research and development, to develop those prototypes to make certain they're deployed into the manufacturing sector and that we can grow this richness of economy and also export these ideas and this invention to other world economies across the globe.

My colleague and friend from our freshman class—and I've grown to respect each and every one of my freshmen colleagues, but one who has expressed a very strong concern about jobs, job creation, job retention is MARK SCHAUER from the State of Michigan, from the seventh, I believe, district in Michigan. Representative SCHAUER is very concerned about jobs, and I believe MARK sees this as a way to address that job situation.

Mr. SCHAUER. I thank Mr. TONKO. It's an honor to be part of this discussion on behalf of a new group of Democratic Members of the U.S. House of Representatives.

I am from Michigan. The Seventh Congressional District is seven counties in southern and central Michigan in a State with an unemployment rate of 12.9 percent. To me, energy policy is about two things. It's about protecting our planet, being stewards that we need to be to hand this planet to our children and grandchildren, but energy policy in my State is jobs policy, and that's how it must be and that's how my constituents look at it.

I'm here to offer that and magnify reality in Michigan. Yesterday, the news from General Motors was very difficult for my State when they announced seven plants that would be closed. Based on that forecast, the fiscal analysts in Michigan have projected that our unemployment rate will reach 17 percent. That is really horrific, and for every family experiencing that, that's 100 percent unemployment and very, very devastating.

So our State has lost over 400,000 jobs since the turn of this century, and we have much to do to rebuild our economy.

I want to talk about a couple of things relating to a clean energy economy in Michigan and around the country. First is in the auto industry. Michigan has the highest concentration and the most by number of automotive and advanced manufacturing research and development of anywhere in the country, in fact anywhere in this continent, and that is an asset that we must build upon.

I was at an event in my good friend and colleague JOHN DINGELL's district in Ann Arbor. My district is immediately adjacent to his and shares Washtenaw County, with a company called Sakti 3. This was a company that was a direct spinoff from the University of Michigan's School of Engineering, that this entrepreneur has developed the second generation of automotive battery technology before the first generation of that technology has actually been built.

Everyone knows, I'm sure, that the Chevy Volt will be built here in this country. The reality of the truth is General Motors chose a Korean supplier of that battery. They developed the chemistry there. Sadly, they were ahead of us here in the U.S. That battery will be built in the U.S. That's the first generation. This electric car that will be developed will be able to travel up to 40 miles without using a single drop of gasoline. Talk about reducing our carbon footprint. That is amazing. And of course, in the American Recovery and Reinvestment Act there is a generous tax credit to help drive down the cost of those electric vehicles.

But I was mentioning this other new startup, and I want to mention that a number of battery technology companies in my State are seeking some of the $2 billion that we approved in the American Recovery and Reinvestment Act for automotive battery technology. So the first generation is about to be built for the new Chevy Volt. The second generation is already being developed by a company immediately adjacent to my district, and it will employ people from within my district. And this is, I think, an example of how good energy policy is good jobs policy.

This is what we need, and we candidly need, to do our part in Congress to partner with a new General Motors, new Chrysler, Ford and other auto companies to innovate. Representative TONKO talked about an innovation policy, innovation economy, and that's exactly what we can do in the domestic auto industry, and we must do, and I certainly will be making the case that Michigan should be the center of that new technology and our commitment to not only reducing our carbon footprint but to creating jobs.

□ 2015

I'm optimistic about what we can do. It's going to take all of us, Democrats and Republicans, to work together with our President to make sure that we make the right investments—the right strategic investments in protecting our planet and creating jobs. We certainly need that in Michigan. We need that in every part of the country during this deep recession.

Thank you. I yield back my time to my good colleague from New York, Representative TONKO.

Mr. TONKO. Thank you, Representative SCHAUER. You're absolutely right on with the need for job creation. The facts are there that really speak to us so forcefully because, as you indicated, we can better control our destiny simply by focusing on job creation that is American based. That we can better control our destiny with the environment by moving to cleaner outcomes, by having automobiles that burn more effectively, more efficiently, and cleaner.

Now, it's said that if we produce 25 percent of our electricity and our motor fuels by renewables—by moving to renewables to that 25 percent level by 2025, we can create 5 million jobs here in this country. So it really behooves us to move forward and advance a situation that will find us investing in jobs in manufacturing, in engineering, certainly in transportation, as we can move forward and really effectuate the source of investments and changes that will really produce a strong economic outcome for us here in this Nation. And it's not whether or not we have the luxury to make that decision. As we speak, China invests $12.6 million per hour in greening up their economy.

Going back to the space race of decades ago inspired by JFK and others, we have President Obama, Speaker PELOSI, leadership in the House, the conference, the caucus, the membership here, the majority in this House advancing an effort to really produce jobs to clean up the environment and create a situation that not only address a stronger sense of energy security and energy independence, but also a national security factor that is thereby strengthened simply by growing our energy independence and our energy security because our reliance on some of the most troubled spots in the world finds us in the middle of conflicts, as we see today.

One of our other freshman class members who is equally passionate about change and reform, who was also a student of history, checks into these situations of cleaning up our environment and producing jobs, Representative CONNOLLY from the great Commonwealth of Virginia, from the Congressional District 11 in that State, is with us this evening also.

Representative CONNOLLY.

Mr. CONNOLLY of Virginia. Mr. Speaker, I thank my colleague from New York, Mr. TONKO, and I thank my colleague Mr. SCHAUER from Michigan for his passion about the situation, the deteriorating situation in the great State of Michigan, and the hope a green economy brings to that situation. I look forward to joining with my colleague from New Mexico, Mr. LUJÁN, on his take on this very important subject.

Mr. Speaker, although the sky is falling, you will notice I'm not wearing a helmet. Today, a small but organized and well-compensated group of Chicken Littles is claiming that a bill to reduce global warming pollution will somehow wreck our economy and create lots of new taxes. We've heard it all before—and none of it was true.

When Congress was considering whether or not to reduce acid rain in 1990, polluting industries and their paid lobbyists claimed then that it would drive up electricity bills and destroy the domestic economy. Neither predicted disaster transpired. Moreover, in addition to the acid rain solution and with the implementation of the Montreal Protocol to reduce CFC pollution, we also used a cap-and-trade system to reverse the growth in the ozone hole due to chlorofluorocarbon, once front-page news.

During the 1960s and 1970s, sulfur dioxide pollution was poisoning rivers and streams across America, while inflicting damage on infrastructure and some of our most famous public art, to say nothing of deforesting huge swaths of woodlands here in the United States and North America and in Europe.

This pollution came from some of the same sources that are emitting global warming pollution today, including coal-fired power plants especially. In 1980, polluters released over 17 million tons of sulfur dioxide into the atmosphere. Since implementation of a cap-and-trade program—yes, a cap-and-trade program that we adopted, legislated, and implemented to stop acid rain, we reduced acid rain pollution by 8.9 million tons—a 50 percent cut every year.

When Congress was considering capping acid rain pollution in 1990, polluters claimed that such a cap would drive electricity prices through the roof and cripple the economy. Sound familiar? In fact, the acid rain cap-and-trade program has saved $40 in costs for every dollar spent on pollution controls. This 40–1 cost to benefit ratio saves Americans $119 billion every year.

Each dollar that we don't have to spend on premature health problems or damaged infrastructure due to acid rain is another dollar saved and invested. By reducing sulfur dioxide pollution that causes acid rain, we also reduce ground level ozone that causes asthma and other respiratory health problems. By reducing sulfur dioxide pollution that causes acid rain, we also reduce the incidence of premature heart problems in America.

Nor did the acid rain program hurt American energy production, as predicted. Coal companies installed scrubbers that remove sulfur dioxide as well as other pollutants like mercury from their facilities. Installation of these scrubbers created high-paying jobs right here in America, the kind that Mr. SCHAUER from Michigan just finished talking about. We created new sources of employment for electricians and other skilled tradesmen to retrofit older coal-fired power plants.

The nonpartisan Congressional Research Service has conducted several reports on the efficacy of the acid rain cap-and-trade program. A recent CRS memo, which I would introduce into the RECORD at this point, notes that the acid rain reduction program is nearly 100 percent compliant in pollution reduction and has not experienced any problems with market manipulation. It's an extraordinary success story and a template for what we're talking about on a larger scale, admittedly, on carbon dioxide.

[From the Congressional Research Service]

THE SULFUR DIOXIDE CAP-AND-TRADE PROGRAM

Sulfur dioxide (SO_2) emissions from electricity generators and other sources contribute to acid rain and fine particle concentrations in the atmosphere. Specifically, the U.S. Environmental Protection Agency (EPA) states that sulfur dioxide and nitrogen oxides (NO_X), in their various forms, lead to the acidification of lakes and streams rendering some of them incapable of supporting aquatic life. In addition, they impair visibility in national parks, create respiratory and other health problems in people, weaken forests, and degrade monuments and buildings.

The electricity sector emits approximately two-thirds of the SO_2 emissions in the United States. To address these emissions of SO_2, the Clean Air Act Amendments of 1990 added a cap-and-trade program to the Clean Air Act (42 U.S.C. 7401 et seq.). The object of the program is to reduce SO_2 emissions to 8.95 million tons, compared with 17.3 million tons emitted in 1980. From the beginning of the program in 1995, SO_2 emissions have declined to 8.9 million tons in 2007—a reduction of almost 50% from 1980 levels.

According to EPA, the lower SO_2 emission levels from the power sector have contributed to significant air quality and environmental and human health improvements. In its 10-year report in 2004 on the program's progress, EPA listed the following accomplishments:

Led to significant cuts in acid deposition, including reductions in sulfate deposition of about 36 percent in some regions of the United States and improvements in environmental indicators, such as fewer acidic lakes.

Provided the most complete and accurate emission data ever developed under a federal air pollution control program and made that data available and accessible by using comprehensive electronic data reporting and Web-based tools for agencies, researchers, affected sources, and the public.

Served as a leader in delivering e-government, automating administrative processes, reducing paper use, and providing online systems for doing business with EPA.

Resulted in nearly 100 percent compliance through rigorous emissions monitoring, allowance tracking, and an automatic, easily understood penalty system for noncompliance. Flexibility in compliance strategies reduced implementation costs.

A 2005 study estimates that in 2010, the Acid Rain Program's annual benefits will be approximately $122 billion (2000$), at an annual cost of about $3 billion—a 40-to-1 benefit-to-cost ratio.

Thus, the program has achieved its environmental goal of reducing acid deposition, its economic goal of reducing SO_2 emission in a cost-effective manner, and achieving almost 100% compliance. It should be noted that there have been no indications of allowance market abuse during the implementation of the program. However, it should also be noted that the secondary market for sulfur dioxide allowances is not heavily traded, as the free allocation of almost all allowances to electric generators has reduced the need for such entities to enter the secondary market to meet compliance requirements.

Today, the minority party claims we can't afford to reduce greenhouse gas pollution because it will increase costs and hurt the economy. We have heard these arguments before during the acid rain debate in 1990, and they have all been proven false. We have saved money by cutting acid rain and pollution, created clean energy jobs, and improved public health, and achieved our goals of reducing pollution. Far from being a burden, reduction of acid rain pollution improved our quality of life.

Here in Washington, there is a great debate about the reality and threat that global warming poses to our quality of life and long-term economic prosperity. That debate, manufactured by the polluters who want to continue to pass along their costs the average Americans, is not taking place in communities across America. The vast majority of Americans understand that global warming is real and it threatens not only distant ecosystems, but neighborhoods and ecosystems all across our great country.

Most importantly, Mr. Speaker, our constituents understand that inaction carries very high costs. We cannot afford to let polluters pass along their costs to average citizens. For the sake of our health, our children's health, our agriculture production, our coastal communities, we must make polluters pay in order to avoid what would otherwise be catastrophic impacts of global warming.

We know from past experience we can achieve dramatic reductions in air pollution that save money for the average American while improving our quality of life.

Many Americans, Mr. Speaker, remember a time when the ozone hole was growing, raising the threat of skin cancer and other health problems, while damaging the environment. Such a large problem seemed difficult if not impossible to address.

The growing ozone hole was the subject of front-page newspaper stories all across the country, amid widespread concerns of its health impact, particularly with respect to skin cancer. Using a cap-and-trade system, again, to reverse the growth in the ozone hole, we successfully tackled one of the most pressing environmental issues this country and the world has faced by establishing a cap-and-trade system to reduce pollution from chlorofluoro carbons and other pollutants that were destroying the ozone.

We have not one but two successful models of cap-and-trade systems right here in the United States. They help solve problems that seem too big to solve at the time. Today, children may not even remember that we had to deal with the hole in the ozone. The fact that we haven't heard of it much is evidence of the success of a cap-and-trade system. Let us seize that opportunity again.

Mr. TONKO. Thank you, Representative CONNOLLY. You know, it's just so good to revisit recent past history as we look at just what the results of some of that progressive policy formation was about. And it did have a positive effect on our environment and it did create jobs and it did address in sound economic terms a stronger future.

So we seem to be at a threshold, again, that needs to be inspired. We need to be inspired by that history that perhaps was expressed and touted in some measures of fear when in fact science and technology led us through some very difficult challenges and we responded by creating jobs and responding favorably to the environment

that we share and maintain for coming generations.

Mr. CONNOLLY of Virginia. Mr. Speaker, my colleague, Mr. TONKO, is exactly right. I think there are some who live with a static model rather than a dynamic model. And it's all a zero sum game. In fact, that's not just how it worked.

And you're absolutely right, Mr. TONKO, that when in fact we have used it, we created jobs, we avoided health care costs, we innovated in industry, and the economy moved forward in a dynamic and vibrant way rather than in fact contract.

Mr. TONKO. Well, with carbon capture and reducing the carbon impact into our environment by having a comprehensive energy plan, by putting together a cap-and-invest program, we're able to address greenhouse gas pollution in a way that can be addressed from both sides of the energy equation, and from all sectors, including transportation. And the energy generation, more efficient transmission, where we can use superconductive cable, where there's less line lost, making it more efficient and a conservative thing to do.

To be able to move forward with diversifying our energy mix with kinetic hydropower and what it has to offer; with geothermal and what it has to offer; with the inclusion of renewables—using our wind, our Sun, our Earth to respond to our energy needs. And then, on the flip side, on the demand side, conservation and energy efficiency, where we use shelf-ready products to retrofit systems, make manufacturing more productive and efficient, saving them money in the line of producing their products.

All of this is saving jobs and creating jobs. Taking those white- and blue-collar traditional jobs, implementing the newly created green collar jobs, of which we need to speak, and really producing, I believe, that innovation economy that pulls us into a new order of thinking for energy's sake and really stakes a claim here in a Nation that has invested for a long time in R&D.

But we need now to go beyond those prototypes. We need to deploy into manufacturing and deploy into commercial sector use these great ideas that are, by the way, being picked up by emerging nations and they're using American know-how.

□ 2030

Mr. CONNOLLY of Virginia. My colleague, Mr. Speaker, made reference to John Kennedy's call to put a man on the Moon by the end of the sixties. Think about the positive externalities, the positive consequences of that innovative decision and innovative investment. Think of the technologies that spin off inventions, patents and economic wonders that were generated by that one decision to make that one critical investment. Similarly, the investments my colleague Mr. TONKO was talking about—and he's absolutely right—will have a lot of positive consequences for this economy for a generation to come. I would also suggest to my colleague, Mr. TONKO, that there's also a very high cost for inaction, and that needs to be examined as well. Some on the other side of the aisle seem to think that maybe if we wring our hands and hold our breath, perhaps it will all get better or go away. And I think there are huge costs that don't often get talked about associated with inaction.

Mr. TONKO. I believe those huge costs are there, that inaction that came through the prior administration found the American households, American families on average spending $1,100 more because of their dependence on gas, oil, electricity and what have you.

Just looking at this chart, which is portraying a rise in the importation of crude oil, finds us peaking in the last several years where we're now near 3.7 trillion barrels of crude oil that are running our economy, degrading our environment and finding us without any sort of clever progressive agenda that really is within our grasp. Again, it translates into the concerns that you expressed here this evening, Representative CONNOLLY and Representative SCHAUER. And we're going to hear from another of our freshman colleagues who has been on this mantra of energy transformation that equates to job growth, job retention and innovation that we can reach to with the American know-how, the brain trust, the intellectual capacity that we have as a Nation.

Our colleague from New Mexico's Third Congressional District is Representative LUJÁN. Representative LUJÁN, you also have great knowledge and experience. You add to that array of diversity within the freshman class, in the Democratic Caucus that sees it from a regulatory perspective, but you also are there talking about the need for jobs, jobs in your State, in your district, in our American economy.

It's great to yield to you, Representative LUJÁN.

Mr. LUJÁN. Representative TONKO, thank you very much. It's very good to be here with a few of my friends this evening as we get a chance to talk to our constituency, our colleagues and maybe share some new ideas, maybe talk about some old ideas. As we've heard from my good friend from Virginia (Mr. CONNOLLY), he talked a little bit about the act that was adopted in 1990, the Clean Air Act, which was strangely in response to a campaign pledge from a Republican President that we had. This was a campaign pledge that was made during the 1988 election. We hear sometimes from some of our colleagues that the idea of a cap-and-trade system is this new idea, that this is something that hasn't been talked about ever before. Well, when you go back to what the American people were hearing back in 1988 and after the adoption of the Clean Air Act in 1990, what we heard from our Republican presidential candidate at the time was that there was a pledge to curb acid rain, and it could be fulfilled with the world's first emissions cap-and-trade system. And that resulted in what we now know to be the address that we moved forward with, the address to clean up acid rain. What's interesting with that is we're reminded by our friend Mr. Fred Krupp that within 5 years, the U.S. utilities cut emissions 30 percent more than the law required. They went over and beyond what was required from them because it made sense. But not only did it make sense, they found a way to utilize this to generate revenue. Even while increasing electricity generation from coal by 6.8 percent and reducing retail electricity prices, during that same period the U.S. economy grew by a healthy 5.4 percent. Even though there were dire predictions that the program would eventually cost more than $6 billion a year, it was less, 30 percent less, between $1.1 and $1.8 billion. This was all in response to making sure that we were able to go out and address some of the concerns with some of our lakes and some of our rivers and our streams and our national parks.

I have a lot of friends back home that like to fish, and I know that we all have a lot of constituents that are outdoors people, that depend on being able to go out and take their kids out to show them what the outdoors is all about. The enactment of the legislation in 1990 was a direct result from being able to protect some of these things, but we have to look a little further back when we talk about history.

In 1977 under another Republican administration, when we talk about the Clean Air Act being put together, under two Republican administrations where we saw people working together, where we as a Congress could come together and reach across the aisle and work with the President to do what was right. And as we hear from our friend, Mr. SCHAUER from Michigan, we talk about the importance of job creation. Comprehensive energy reform, there's no doubt that it will create millions of jobs, millions of clean energy jobs, many in New Mexico, many in Michigan and Virginia, New York, the Midwest, the South, the East and the West, throughout the United States. And this has been an area where we've always led, and there's no reason we can't take advantage of moving forward strong policy to create good jobs that will make a difference.

I would like to point us to something that China is doing. We heard from my friend Mr. CONNOLLY about this. Doing nothing means that we fall further behind China and Europe and even Japan and Germany as we talk about the progress that they've made in this specific area. But China alone is investing $12.6 billion in a clean energy economy every hour. Nearly 40 percent of China's proposed $586 billion stimulus plan, $221 billion over 2 years, is for clean energy investments, including an

advanced electric grid. We hear about what China's doing and India's doing. Well, they're investing in this area. And if we, as a country, don't get ahead of this and create jobs and make investments in clean energy and do what's right for the American people, we're going to fall behind, and we can't afford to do that.

I look forward to being here this evening and visiting with our friends as we get a chance to talk a little bit more about the benefits, about the positive things we can do and the importance of coming together, as was done in 1990, as was done in 1977, to make sure that we're able to pass and adopt responsible legislation that will make a difference for the American people and for this great Nation of ours.

Thank you very much, Mr. TONKO.

Mr. TONKO. Representative LUJÁN, well said. Whoever, whichever country emerges from this race for energy innovation will become that go-to nation. And what a chance we have out there to really create a new era of job creation and to strengthen our economy nationally and to export talent in a way that will strengthen every region of this country. It's about that job growth. It's about job retention and, more importantly, job creation, embracing that investment that we have made through academia, that we have made through the private sector R&D components.

Just recently I was with the GE leadership as they announced the plans to build an advanced battery manufacturing center in Upstate New York, and they're doing that with a commitment to a battery type that can be used for heavy vehicles, that can be used for energy generation and for intermittent energy storage. That then takes us to a whole new area of opportunity, a key that unlocks the doors to vast potential that then can transition this whole way that we respond to our energy needs and create jobs at the same time.

Let me yield to Representative SCHAUER because I know, again, his real passion here for his State of Michigan, his home State, is to talk about those jobs that we can create.

Mr. SCHAUER. Thank you, Representative TONKO. I want to tell you about what can happen when governments work together with the private sector. Obviously the ideas, the innovation comes from the private sector. It's often led by our great universities, and we all come from incredible States. But the State of Michigan has an amazing system of public universities, public higher education. I've talked about the University of Michigan a little bit. There are others, including Michigan State University, that are doing amazing things in biofuel and bioenergy. But I want to tell you what can happen when everyone makes a commitment to developing these new energy technologies.

Having recently come from the Michigan legislature, some of these incentives are very real to me. The State of Michigan made more than $500 million in incentives available to prospective advanced battery manufacturers. The State of Michigan has already attracted four of these advanced battery manufacturing companies. They plan to invest $1.7 billion—with a B—and create more than 6,500 jobs.

Now, to stand here the day after General Motors announced some very difficult cuts in my State and in other States around the country, the prospect of 6,500 jobs from advanced battery manufacturers to propel our vehicles with clean energy to reduce our carbon footprint is exactly what we need to be doing.

I will mention one other thing that I have been working on in my office, and I gather each of my colleagues here have been working with companies in their States. We all have assets regardless of our region. Some are sunnier. Some have stronger winds. In Michigan we have the most fresh water shoreline in the country that we need to take advantage of from an energy standpoint. But I've also been working with some wind energy companies and solar energy companies. There is a company in my hometown of Battle Creek that is developing a facility to build the state-of-the-art photovoltaic material. I think to the credit of President Obama and through the work of the American Recovery and Reinvestment Act, we will move more aggressively to see that our Federal buildings—and I'd like to see that include our military buildings—use that photovoltaic material to reduce energy costs. That's a job creator. And certainly with a company like United Solar Ovonic that's building a facility in my district, that's a job creator. But I'll mention briefly, before I yield to Representative CONNOLLY from Virginia, that wind energy in a State like Michigan provides incredible job opportunities. I am working with a company that is an automotive supplier, that is one of those shops that's been in business for multiple generations. In this case, in Eaton County, the company is called Dowding Industries in Eaton Rapids. They made the leap about a year ago to start building windmill turbine hubs, creating new jobs. They partnered with a company to build the machining. They're the industry standard. But they're ready to do more, and they're talking about creating thousands of jobs with a new technology to build wind turbine blades right in a State that has lost hundreds of thousands of jobs due to the decline, the transformation of the auto industry. So this is about energy policy. But to me, this is about economic policy and jobs policy.

I thank the gentleman from New York for the opportunity to talk about jobs, talk about Michigan and talk about energy policy.

Mr. TONKO. It was a pleasure.

Representative SCHAUER, you said it well. It is the transitioning, that we need to transform that economy into ways that can assume some of those gaps that have not been addressed. I know, coming from a State that I will talk about in a while, about the investments we've made in our region. It was without that sort of broader comprehensive plan coming from the Federal level. I think while we are a diverse freshman class, and we cover the map of the U.S. rather well as a new class, even amongst our diversity, there is that common thread that we understand, that the American public stated clearly through the election. We want change. We want reform. We want production. We want productivity, and we want things to happen. And these are the things that can happen to the very good.

To the freshman Member, Representative CONNOLLY, you are coming from a State that, obviously, is a large State, that hears the issues that are expressed out there. And you've been a very strong and forceful voice on behalf of reform and change. Your perspective again on job growth?

Mr. CONNOLLY of Virginia. I thank my colleague from New York. I'm struck by listening to you, Mr. TONKO, and you, Mr. SCHAUER, especially on the whole issue, for example, of advanced battery research.

□ 2045

The enormous extraordinary potential of an innovative investment, when we look at advanced lithium batteries for example and the impact potentially on your home State, Mr. SCHAUER, of Michigan, in particular it could completely revolutionize the automotive industry and once again put the United States at the edge, the competitive edge and the dominance of the automotive industry as in years past. That advanced battery research has the potential to create a plug-in hybrid, for example, that gets on average the equivalent of 100 miles per gallon. If every vehicle on the roads in the United States, just as an example, actually could average 100 miles per gallon, we could virtually eliminate the need for foreign oil imports in the United States with just that one innovation. That is the power of advanced battery research.

Similarly, and you mentioned it, Mr. TONKO, the potential of new batteries to store power could transform the solar panel industry and suddenly make solar affordable and accessible to residents and commercial entities alike. And I had reason recently to look at the German experience before I came to Congress. In Northern Virginia, we have a sister relationship with the Stuttgart region in Germany, and we went and we looked at a combination of solar and geothermal as an alternative to high utilization of fossil fuels. And these two renewables dominated huge swaths of Germany that we visited: Berlin, Hamburg and Stuttgart.

Now, Germany is not known for its sunny climate, and yet they are making it work with a combination of Federal incentives and a lot of research that has made the deployment of solar practical for Germany. And I believe that the advanced battery research that we funded in the stimulus bill earlier this year in the American Recovery and Reinvestment Act of 2009 holds enormous promise, similar, Mr. TONKO, to that call to put a man on the moon over 40 years ago.

Mr. TONKO. Most assuredly, Representative CONNOLLY. And you speak of the impact that Germany is making with perhaps lesser solar hours available to their situation. While at NYSERDA, at the New York State Energy Research and Development Authority, at I believe our third conference on green collar workforce development, we were visited by representatives from 33 States and four nations, including Germany. They talked about the particular niche they were creating for plumbers in Germany to do hot water solar arrays where you could address those hot water needs through solar panels.

We know also, through the stimulus package, the opportunity to shave that priceyness from solar activity PV by thin film advancements along with the intermittent battery storage issues. So there is great potential out there that is yet untapped, or undertapped, that should motivate us, should challenge us to really move forward with a comprehensive plan that is well structured, that deals with carbon capture, that mentions both the supply and demand side of the equation, and to go forward in a way that structures and implements the policy that then shows sound leadership. That is what we are looking at here. We have a President who gets it, a President who talks about innovation, who talks in a way that will allow us to be creative and put the academic notions of this society to work. That, to me, is tremendously strong. The expression of innovative ideas can really inspire our Nation.

The Speaker, the leadership of this House and the membership of this House is there ready to move forward to progressive outcomes. And that, I think, speaks to sounder environmental outcomes, sounder economic outcomes and a stronger energy policy, crises that are addressed in one fell swoop of activity with public policy.

Representative LUJÁN, you have joined us this evening, for which we are most grateful. You have a regulatory aspect that you have borne before your involvement here in Congress, which is always helpful. But you also seem to have that tremendous passion for thinking outside the barrel, if you will, in a way that will reduce that gluttonous dependency of this society and this economy on foreign imported oil.

Mr. LUJÁN. Mr. TONKO, we talked a little bit about my background. Before I came to Congress, before I was given the great honor of serving in this Congress to so many wonderful people, I did serve on the New Mexico Public Regulation Commission. And we were one of many States who adopted a renewable portfolio standard, standards which will require utilities to generate more power from the sun, from the wind, being smarter about the way we generate power. And when we talk about the American Energy and Security Act, about making sure that we are looking after our Nation's security, when you look at the chart which shows so much of our Nation's money, billions of dollars, hundreds of billions of dollars going to other nations that aren't friends of the United States, we have to wonder why aren't we moving forward with the commitment and will to bring about the change that is required? This provision includes enacting a provision where we will encourage more renewable generation across the United States. It is going to encourage more energy efficiency standards and building standards that will make a difference.

This last week, on Monday, before I came back to Washington, I had the great fortune of visiting a new high school being built in one of the cities in my district, in Rio Rancho. It is a large high school, but it is a high school that was built with energy efficiency in mind, with smart building standards. And the increase in cost is actually going to be regained, and it is going to be seen within 5 years, a 5-year paydown of the investment. This means better lighting for our students, a stronger learning environment. It is what is right. And that is what this act will do.

We heard about the importance of education. In New Mexico, we have a few colleges, the National Wind Research Center in Tucumcari, at the Mesa Lands Community College, working on wind research and turbine research in agricultural parts of my district where ranchers and farmers are excited about seeing these wind turbines pop up around New Mexico. This is the kind of investment that we are talking about, job opportunities and revenue streams that will make a world of difference: the investment that is being made in our laboratories where the gains can be made to solve the storage problem so we can see more robust generation when it comes to renewables, job creation, investments in science, investment in our schools and how we can go tie that education gap together from K through 12 to college, to our laboratories, bringing everyone together.

This last week we heard from the President, and he said, ''I have spoken repeatedly of the need to lay a new foundation for lasting prosperity.'' That is what we are talking about here, a foundation for new prosperity. We, as a Nation, will lead again. We will work with the rest of the world. We will make sure that we are providing job opportunities for Americans from sea to shining sea, as the President likes to remind us.

For the first time, what is interesting to my friends here this evening, my colleagues, for the first time we have utility companies and corporate leaders who are joining, not opposing, environmental advocates and labor leaders to create a new system of clean energy jobs. We were reminded of this from our President last week. It is amazing what can happen when people come together.

We have an opportunity now, again, to act responsibly for the American people to come together, come together as a Congress and make a difference, come together and create more jobs, invest in science, technology and change the way that we do things, but change them for the better.

Mr. CONNOLLY of Virginia. I wonder if my colleague will yield for a question.

Mr. LUJÁN. Absolutely, Mr. CONNOLLY.

Mr. CONNOLLY of Virginia. I heard your eloquence and I heard you talk, Mr. LUJÁN, about the high cost of oil imports. Sometimes I want to have us focus on the other side of the equation, what are the costs of inaction? You talked about how, in 1977, President Jimmy Carter came into office, but prior to that, in the Nixon-Ford years, the United States had committed itself to energy independence. Is that not correct?

Mr. LUJÁN. That is absolutely true, Mr. CONNOLLY.

Mr. CONNOLLY of Virginia. And how did that turn out for the United States of America?

Mr. LUJÁN. We saw what resulted after the adoption of the act in 1990. The economy actually increased from about 5.4 percent. We saw growth in the economy. We saw utility companies making wise decisions in investments and creating jobs.

Mr. CONNOLLY of Virginia. But with respect to energy independence, is it not true, Mr. LUJÁN, that instead of creating energy independence that the United States became more energy dependent on foreign oil?

Mr. LUJÁN. That is absolutely correct.

Mr. CONNOLLY of Virginia. Doesn't that underscore the reason and the imperative nature of why we need to take action now?

Mr. LUJÁN. If we, as a Nation, don't take action now and utilize these dollars to invest in American jobs, in solving our dependence on foreign oil, talking about our Nation's security, we couldn't be more right. And as we talk about our Nation's security, what has happened to the economy, we need to create the jobs to be able to provide opportunities for the American people, make sure that we are changing the way we are going to generate power, move power, consume power, be smarter about the way that we do things. It is all wrapped up in one, Mr. CONNOLLY, and I couldn't agree more.

Mr. CONNOLLY of Virginia. Mr. LUJÁN, I just want to echo, if I may, what you just said about national security. It is another cost to the United States. Every year, because of our growing appetite for foreign oil, we are putting money into the hands and into the pockets of many countries who don't necessarily have American interests at heart. Is that not true?

Mr. LUJÁN. That is absolutely true. And we saw with some of the charts that Mr. TONKO was sharing with us, as we see what is happening with the U.S. imports of crude oil, we see what is happening, you go back to the time period we are talking about here, Mr. CONNOLLY, you go back here to 1977 and you see some of the changes that resulted and going forward with what has happened with imports and what can be done here. What didn't we learn when we saw these increases and spikes starting in the 1970s there? We have an opportunity to learn and to make a difference here.

And I know that Mr. TONKO had the other chart there, and I will yield to Mr. TONKO to be able to explain what has happened with the dollars again.

Mr. TONKO. Mr. CONNOLLY, this chart says it all, what you're raising as a very strong concern. Somehow there is a willingness to spend, export $475 billion out of the U.S.

When you think about the impact that has on our economy, the jobs that could be created if we relied on American-produced power, if we put American brain trusts to work, what couldn't happen? Might we not see this as a tax, a situation that finds us dealing with a dreadful blow to our economy and impacting in strong negative measure our environment which we borrow and need to send on to the next generation in even cleaner format?

So when I look at the small microcosm of the country expressed by the 21st Congressional District in New York, I see so many opportunities that require that overlay of energy policy and energy resources from a Federal perspective. And that is why the President and the leadership in the House, the Speaker and our Chairs and our rank-and-file Members are to be encouraged, I believe, to move forward on this matter.

We have, within the 21st New York Congressional District, semiconductor investments, nanoscience investments, emerging technologies all on a green campus, R&D investment centers through General Electric's emerging wind institute that will also embrace other renewables with their ecomagination situation and private and public sector campuses that are investing in R&D. We have superpower which is breaking its own record in superconducted cable development that can be used to transmit far more electrons over similarly sized traditional cable.

So all of this is there as an undercurrent, an underpinning of support that can then blossom into its fullest potential if we allow for policy to take hold. And that is what the moment is about and leadership expressed in the greatest, boldest green upturns.

Mr. LUJÁN. Mr. TONKO, I would be remiss if I didn't include the faith community. They came together and they wrote a letter to the members of the Energy and Commerce Committee, the Coalition on the Environment and Jewish Life, the Episcopal Church, the Evangelical Lutheran Church of America, the National Council of Churches USA, the United Church of Christ, Justice and Peace Ministries, and the United Methodist Church General Board of Church and Society. They said, ''The American Clean Energy and Security Act lays a necessary foundation to begin addressing the global climate crisis. We urge you to oppose any attempts to further weaken the bill as it goes through committee and continue moving this legislation forward while working to strengthen key provisions and ensure a just and sustainable future for all of God's Creation.''

Understanding how we can work together again, Mr. TONKO, it is truly amazing, and it is great to see that we can come together to get great things done.

Mr. TONKO. Thank you, Representative LUJÁN and Representative CONNOLLY.

Representative SCHAUER, we are going to let you close our hour here because we are running out of time.

Mr. SCHAUER. Thank you. This is why we are here. I came to Congress to help fight for Michigan's economy, help move our country in a new direction, and energy policy is going to help us do that. We have touched on so many of those pieces this evening. As new Democratic Members of the U.S. House of Representatives, we will continue to lead to make sure we invest in our country, invest in protecting our planet, and invest in new clean energy jobs in this country.

Mr. TONKO. Thank you so much to my colleagues from the freshman class, Mr. Speaker. I yield back the remainder of our time.

CALCULATING YOUR SHARE OF ''CAP-AND-TRADE''

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.

□ 2100

Mr. AKIN. Good evening, Mr. Speaker. It's a pleasure to join you and to take a look at a very interesting topic today. The whole idea of, it's kind of a combination of thoughts, first of all, the idea of global warming, and then how that relates to this cap-and-tax bill that we've been hearing more about, and exactly what's behind all of this discussion, because what we have here is something that is, if you want to talk about change, there's a whole lot of change here.

This is a very, very significant proposal that's being made in terms of the size of the tax that's involved, and the proposal that we're actually going to change the climate of the world by some of these different things that are going to be done by the government, a very interesting thought.

And so I thought, when we talk about global warming, there's a little bit of the story that I think has been forgotten. Some of it, not surprisingly, is the history of what's going on. I'd like to go back just a little bit in what's been going on.

Let's go back to the year 1920, when newspapers in the 1920s were filled with scientists' warnings of a fast approaching glacial age. The Earth was going to get cold. And so you had to really be stocking up on extra coal and overcoats and things in the 1920s.

In the 1930s it seems that the scientists changed their opinion, and they reversed themselves, that there was going to be serious global warming in the 1930s.

By 1972, Time magazine was citing numerous scientific reports of imminent runaway glaciation. So it's going to get cold again.

In 1975, Newsweek reported that the scientific evidence of an ''Ice Age'' called to stockpile food. And we also were even engaged in discussions about melting some of the Arctic ice cap or something because of this Ice Age that was readily, eminently approaching.

By 1976 the U.S. government said the Earth is heading into some sort of mini ice age. And now we have back again, global warming. In fact, global warming is even getting a little bit out of fashion now, and people want to talk about climate change. It's a little safer to talk about climate change because you're not predicting whether it's going to get colder or warmer. But anyway, we've had some considerable amounts of disagreement, depending on what year you're on. So we go back and forth. It's either going to be the sky is going to fall because it's going to freeze, or the sky is falling because it's going to get warmer.

So we have today this whole subject of global warming. That's what the most common term that you hear nowadays is global warming. And I think the facts of the matter are that there has been a considerable amount of disagreement, depending on which decade you're living in.

I'm joined this evening by some very good friends, some respected colleagues, a medical doctor, as a matter of fact, and another gentleman from Pennsylvania, a very big coal and energy producing state. We're going to be chatting with them in just a minute.

But I thought it would be appropriate just to kind of lay down, first of all, historically some of the differences of opinion, depending on which decade you live in.

The general theory today, the way it works is the idea that mankind is creating CO_2. We do that when we breathe,

so there's not much scientific argument about that. There are other ways that CO_2 is produced as well. Whenever we make a campfire we produce a certain amount of CO_2 as we burn some combustible with the oxygen in the air.

And the theory is that this CO_2, because we're burning so much in the way of hydrocarbons, now is actually affecting the environment. And so we're going to take a look at that.

And the question is whether or not, really, this CO_2 is affecting the environment. I think most scientists agree that when we create or when we produce CO_2 it has some impact on the environment. The question is how much. And then it's also a big question as to whether or not there's anything we could really do about that in a practical sense, or are there any sort of cost-effective solutions. And of course there is a solution that's on the table that's being proposed. It's a cap-and-tax bill that's being proposed by the Democrats. And it follows the pattern of most Democrat bills, and that is, I've got a great big whopping tax increase, and it has a whole lot of government regulations.

If we go back in history a little bit, history is an amusing thing to take a look at. One of the things that history tells us is how effective the U.S. government is in solving these kinds of problems.

We created a thing called the U.S. Department of Energy. Maybe a lot of people know we have a U.S. Department of Energy, but they may not recall why it was that the Department of Energy was created. Well, the fact of the matter is the Department of Energy was created so that we would not be dependent on foreign energy. And so, for years we've added more and more employees to the U.S. Department of Energy so that we won't be dependent on foreign energy, and each year we become more dependent on foreign energy. So it's amusing to postulate that we're going to solve this problem using a lot of taxation and a government solution.

I think the Republicans—I'm a Republican, my colleagues that are joining me tonight are Republicans—I think that we prefer a more free enterprise kind of solution, and we want to take a look at the premises behind what we're talking about.

I'm joined by my good friend, G.T. THOMPSON. He's from Pennsylvania. I'd like to recognize Congressman THOMPSON, who is already making himself a name here as being a very feet-on-the-ground, commonsense kind of guy, has an intuitive sense for free enterprise, and also potential dangers that come from this idea of we can solve all the problems with a great big whopping tax increase and government regulations.

Please, I yield time.

Mr. THOMPSON of Pennsylvania. Well, I thank the gentleman from Missouri. Your overview of this, your reference to real science is refreshing. In the debate and most of the debate of the majority party here, it's not so much based on real science as political science or even, to some degree, science fiction. And so, to look at why this—and I looked at every piece of legislation in terms of cost benefits. And when we look at the benefits of this, I think human activity, it's acknowledged, does contribute towards carbon dioxide emissions. But it's less than 4 percent. To put that into perspective, forest fires, wildfires contribute 10 percent of CO_2 emissions. And so not even with the debate of, you know, are we warming the Earth or not warming the Earth, there's a lot of smart folks out there that are publishing research or earning their dissertations based on debating that science. But what the experts agree upon, the researchers agree is, human activity is less than 4 percent contributes towards CO_2 emissions.

You know, in terms of the cap-and-trade, cap-and-tax that we're discussing——

Mr. AKIN. Could I interrupt you just a minute because I thought you were on a rather important topic, because the whole crux of the idea for this huge tax proposal and all kinds of sweeping changes and government power and influence and regulation is based on the fact that CO_2 is such a bad thing, and it's based on the assumption that the CO_2 that we're releasing by burning fossil fuels is creating some kind of a problem. I mean, that's the whole linchpin that this debate is going around.

And yet you have, here's kind of an interesting quote here. And I think I'd like to get into this just a little bit. Here's a former U.S. Senator and he says, we've got to ride the global warming issue. Even if the theory of global warming is wrong, we'll be doing the right thing in terms of economic policy and environmental policy.

So, in other words, there's a solution that they have in mind, whether global warming is going on or not. And the thing that's been embarrassing, you've noticed we don't hear as much global warming. We hear climate change, and the reason is because the planet has not really been warming the last number of years as all of these economic models were saying that it was going to. And that doesn't necessarily mean the CO_2 that we've generated hasn't created some warming. It just seems that the world climate is more connected to sunspot activity than these other things.

But here you're just talking about the effect of CO_2, and I thought this was interesting. This is how much does the human activity affect greenhouse gases? The block in light blue here represents all the greenhouse gases, which comprise only 2 percent of the total atmosphere. So this is all the greenhouse gases.

And that yellow block over there on the end is the CO_2. And the little tiny red block inside the yellow block is the part that our human activity is creating. And so the question is, in terms of leverage, does this little red dot over here have that much impact on the climate?

And this is, I don't think anybody disputes the percentages of these gases and the mixture. So the question then is, is this stuff that we're doing really that important?

And you just said the forest fires, which were created by poor environmental policy by the way, a lot of them, because we're not allowed to clean that brush out, the underbrush, and then it burns everything and burns Bambi and snowy owls and everything else because we didn't want to clear the brush out, and that's generating, what is that, 2½ times more than all of the coal and oil and things we burn.

I didn't mean to interrupt you, but I think it's important for us to stick on what science, what really does science say. And this is not an easy thing for any scientist to figure out, is it, because what's happening is there's all sorts of things that play together, and so, the CO_2 we generate could be warming the planet some, but it could be also that we're in a time where the planet is growing colder. So all of that, we don't really understand that totally, do we?

Mr. THOMPSON of Pennsylvania. I think the gentleman points out an important point. These are all based on models and strictly speculation.

Mr. AKIN. Some of the models said that we're going to have surf at the front steps of the Capitol pretty soon. I was really looking forward to that.

Go ahead. I yield.

Mr. THOMPSON of Pennsylvania. Well, and the purpose overall of this is to really eliminate all energy other than green energy. And today, I mean, the energy sources that are only seen as viable by the majority party under cap-and-tax are, frankly, solar and wind. And today, that represents less than 1 percent of meeting our energy needs in this country.

So say we work real hard and we give it that Manhattan Project, and we absolutely double that, the energy capacity of solar and wind, well, that's 2 percent. We still have a huge gap that this country has that we need to be able to fuel our vehicles, heat our homes.

And I'm from a very rural district. The folks in my area, we have some pretty harsh, frigid winters, and we need to heat our homes. We commute in my home for work, for groceries. You know, frankly, a lot of folks in my area commute just to pick up their mail. And the cost of cap-and-tax, I believe, is projected, well, with, just on gasoline alone to increase by over 70 percent.

Mr. AKIN. I appreciate your bringing that up, and I'd like to get into that just a little bit more as we move on this evening into that area, about the Democrat proposal, what it does to people's costs, average costs.

But we're also joined by a good friend of mine, Dr. FLEMING. And people that

have a technical or scientific background are a little rare in the Chambers here. So to have actually a guy who's passed high school science is tremendously helpful. And Dr. FLEMING is from Louisiana.

I'm a misfit in politics. I'm an engineer by training. I don't know how they ever—there's few of us in here that are engineers.

But Dr. FLEMING, I would be encouraged if you'd join us too in our discussion.

Mr. FLEMING. Well, thank you. And I want to thank my friend, of course, from Missouri for having this hour discussion, very important discussion, coming right at the heels of our classmates from the other side of the aisle speaking on the same subject, but with a different opinion.

I also thank my fellow Republican classmate, Mr. THOMPSON from Pennsylvania as well for his discussion.

Well, let me just point out that, you know, you don't have to be detailed in the science to understand one empirical fact, and that is, this globe has warmed and cooled several times in its life before there was the first emission of fossil fuels.

So, that being said, we already have proof positive that the Earth can warm under its own circumstances and its own environment and its own test tube, if you will. And you just mentioned sunspots and other activities. There are many things that go into the global warming effect and global cooling effect.

And as you say, now that we're not able to accurately actually predict that the globe is warming, now the whole issue is changing to climate change, so that whatever happens different than what it is at this moment can somehow be blamed.

□ 2115

Mr. AKIN. Just reclaiming my time, somehow or another, this whole thing strikes me, if it weren't so serious, as being a comedy. You know, we just went from winter to spring in Missouri. When we go from winter to spring, that's a good climate change. I don't want to stop that climate change, you know. Who in the world would want to put politicians in charge of the weather anyway? What a dumb idea. Anyhow, we need to be a little bit serious because this is a tremendous tax that we're talking about, a tremendous removal of freedom away from Americans, and it is a tremendous investment in more and more big government solutions. That is extremely scary in spite of the fact that the science seems to be a little bit amazing. We'll get into that, too.

I was just recalling that my friend from Pennsylvania was here with the guy from Spain, I think it was, 2 weeks ago. They were talking about how Spain has driven this cap-and-tax, and they were talking about what has happened, and we're going to get into it. So it isn't something we're going to speculate about. It has been tried. We can say: here is what happened in Spain. Do we really want to reproduce this or not?

I didn't mean to interrupt you, Doctor. Please continue.

Mr. FLEMING. Thank you. To sort of gear down to the real topic tonight, I heard talk from the other side of the aisle this evening about terms such as ''investment,'' which really, to me, is a code for tax, and also ''jobs'' or ''green jobs.''

Mr. AKIN. You have to translate. ''Investment'' means we're going to tax you.

Mr. FLEMING. Exactly. Exactly.

Mr. AKIN. Thank you, Doctor.

Mr. FLEMING. Also, it was very interesting that the discussion hinged somewhat on the fact that this investment creates more jobs and that it creates revenue down the line. If you listen closely to the discussion, what you hear is really good old-fashioned subsidies. That is, whenever the government is subsidizing forms of energy that are not cost-effective at this point and whenever the technologies are not there, what we really get is a pass-through of taxpayer dollars that goes into what I would call artificial, or papier mache jobs, so-called ''green jobs.'' We'll learn from the Spanish experiment that has been going on now for 10 years that, for 2.2 jobs that are lost, there is only one so-called ''green job'' gained. That job 90 percent of the time is in implementation and construction. It is not a continuous job.

Mr. AKIN. Reclaiming my time, as for the green jobs that are being talked about, we're going to create all of these green jobs in Spain. They call them ''subprime jobs,'' you see. This is the same old warmed over Keynesian economics that we've been hearing since the days of FDR. That is, if the government taxes everybody a whole lot and takes the money and pays people to do stuff, then we've somehow created jobs.

The trouble is, when you tax them, you have prevented other jobs from being created. So, in effect, what you've done is, yes, you've created jobs, but you've lost 2.2 jobs. So what sort of math is that? That's not a very good mathematical formula. So there's this talk about green jobs. In Spain, they call them ''subprime jobs,'' and they've now got, I think, 17.5 percent unemployment as a result of this nifty project that they're doing to get rid of CO_2. The trouble is, even measured on the face of it, they're making more CO_2 than they did before, so it isn't working.

Anyway, proceed, Doctor.

Mr. FLEMING. Well, just to extend that a little further, where are these jobs going?

It turns out that some of the Spanish jobs have come to America because we understand that the net effect of tax, or cap-and-trade, or cap-and-tax as we call it, is that there is a higher cost to produce goods for manufacturing. So as a result, for someone who owns a factory or a company that perhaps owns a factory, he has to find the most cost-effective location for that factory. Otherwise, he can't compete in the worldwide economy. We know today that this is, indeed, a worldwide economy. We can't get away from that fact.

Just today, a Chinese company bought Hummer—a portion of General Motors. So we know that to be true. Well, we actually have received a dividend from Spain going down this road. We've actually had companies coming to the U.S., and we've actually gained jobs as a result of Spain's having gone down this cap-and-trade boondoggle.

Mr. AKIN. If I could just interrupt and go over to my good friend from Pennsylvania, to Congressman THOMPSON, let's flesh out this idea.

If you do this solution that the Democrats are proposing, which is a cap-and-tax or a cap-and-trade or whatever you want to call it, how does that end up with our losing jobs? Let's go through that very specifically so that people can understand it, because that's what we're talking about. That's what happened in Spain. Let's go through that model and identify where those jobs went.

The brag that the Democrats were saying an hour ago was that they're going to create jobs and that everything is going to be better. Yet the very thing they're proposing in Spain has gotten them to 17.5 percent unemployment. Let's go through how that happens.

Can you please help us with that, Congressman THOMPSON?

Mr. THOMPSON of Pennsylvania. Sure. I think the important baseline on that 17.5 percent unemployment today in the country of Spain is the fact that, when cap-and-trade was instituted, it was 7 percent. Unemployment was 7 percent.

Mr. AKIN. So they've driven it up 10 percent.

Mr. THOMPSON of Pennsylvania. Over 10 percentage points is the outcome. Those really are the only two major outcomes that I see of cap-and-trade—higher unemployment and higher energy costs.

In terms of the job losses, that's what this bill is all about. This is a jobs bill. They're correct on that part; but, unfortunately, it's a job loss bill. You know, they talk about all of the green jobs that were created in Spain as a part of cap-and-trade and the proposal of cap-and-trade here to create jobs. Well, in Spain, for every 10 green jobs that were created, mostly related to solar or to wind, only one was sustainable within that economy by the industry that paid for that job and for its implementation. As my colleague from Louisiana talked about, nine out of those 10 jobs are still around today because the country of Spain doesn't want to see unemployment driven higher.

So how do they hang onto those nine out of 10 jobs? It's a subsidy bubble. There are tens of billions of dollars annually that the country of Spain has to

infuse into the alternative energy industry so that it doesn't drive their unemployment up over 20 percentage points. You think about what this does to cost. There is no industry that will go untouched. Any industry that uses energy—and that's all of them—is going to see significant energy increases and costs. Today, especially in these economic times and even in the best of times, to be competitive globally and to have our costs be put up by—I don't know—say 30 percent or more, that totally makes us uncompetitive within the world.

Mr. AKIN. Reclaiming my time, let's go through this. So in other words, let's say we did what the Democrats want to do: let's do this great big tax increase. This is a very big tax increase. So what we're going to do is essentially tax energy. Now, as to energy issues within companies, some companies are using more than others, particularly aluminum manufacturing, steel manufacturing, your basic, hard manufacturing jobs. These then support lots of other burger flipping types of jobs that are very heavily energy intensive, but also food is very energy intensive. So now what's going to happen?

You're going to tax energy. When you tax it, it means the prices go up. The energy-producing company doesn't just pay the tax. It pays the tax, and it passes it on to the consumer. So the person who flips the light switch on or the person who lights up his pilot light to run his stove or his heater for natural gas or the people who fire up their diesel engines or their gasoline engines are paying more money. Therefore, those businesses are less competitive. In being less competitive, there are more foreign people who can compete and who can send products into this country. We can't compete against them because our prices go up. So, effectively, we send jobs overseas that way. We're less competitive. So the jobs go away.

The government taxes everybody in the private sector. The money comes out of the private sector. They use it to hire somebody. This then displaces a couple of jobs, and here we go around in this circle. This is basically what Morgenthau tried, the Secretary of the Treasury under FDR. He said that we're going to raise the taxes a whole lot, that we're going to spend a whole lot of money to ''stimulate the economy'' and that it will drive unemployment down.

Then he came here to this Chamber 9 years later, before the Ways and Means Committee, and his quote was: ''We've tried it and it doesn't work.'' Those were exactly his words: ''It doesn't work.'' So he said that now we've got high unemployment and a whole lot of taxes and a big debt to boot.

So this is the same old tried-and-true Democrat scheme of raising taxes and of creating and trusting the government, of trusting that the government is going to run it better than would free enterprise. Yet we've got this Department of Energy out there that was founded to get us off our dependence on foreign energy; and ever since it has been founded, it has gotten worse.

I yield to my good friend from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Well, thank you, sir.

You mentioned natural gas. We could talk all evening on different types of manufacturing that utilize natural gas, not just as a process for heating and for energy but also as an ingredient. Natural gas is a key component in almost any type of manufacturing. I want to just focus briefly on two.

You know, some of the folks who help feed us are our family farms throughout the Nation; and I don't care what they're raising or what they're growing, many of those family farms use processes that use natural gas, specifically with fertilizer for growing crops—for growing our food. It feeds this Nation. When we see under the cap-and-trade of natural gas, it's clean. It's a very clean fossil fuel, but it's a fossil fuel that's going to be punished and penalized under cap-and-trade. We're going to raise the cost of food for America because of cap-and-trade and feel the impact of taxing the use of natural gas on our farmers.

Mr. AKIN. Just reclaiming my time, you know, I've got a chart I'd like to talk to you about because we figured out what the size of this tax is. You take the average per family, and we're going to go in a minute and take a look at what it is going to cost the average family every year for the next 8 years for this $1.2 trillion tax increase.

We've been joined by another doctor, a medical doctor but also a guy who graduated from high school science as well, from Georgia, my good friend, Congressman GINGREY.

It's just great to have you in our discussion this evening. Please jump in. I yield.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman from Missouri for yielding time to me and for bringing to this body this important hour.

I was watching our colleagues on the other side of the aisle, the Democrat majority. I think they were mostly freshmen who had the previous hour, and they were praising, of course, the American Clean Energy Act and Security Act of 2009, and they were talking about all of the great and wonderful things that it does.

Certainly, there are some good things in the bill. I'm not going to stand here, Mr. Speaker, and completely criticize every aspect of it. Our freshmen colleagues—our Democrat colleagues—spoke very eloquently, but they never talked about the whole picture. I don't know where they were. They obviously were not Members of this body in the 110th Congress when we Republicans stayed here a year ago in August rather than going home for our vacations, or for our August recess, or for our codels. The Speaker and others rushed out of here to head out to foreign places, leaving Americans high and dry with $4 a gallon regular gasoline at the time. That's when the real commitment came on our side of the aisle to say it's unconscionable to leave this body and to do nothing for the American people and to say, oh, well, we'll take care of it in 5 weeks when we get back in early September. That's exactly what the Democrat majority did a little less than a year ago.

When I heard my freshmen colleagues on the other side of the aisle talking about how wonderful this new cap-and-trade energy bill is, I think one of them even described it as the foundation for new prosperity from sea to shining sea. Well, let me just tell you, Mr. Speaker: the folks in the 11th District of Georgia, in northwest Georgia—in fact, in the entire State of Georgia, in fact in the entire Southeast—don't think this is a foundation for new prosperity from sea to shining sea. It might be wonderful for northern New Mexico. It might be good for upstate New York. It may be good for some parts of Virginia. It may even be good, I guess—although I can't imagine how—in some parts of Michigan, which are the areas that these freshmen represent on the Democratic side of the aisle.

I want to tell you that it is not good in the Southeast. I think my colleagues have already pointed out that what the Democratic majority has done with this American Clean Energy and Security Act of 2009 has crammed down the throats of the American people not a comprehensive, all-of-the-above approach. It is not going to be a foundation for new prosperity from sea to shining sea because what it does is raise energy prices for every American family by an average of $3,000 a year.

Mr. AKIN. I can't help but jump in here.

Mr. GINGREY of Georgia. I would be glad to yield back to the gentleman who controls the time. I thank him for allowing me to be part of the discussion.

Mr. AKIN. It's a treat to have you. I think you brought up a couple of very, very significant things.

First of all, we stood in this Chamber just a couple of months ago and heard the President say that anybody making less than $250,000 doesn't need to worry about any tax increases. Yet, this tax increase that is being proposed happens to anybody who flips a light switch. That means you could make a lot less than $250,000 a year and get hit with a tax.

This cap-and-tax—these circles here—represent different, expensive things that America has bought.

□ 2130

This is the war in Iraq and this is the Korean war, and you have got the gulf war over here. Over in the far right you've got Hurricane Katrina, different things like this. This is World War II,

this big blue one. This is this tax: $1.9 trillion worth of tax. That's what's being proposed here. And we're just told if you're making $250,000 or less, you won't get any tax, and yet this taxes you when you turn the lights on, when you turn the thermostat up, when you start your car. That's what this tax is about right here. And when you eat food, that's what this tax is about.

Mr. GINGREY of Georgia. If the gentleman will yield for an additional few seconds.

Exactly. You break down this cost right at $3,000 a year for a family of four, it breaks down, as the gentleman has pointed out, Mr. Speaker, a 90 percent increase in the cost of electricity, 74 percent increase in the cost of gasoline, 55 percent increase in the cost of natural gas.

Now, when I was home during this Memorial Day remembrance and district work period, I went to visit one of the plants in my district—again, northwest Georgia, the 11th—Dow Chemical, and what they do is make all kinds of products out of polyurethane, and the dashboard in your automobile is an example. And the cost, their feedstock is natural gas. And what we're doing is putting additional costs on all of these manufacturers, everybody that produces electricity, and it was a cost that was never there before. And somebody has to pay for that cost. And who is that somebody? The American public.

I yield back to the gentleman.

Mr. AKIN. We've also been joined by my very good friend, Congressman BISHOP, who talked before on this subject, very knowledgeable.

And I would yield time to Congressman BISHOP. Please jump in.

Mr. BISHOP of Utah. I, unfortunately, don't have the wonderful accent that my good friend from Georgia has, but I will try and slur some words together to see if I can emulate that in some small way.

The problem that I think all of us here in Congress are facing, as well as the people out there are facing, is that the government has promised they're going to do something. Not market forces. The government is going to do something. And this cap-and-tax policy is an effort of the government to try to ratchet down carbon emissions into the atmosphere by changing the way industry works in an effort to have them changing the way they produce things. That change passes on to the consumer. Everything we use, as the gentleman said, has some kind of carbon footprint. The essence is that not only industries but individuals will change their lifestyles.

I don't care how you went to spin it. It is still a tax on people—we are looking at estimates around $400 billion—a tax on people that doesn't go to changing the amount of energy we have or changing the way we live our lives to better the people's lives. It's an amount of money that goes simply to the government. It is a windfall to the government.

Mr. AKIN. Reclaiming my time.

They're talking about using that for socialized medicine or something, right? It has nothing to do with CO_2 at all.

Mr. BISHOP of Utah. That is exactly the point there. If people are going to actually put out that kind of money, they should know what they're going to get and they should know what the goal of all of this is.

The goal has been stated that we'll have an 80 percent reduction by 2050. Sounds wonderful. In my particular State of Utah, we have a carbon footprint of roughly 66 million tons of CO_2 per year and a population of 2.6 million. If you simply do the math, 80 percent by 2050 means we will be producing in 2050 2.2 tons of CO_2. Sounds like a lot. Except the last time in the history of the State of Utah we had a carbon output that was that low, I'm sorry, Brigham Young wasn't there. If you tried to do something for this Nation, the Pilgrims hadn't landed before you do that. So the question is how do we actually do that? How do we reconcile a lifestyle with these elements, especially when there are 6.2 billion on the Earth, 2 billion who have never switched on a light?

Mr. AKIN. Reclaiming my time.

Those numbers are incredible.

What you're saying is we want to maintain—maybe we don't want to maintain our current standard of living but we want to go back to a pre-Pilgrim America in terms of CO_2 output?

Mr. BISHOP of Utah. It's the only way it works as long as you can keep the other 2 billion people in the world who don't have electricity today from ever getting electricity.

We can keep our lights, our flat-screen TVs, our computers, our cell phones, everything that uses electricity now, our low-cost food without bugs because fertilizer is fossil fuels. We can keep the clothes and the plastics. You go into an emergency room, everything except steel is part of fossil fuels. Composites made for airplanes now that make them lighter weight and more efficient is all gas. You fly here back and forth on gas.

The problem we have with this entire concept is basically we're saying we're going to get rid of fossil fuels at the same time we live with fossil fuels, and that is simply nothing short of schizophrenia on our part.

Here's a problem. I had a great friend that gave a speech at one point. And one of the things we need to be looking at is the fact that all of these, what we classify as alternative fuel sources, really are supplemental fuel sources. If you add everything we do from solar and wind power together, it's one-sixth of 1 percent of our energy consumption. You try to make one of those pie charts with that and it's a thin line. You can't get anything more than that. That's the best a PowerPoint—which also uses electricity—would ever produce. And we get that with 20 years or 30 years of the government having spent $20 billion to try to increase wind and solar power.

President Obama said we want to double that figure. Actually, in the last 3 years of the Bush administration, we doubled that figure. Admittedly, it's a higher base now. It would be harder to do at the next doubling. But if you double it, you go from one-sixth to one-third of 1 percent. And that's on the assumption that no economy grows anywhere else. Everything remains flat.

Mr. AKIN. Now, just reclaiming my time.

Now, my understanding was what we heard from the guy from Spain, he said that they had been able to get a lot of windmills and solar panels out there and that it was a significant part of what they generated. But he said here was the problem: When the weather didn't cooperate, they had to tell the big industries, You can't make any aluminum today because we don't have any electricity because the wind isn't blowing or the sun isn't shining. And they told the steel manufacturers, You can't make any steel. And so these companies are moving guess where? To America. They're moving out of Spain because of the fact that the energy is no longer reliable.

To make things worse—what they described to me was really chilling, and I need to jump over to my good friend from Louisiana who is also here on this, but this is what really stuck in my mind. He said what they did was they took a whole bunch of bureaucrats and they guaranteed them that they could sell energy to the government at a certain high price so those people would invest in solar panels and windmills. They guaranteed the price, and now they've got this thing created and it's a political monster because you have all of these people with windmills and solar panels and they don't want to politically change it because that's where their revenue is coming from. So they've created this thing that's driving over 17 percent unemployment and all kinds of people are in on the government take and they don't want to change it.

My good friend from Louisiana, Congressman SCALISE, please jump into the conversation.

Mr. SCALISE. I thank my friend for talking about this issue.

This cap-and-trade energy tax, this proposal that this administration and this leadership in Congress has brought forward—you're talking about the Spain study, and Spain is an interesting study because there are other countries that have gone down this road. So there are some good models to look at and see what is cap-and-trade, what has this national energy tax done to other countries, and you go to Europe and see the devastation to their economies.

And you look at Spain. They just did a study on the Spain experiment in cap-and-trade, and they came back with some numbers that showed, for every green job they created, they lost

2.2 regular jobs. And what's even more than that is that 9 out of 10 of those new jobs they created were temporary jobs.

So, in essence, for every one permanent new job they created with cap-and-trade energy tax, they lost 20 regular permanent jobs in their regular economy.

So if you look at what's happening here in the United States with this proposal, this cap-and-trade energy tax, it literally would run—estimates by the National Association of Manufacturers say that it would run 3 to 4 million jobs, American jobs, run them overseas to countries like China, India, and Brazil that are not going to comply with this.

So the real irony is for those people who really do believe that we need to reduce carbon emissions—ultimately we all recognize that carbon emissions have the same effect if they're emitted in the United States or in China. And so the real irony is, if you want to reduce carbon emissions, if you support cap-and-trade, you're going to have an increase in worldwide carbon emissions because the jobs that are done here in the United States, for example, that produce steel, to produce steel in the United States, and that same steel is going to be produced in China, for example. The same steel produced in China will emit four times the amount of carbon that the steel in the United States would emit because we already have tougher environmental regulations in place.

So for the people that are trying to use cap-and-trade, this energy tax to reduce carbon emissions, you'll actually have an increase in carbon emissions because the jobs that are in America right now that will go overseas, that we will lose in our economy, the 3 to 4 million jobs we will lose in tough economic times while American consumers actually end up paying over $2,000 or $3,000 a year in their electricity bill, those jobs go to China.

Mr. AKIN. What you're saying is, in simple terms, this cap-and-tax not only won't work; it's going to make a bad situation worse. It's not only going to create unemployment, but it's going to create more CO_2.

The amusing thing is there is a chart here that—I just discovered this. If we were to double our nuclear power production—we're currently producing about 20 percent of our electric power through nuclear, 25 percent, somewhere in that range. If we were to double it, it would have the same effect as taking almost every passenger car off the road in terms of getting rid of CO_2. And yet the funny thing is, do you know what happened in Spain, what they did with nuclear? They shut their nuclear stuff down, which is absolutely insane, because nuclear is the one kind of energy that doesn't make any CO_2 at all and yet they shut it down. So this whole thing about CO_2 being such a big problem, it seems like we're talking out of both sides of our mouth.

I promised my good friend from Utah I would let him have the last word before he had to scoot out of here.

Okay. We'll go back over to the gentleman from Louisiana.

Mr. SCALISE. Ultimately, we need a national energy policy. We don't have that in our country. So you've got very clear differences. The approach that we here that have been talking tonight support is a comprehensive national energy policy that understands that we've got our own national resources like oil, natural gas. We can develop clean coal technology. We can promote more nuclear, and we can use that to fund more solar and wind and other alternative sources of energy, but using our natural resources in America, not shipping jobs overseas like the cap-and-trade energy tax proposal by our colleagues on the Democratic side.

Mr. AKIN. Now you're getting me excited. You're talking about freedom instead of a whole bunch of government taxes and bureaucracy. What you're talking about allows Americans, empowering Americans to use the resources that we have, the technology, the innovation, and to develop energy from all different kinds of ways within our country and let that energy compete in a free market sense and let people buy the energy they want to buy.

Mr. SCALISE. And reduce our dependence on Middle Eastern oil while creating good jobs here in America, as opposed to their plan which taxes people on their energy bills and runs jobs to countries like China and India that will emit more carbon for doing the exact same thing we do here.

So I yield back.

Mr. AKIN. I really appreciate your emphasis on free enterprise, free solutions, and not government bureaucracies. But it still just dazzles me that the Spanish were able to sell this thing politically that they're worried about CO_2 and they shut down the nuclear, where we say here we just double our amount of nuclear and we get rid of all emissions of almost every passenger car on our highways. That's incredible.

Congressman BISHOP.

Mr. BISHOP of Utah. I am glad you feel excited right now, because one of the things that we are talking about in Congress is alternatives and other ideas. And as we have gone through this, we have shown that the cap-and-trade policy is nothing more then a tax. There are lots of negatives that go around with it. It's idealism, because the alternatives we have are not able to replace fossil fuels yet unless we want to totally change our lives. And there are easier ways than government mandates to get it done: allowing the markets to work—which I hate to say, especially from a ''just say no'' party, but if you include the no cost stimulus bill that many of us here have sponsored, H.R. 2300, which is from the Republican Study Committee in the Western Caucus—I think all of us here sponsored—those are viable options that make life better by having a reliable and sufficient energy to drive down the costs to help us find a bridge to come up with supplemental, not alternative, but supplemental energy and to do it in an orderly and efficient manner where people get to choose.

The government doesn't pick the winners. People get to pick the winners. There aren't those options out there. And what you got excited about is exactly what many of us here are trying to do. It is another voice. It is another option. Let the American people know it is out there and available.

Mr. AKIN. I appreciate that great plug for freedom. I think there is something—there are a few statistics that all of our guests here tonight know these things.

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But an awful lot of people don't know about it, and here's something that I thought was just amazing. If I were to say to you that this place where we work here, the U.S. Congress, is polarized between Republicans and Democrats on the abortion issue, you'd go, yawn, well of course they're polarized.

But what I don't think a lot of people know is that this Chamber is more polarized on the energy issue than we are on the abortion issue. We went back and took a look at about 8 years of voting between the two parties on developing American energy. And you know what we found? It's no surprise to you gentlemen. Ninety percent of the time where there is some proposal to help the development of American energy, Republicans voted for it, and even in the most mundane or the most easy to get along with politically, 86 to 88 percent of the Democrats voted ''no.'' There is a huge party-line difference on the development of American energy.

And I just think a lot of people aren't aware of that, but people say there's no difference between the parties. Boy, there sure is on this issue, isn't there?

And my good friend Dr. FLEMING, I would appreciate you again joining us in the discussion here.

Mr. FLEMING. Well, I thank the gentleman. I think that really the extension of what you just said is what is the real agenda behind this, and I think that we've recognized in the last few years that the American taxpayer has had enough. They don't want to pay any more taxes. Americans feel like they pay enough on the city level, county level, State and Federal level, and I think that our more liberal friends, our tax friendly friends, have realized this, and now they're coming up with schemes to disguise taxes.

And I think Congressman DINGELL said it better than anybody in this Chamber—and of course, he's a Democrat—that this is a tax, a very big tax, and I think that really strikes to the heart of what the purpose of this is. Someone a moment ago made reference to the fact that we're going to need at least $1.2 trillion if we go forward with a single-payer, comprehensive health care system, Medicare for all, if you

will. And I think that those who support that are scrambling around to find a tax that can be defined as something not a tax, and I think they've got this cap-and-tax program squarely in their sights.

Mr. AKIN. Just reclaiming for a moment here, just to support what you're saying, this is kind of interesting. This is a Gallup poll about how do different people that are concerned with the environment, how do they rank global warming as compared to other kinds of environmental issues.

And this is March 2008 and March 2009. You can see both of these charts. It hasn't changed that much over a year, but the thing that was the most important to people in terms of environmental was the pollution of drinking water. That was their number one thing, and then they wanted water pollution, was also eighty-something percent, very important to people in terms of environmental concerns. All the way down, all the way over here to the smaller side, global warming is the last one, and yet that's all we've been doing for a month is global warming, and it suggests that maybe global warming isn't the real issue. Maybe that's just the horse that's supposed to pull a big fat tax increase. That's what we're starting to see here, and I yield to my friend from Georgia.

Mr. GINGREY. I appreciate the gentleman yielding to me, Mr. Speaker, because this is a great segue into what I think is the bottom line here.

When Madam Speaker became the Speaker in January of 2007, it was clear that her signature issue was this issue of global warming, and shortly after that Al Gore got a Nobel Prize. He shared it with an intergovernmental climate control panel of the United Nations, and of course, he came before the Science Committee and Energy and Commerce Committee. This was their signature issue. This was the most important thing, and here we are in 2009 in the deepest of recessions, the worst recession that we've experienced since the Great Depression—

Mr. AKIN. Since Jimmy Carter.

Mr. GINGREY. If the gentleman will allow me, just on that same theme that you were just mentioning, this is not the number one concern of the American people today. The number one concern of the American people today is their jobs and their families and the cost of all these things, not just the cost of electricity, but everything that they have to purchase and concern over what's going to happen to Social Security and Medicare. And here we are going crazy about this cap-and-trade when we're taping our hands behind our back, penalizing the American people and losing jobs by the hundreds of thousands. It is pure idiocy, especially in an economic time of crisis like we're in.

Mr. AKIN. I would just like to discuss this a little bit with my good friend from Pennsylvania, Congressman THOMPSON. You know, I'm from Missouri, and I've been a legislator now a number of years. One of the things that is amusing is that the legislature passes some bill to do something, and the exact opposite thing happens of what they meant to have happen.

I'm just picturing some of my friends here tonight from Georgia and from Pennsylvania and Louisiana. I'm thinking about Missouri. And you put a big old tax on natural gas and electricity, and you know what the good old boy is going to do? They're going to break out that steel chainsaw. They're going to go to the wood lot. They're going to be cutting firewood, and they're going to be heating with wood and generating twice the CO_2 that would have happened if this silly bill hadn't been passed.

And the funny thing is it must be happening that way in Spain because their CO_2 has gone up in spite of the fact they got all this unemployment and taxes and this huge government bureaucracy they've created.

I just wanted to allow my friend from Pennsylvania, if you wanted to jump in on that subject.

Mr. THOMPSON of Pennsylvania. Absolutely. I appreciate that.

I mean, this is a tax that hits everybody and everything, every business, every industry, every family, and it's a tax on everyone. And I tell you, the folks, I tell you what makes it an immoral tax is the fact that it taxes those folks who are just now maybe getting by paycheck to paycheck, those people that work hard every day and do their best and they're just making it. You know, what they bring in income, they're putting out on bills. And in Pennsylvania because our electricity, 60 percent of it comes from coal, we have about 35, 38 percent that comes from nuclear and nuclear's taxed. Even though there's no CO_2 emissions, under cap-and-trade, nuclear is going to be taxed the same way.

Mr. AKIN. Just stop for a minute. That just absolutely dumbfounds me. The whole point of this deal is not to make any CO_2 supposedly, so we are going to tax the nuclear power plant that doesn't make any CO_2. What's the logic of that?

Mr. THOMPSON of Pennsylvania. One of my opening comments was the fact that it is refreshing to be here debating real science versus political science or science fiction. And here's the thing: The alternatives are out there. Republicans have been working hard. We've got an energy solutions group. We've been putting that out there. During the district days, we were in Pittsburgh and Indiana and out in the West Coast, and we were talking about a better solution for America. We've been hitting on parts of it tonight.

I view that that solution would provide us an energy margin. You know, what is it, 9 months ago where gas was pushing $4 or $5 a gallon? And gas prices are going up now again, and yet we're furthering our dependence on foreign oil. The President has shut off the tax deductions for domestic drilling and shut down areas in this country for domestic drilling, including through the Forest Service, an area in my district, Allegheny National Forest, really slowed down to a screeching halt new drilling.

And we could have an energy margin with the proposals put forward by the Republican Party that will allow us to have the domestic energy resources so that in the future when there's a hurricane, or where a foreign country that we have been dependent on for our energy resources decides to shut down that flow or some other catastrophic attack, we actually have an energy margin where our energy prices remain stable. And that's good for America. That's the type of energy policy Americans expect.

I'm actually blessed here standing between two physicians. I'd like to take the opportunity to call on their expertise—I worked in health care myself in rehab for about 28 years, but not as a physician—to get their diagnostic opinion on this. This is all in the name of green, greening America, specifically solar and hydro, but in terms of the economy, the other green that comes to mind is gangrene. And I just would defer that, though, to my colleagues who are physicians to have a better feel for that.

Mr. AKIN. Well, now you're really hurting me when you start to get into that, but you know, that idea is that what you're doing is you're doing something that makes the economy sicker. That doesn't seem to be the thing that we want to do.

You know, the thing that strikes me, too, who is going to be paying this big tax? It's going to be the guy that is using electricity, the guy that's using natural gas, the guy that's buying food. Who is that? Is that rich people? No. That's, as you say, those are average Americans just trying to get along, barely got their lips above water, economy's in trouble, they're wondering whether they're going to have a job, they may have a kid home because the kid lost a job.

What are we talking about? We're talking about with this cap-and-tax, this proposal that's been proposed by the Democrats, what we're talking about here is every year you're going to have to come up with the amount of money you spend on for the average family on meat, poultry, fish, eggs, dairy, produce, juices and vegetables, that is how much extra it's going to cost you. Or you want to put it in something else, consider furniture, appliances, carpet, and other furnishings. That's how much. All of these different categories here are smaller than what this tax is going to cost the average family.

This isn't something that the President says, hey, $250,000, don't worry, we're not going to tax you. This is taxing all of these families, and that's why

we get excited about it, and it doesn't need to be done. The fact of the matter is that we can have that energy independence just by using basic freedom.

I'm going to go to my friend from Louisiana. Congressman SCALISE, if you could join us.

Mr. SCALISE. Again, what we're talking about here is this is a proposal that just passed out of committee 2 weeks ago, a very detrimental proposal to our Nation's economy, a proposal that threatens our energy security at a time when we've got proposals and solutions that we've presented that actually would allow America to have energy independence. So it is a true debate between the two parties where we have very different views.

Their proposal is this cap-and-trade energy tax which, literally, to that senior citizen who is on a fixed income—the President's own budget director, President Obama's own budget director, said this proposal, cap-and-trade energy tax, would add another $1,300 per year to that fixed income senior citizen's electricity bill. Now, I don't know how they're going to go explain that to people, that this is what they're trying to do to them as we're talking about a summer coming up where people want to run their air-conditioning to stay cool. They're going to just tell those people to turn the air-conditioning off.

When people start wondering why we're not developing our own natural resources, in my State of Louisiana and in Dr. FLEMING's own district, my colleague from Louisiana, the largest natural gas find in the history of our country was found just 3 years ago in Haynesville, enough natural gas to supply all of our country's natural gas needs for 10 years.

And then in my colleague from Pennsylvania, Congressman THOMPSON's district, another find, the Marselles find, which could be even bigger. They're just discovering how big that find is, could be even bigger than the Haynesville find.

We've got kinds of natural resources: oil, natural gas, clean coal, not to mention the nuclear capability that Europe and other countries have gone to in large proportions, that we are denying by policy, and they're saying don't use our own natural resources, which then increases dependence on Middle Eastern oil. We're trying to put up a proposal here to say let's use our own natural resources, not send jobs to China and India like cap-and-trade, not raise people's electricity bills. We've got the ability to create our own energy independence and secure our future while creating good jobs, and that's the true difference right now between their cap-and-trade energy tax and our American Energy Solutions Act, which is a very different approach to a comprehensive energy national policy.

Mr. AKIN. Just reclaiming my time, I think you're being reasonable. You're talking about there's a contrast, two different approaches to solving where we're going with energy. And one of them is we're going to use the instrument of a great big tax increase and a lot of government regulations, and the other one is free enterprise.

What you're talking about is the fact that you're exploring. You're talking about finding more natural gas. I don't know if people are aware of it, but by things that have been passed on this congressional floor, eighty-some percent of our continental shelves are off limits for any exploration. What's the logic of that? I remember thinking the reason that the liberals didn't like nuclear was because of the waste, and yet we had a 100 percent vote in the Science Committee not to recycle nuclear waste.

I appreciate your joining us tonight. I think these are things that are of importance to Americans.

Thank you all. And thank you, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUPPERSBERGER (at the request of Mr. HOYER) for today and through June 15 on account of medical reasons (surgery).

Mr. SULLIVAN (at the request of Mr. BOEHNER) for today and the balance of the month on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today, June 3, 4, 5, 8 and 9.

Mr. JONES, for 5 minutes, today, June 3, 4, 5, 8 and 9.

Mr. BURTON of Indiana, for 5 minutes, today, June 3, 4 and 5.

Mr. WOLF, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today, June 3, 4 and 5.

Mr. FLAKE, for 5 minutes, today.

Mr. NEUGEBAUER, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 19. Concurrent resolution expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed; to the Committee on Foreign Affairs.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 21, 2009 she presented to the President of the United States, for his approval, the following bills:

H.R. 627. To amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

H.R. 131. To establish the Ronald Reagan Centennial Commission.

ADJOURNMENT

Mr. AKIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), the House adjourned until tomorrow, Wednesday, June 3, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first and second quarter of 2009 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO REPUBLIC OF CUBA, EXPENDED BETWEEN APR. 3 AND APR. 7, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Barbara Lee	4/3	4/7	Republic of Cuba		680.00		(3)		787.02		1,467.02
Hon. Emanuel Cleaver	4/3	4/7	Republic of Cuba		680.00		(3)		416.66		1,096.66

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO REPUBLIC OF CUBA, EXPENDED BETWEEN APR. 3 AND APR. 7, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Marcia L. Fudge	4/3	4/7	Republic of Cuba		680.00		(3)		416.66		1,096.66
Hon. Michael M. Honda	4/3	4/5	Republic of Cuba		680.00		(3)		249.99		929.99
Hon. Laura Richardson	4/3	4/7	Republic of Cuba		680.00		(3)		416.66		1,096.66
Hon. Bobby L. Rush	4/3	4/7	Republic of Cuba		680.00		(3)		416.66		1,096.66
Hon. Melvin L. Watt	4/3	4/7	Republic of Cuba		680.00		(3)		555.54		1,235.54
Patrice Willoughby	4/3	4/7	Republic of Cuba		680.00		(3)		416.66		1,096.66
Committee total					5,440.00				3,675.85		9,115.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. BARBARA LEE, Delegation Chair, May 8, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JENNIFER M. STEWART, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 4 AND APR. 6, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jennifer M. Stewart	4/4	4/6	Israel		364.00		(3)				364.00
	4/6	4/7	Afghanistan		78.00		(3)				78.00
	4/7	4/9	Pakistan		421.00		(3)				421.00
	4/9	4/10	Turkey		165.00		(3)				165.00
Committee total											1,028.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JOHN A. BOEHNER, Chairman, May 21, 2009.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARY ASSEMBLY WINTER MEETING IN BRUSSELS, BELGIUM, OECD MEETING IN PARIS, FRANCE, AND BILATERAL MEETINGS IN VIENNA, AUSTRIA, AND OBERAMMERGAU/GARMISCH, GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 22, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Tanner	2/14	2/17	Belgium		2,478.08		(3)				4,740.63
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Hon. John Boozman	2/14	2/17	Belgium		2,478.08		(3)				4,740.63
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Hon. Jo Ann Emerson	2/14	2/17	Belgium		2,478.08		(3)				4,740.63
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Hon. Baron Hill	2/14	2/17	Belgium		2,478.08		(3)				4,740.63
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Hon. Carolyn McCarthy	2/14	2/17	Belgium		2,478.08		(3)				4,740.63
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Hon. Charlie Melancon	2/14	2/17	Belgium		2,478.08		(3)				4,740.63
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Hon. Jeff Miller	2/14	2/17	Belgium		2,478.08		(3)4,253.93				6,732.01
Hon. Dennis Moore	2/14	2/17	Belgium		2,478.08		(3)				4,740.63
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Hon. Mike Ross	2/14	2/17	Belgium		2,478.08		(3)				4,740.63
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Hon. David Scott	2/14	2/17	Belgium		2,478.08		(3)				4,740.63
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Melissa Adamson	2/14	2/17	Belgium		1,245.73		(3)				3,508.28
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Kathy Becker	2/14	2/17	Belgium		1,245.73		(3)3,391.10				6,899.38
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)				
Paul Belkin	2/14	2/17	Belgium		1,245.73		(3)3,391.10				6,899.38
	2/17	2/18	France		627.78		(3)				
	2/18	2/20	Austria		862.13		(3)				
	2/20	2/22	Germany		772.64		(3)3,391.10				
Delegation Expenses:											
Representational Funds									25,976.49		25,976.49
Miscellaneous									684.97		684.97
Committee total					55,668.59		11,036.13		26,661.46		93,366.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JOHN S. TANNER, Chairman, May 13, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO ESTONIA, LITHUANIA, CZECH REPUBLIC AND GERMANY, EXPENDED BETWEEN APR. 14 AND APR. 21, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Shelley Berkley	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
John Carter	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
Steve Cohen	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
Virginia Foxx	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
Phil Gingrey	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
Paul Kanjorski	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
Rob Klein	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
Loretta Sanchez	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
Riley Moore	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
Sarah Preisser	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
Amanda Sloat	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
Richard Urey	4/14	4/15	Estonia		160.98				169.10		330.08
	4/15	4/17	Lithuania		270.00				266.70		536.70
	4/17	4/20	Czech Republic		558.00				485.54		1,043.54
	4/20	4/21	Germany		330.00						330.00
Control Room			Estonia		1,697.72						1,697.72
			Lithuania		5,118.77						5,118.77
			Czech Republic		918.384						918.384
Committee total											33,421.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SHELLEY BERKLEY, May 19, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1952. A letter from the Major General, USAF Vice Director, Defense Logistics Agency, transmitting the Agency's Annual Materials Plan for the operation of the stockpile during fiscal year 2010, pursuant to Section 11(b)(1) of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

1953. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's Evaluation of the TRICARE Program Fiscal Year (FY) 2009 Report to Congress, pursuant to Public Law 104-106, section 717; to the Committee on Armed Services.

1954. A letter from the Acting Deputy Under Secretary of Defense for Logistics and Material Readiness, Department of Defense, transmitting the Department's notification that all three Military Departments were in compliance with the 50 percent limitation for FY 2008, and while the Departments of the Amry and Navy are projecting compliance for FY 2009 and 2010, the Department of the Air Force's projections for FY 2009 and 2010 indicate they will be required to manage the distribution of depot-level maintenance and repair workloads to remain compliant with 10 U.S.C. 2466; to the Committee on Armed Services.

1955. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Substances Prohibited From Use in Animal Food or Feed; Confirmation of Effective Date of Final Rule [[Docket No.: FDA-2002-N-0031] (formerly Docket No. 2002N-0273)] (RIN: 0910-AF46) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1956. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-79, ''KIPP DC — Douglass Property Tax Exemption Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1957. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-80, ''Newborn Safe Haven Temporary Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1958. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-74, ''Health Occupations Revision General Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1959. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-81, ''Department of Parks and Recreation Term Employee Appointment Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1960. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-82, ''Rent Administrator Hearing Authority Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1961. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-85, ''Closing of an Alley in Square 5872, S.O. 07-2225, Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1962. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-83, ''Allen Chapel A.M.E. Senior Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1963. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-98, ''CEMI-Ridgecrest, Inc. — Walter Washington Community Center Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1964. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-86, ''Retail Service Station Amendment Act of 2009'', pursuant to

D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1965. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-90, ''Closing, Dedication and Designation of Public Streets at The Yards Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1966. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-89, ''Mortgage Lender and Broker Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1967. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-84, ''Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1968. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-88, ''Kenilworth-Parkside Partial Street Closure, S.O. 07-1213, S.O. 07-1214 and Building Restriction Line Elimination, S.O. 07-1212 Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1969. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-87, ''Closing of a Portion of a Public Alley in Square 4488, S.O. 07-7333, Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1970. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting the Agency's report on the amount of acquisitions made from entities that manufacture articles, materials, or supplies outside of the United States for fiscal year 2008, pursuant to Public Law 110-28, section 8306; to the Committee on Oversight and Government Reform.

1971. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's report entitled, ''Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002: Fiscal 2008 (April 2009); to the Committee on Oversight and Government Reform.

1972. A letter from the Chairman, United States Sentencing Commission, transmitting the Commission's amendments to the federal sentencing guidelines, policy statements, and official commentary, together with the reasons for the amendments, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

1973. A letter from the Staff Director, United States Sentencing Commission, transmitting the Commission's report entitled, ''2008 Annual Report and Sourcebook of Federal Sentencing Statistics'', pursuant to 28 U.S.C 994(w)(3) and 997; to the Committee on the Judiciary.

1974. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12 and PC-12/45 Airplanes [Docket No.: FAA-2009-0126; Directorate Identifier 2009-CE-003-AD; Amendment 39-15884; AD 2009-08-11] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1975. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30660 Amdt. No 3316] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1976. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30661; Amdt. No.3317] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1977. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Conroe, TX [Docket No.: FAA-2009-0338; Airspace Docket No. 09-ASW-9] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1978. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Dallas, GA. [Docket No.: FAA-2008-1084; Airspace Docket No. 08-ASO-17] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1979. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Summersville, WV [Docket No.: FAA-2008-1073; Airspace Docket No. 08-AEA-28] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1980. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace, Establishment of Class E Airspace; Binghamton, NY [Docket No.: FAA-2009-0202; Airspace Docket 09-AEA-11] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1981. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Battle Creek, MI [Docket No.: FAA-2008-1290; Airspace Docket No. 08-AGL-19] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1982. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Omaha, NE [Docket No.: FAA-2008-1228; Airspace Docket No. 08-ACE-3] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1983. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Corpus Christi NAS/Truax Field, TX [Docket No.: FAA-2008-1140; Airspace Docket No. 08-ASW-24] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1984. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Natchitoches, LA [Docket No.: FAA-2008-1229; Airspace Docket No. 08-ASW-26] received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1985. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Refugio, TX [Docket No.: FAA-2009-0241; Airspace Docket No. 09-ASW-6] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1986. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No.: FAA-2009-0351; Directorate Identifier 2009-SW-08-AD; Amendment 39-15886; AD 2009-07-53] (RIN: 2120-AA64) received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1987. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30664; Amdt. No. 3319] received May 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1988. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80A Series Turbofan Engines [Docket No.: FAA-2008-0827; Directorate Identifier 2008-NE-26-AD; Amendment 39-15879; AD 2009-08-06] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1989. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A Series, 206B Series, 206L Series, 407, and 427 Helicopters [Docket No.: FAA-2009-0350; Directorate Identifier 2009-SW-07-AD; Amendment 39-15885; AD 2009-07-52] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1990. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, 2B, and 2B1 Turboshaft Engines [Docket No.: FAA-2009-0302; Directorate Identifier 2009-NE-09-AD; Amendment 39-15881; AD 2009-08-08] (RIN: 2120-AA64) receivedMay 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1991. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and DA 40F Airplanes [Docket No.: FAA-2009-0125 Directorate Identifier 2009-CE-002-AD; Amendment 39-15873; AD 2009-07-14] (RIN: 2120-AA64) received May 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1992. A letter from the Chairman and Vice Chairman, U.S.-China Economic & Security Review Commission, transmitting the Commission's report on the February 17 public hearing on ''China's Role in the Origins of and Response to the Global Recession'', pursuant to Public Law 109-108, section 635(a); jointly to the Committees on Ways and Means, Armed Services, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 1709. A bill to establish a committee under the National

Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes; with an amendment (Rept. 111–130 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARDOZA: Committee on Rules. House Resolution 490. Resolution providing for consideration of the bill (H.R. 31) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes, and providing for consideration of the bill (H.R. 1385) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe. (Rept. 111–131). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on May 22, 2009]

Pursuant to clause 2 of rule XII, the Committee on Rules discharged from further consideration of H.R. 1886.

[Submitted on June 2, 2009]

Pursuant to clause 2 of rule XII, the Committee on Education and Labor discharged from further consideration. H.R. 1709 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[The following action occurred on May 22, 2009]

Mr. BERMAN: Committee on Foreign Affairs. H.R. 1886. A bill to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes, with an amendment; referred to the Committee on Armed Services for a period ending not later than June 5, 2009, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X.

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. TOWNS:

H.R. 2646. A bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SKELTON (for himself and Mr. MCHUGH) (both by request):

H.R. 2647. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes; to the Committee on Armed Services.

By Mr. CARSON of Indiana (for himself, Mr. PASCRELL, Mr. CONYERS, Mr. CUMMINGS, Mr. MEEKS of New York, Ms. NORTON, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. FUDGE, Mrs. CHRISTENSEN, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Ms. WATSON, Mr. TOWNS, Mr. BUTTERFIELD, Mr. SERRANO, Mr. DAVIS of Alabama, Mr. HONDA, Mr. MORAN of Virginia, Mr. BACA, Ms. CORRINE BROWN of Florida, Mr. MCGOVERN, and Ms. KILPATRICK of Michigan):

H.R. 2648. A bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his contributions to the Nation; to the Committee on Financial Services.

By Ms. BEAN:

H.R. 2649. A bill to amend the Internal Revenue Code of 1986 to modify the new energy efficient home credit and to provide a credit against tax for the purchase of certain energy efficient homes; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself and Mr. CUMMINGS):

H.R. 2650. A bill to amend title 14, United States Code, to modernize the leadership of the Coast Guard, to modernize the administration of marine safety by the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CUMMINGS (for himself, Mr. OBERSTAR, Mr. MICA, and Mr. LOBIONDO):

H.R. 2651. A bill to amend title 46, United States Code, to direct the Secretary of Transportation to establish a maritime career training loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself and Mr. CUMMINGS):

H.R. 2652. A bill to amend title 46, United States Code, to improve vessel safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YARMUTH:

H.R. 2653. A bill to amend the Tom Osborne Federal Youth Coordination Act to create the White House Office of National Youth Policy to ensure the coordination and effectiveness of services to youth, and for other purposes; to the Committee on Education and Labor.

By Mr. ADERHOLT:

H.R. 2654. A bill to extend temporarily the suspension of duty on polyethylene HE1878; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. WILSON of South Carolina, Ms. CLARKE, and Mr. DAVIS of Illinois):

H.R. 2655. A bill to amend the Internal Revenue Code of 1986 to expand and extend the first-time homebuyer credit; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 2656. A bill to require amounts remaining in Members' representational allowances at the end of a fiscal year to be used for deficit reduction or to reduce the Federal debt, and for other purposes; to the Committee on House Administration.

By Mr. CAPUANO:

H.R. 2657. A bill to amend the Federal Deposit Insurance Act to limit the authority of the Federal Deposit Insurance Corporation to engage in activities relating to systemic risk without a congressional declaration of a financial emergency, and for other purposes; to the Committee on Financial Services.

By Mr. CAPUANO:

H.R. 2658. A bill to amend the Internal Revenue Code of 1986 to increase the estate and gift tax unified credit to an exclusion equivalent of $5,000,000, to adjust such amount for inflation, to repeal the 1-year termination of the estate tax, and for other purposes; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:

H.R. 2659. A bill to convey certain submerged lands to the Government of the Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLISON:

H.R. 2660. A bill to amend the Federal Deposit Insurance Act to require the appropriate Federal banking agencies to prescribe capital standards for certain special purpose entities; to the Committee on Financial Services.

By Mr. GOHMERT (for himself and Mr. ROONEY):

H.R. 2661. A bill to amend title 18, United States Code, to increase the penalty for violations of section 119 (relating to protection of individuals performing certain official duties); to the Committee on the Judiciary.

By Mr. HEINRICH (for himself, Mr. BISHOP of Utah, Mr. BLUMENAUER, Mr. INSLEE, Mr. LUJÁN, Ms. MARKEY of Colorado, Mr. MINNICK, Mr. TEAGUE, and Ms. TITUS):

H.R. 2662. A bill to dedicate a portion of the rental fees from wind and solar energy projects on Federal land under the jurisdiction of the Bureau of Land Management for the administrative costs of processing applications for new wind and solar projects, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 2663. A bill to amend title 23, United States Code, to increase certain infrastructure finance provisions, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEE of New York (for himself, Mr. DAVIS of Kentucky, Mr. SCOTT of Georgia, Mr. CASTLE, and Mr. PUTNAM):

H.R. 2664. A bill to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; to the Committee on Financial Services.

By Ms. MATSUI:

H.R. 2665. A bill to establish national centers of excellence for regional smart growth planning, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MATSUI (for herself and Ms. MOORE of Wisconsin):

H.R. 2666. A bill to require the Federal Trade Commission to conduct a rulemaking proceeding with respect to mortgage foreclosure rescue and loan modification services, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. DAVIS of Illinois, and Mr. PLATTS):

H.R. 2667. A bill to amend part B of title IV of the Social Security Act to provide grants to States to establish or expand quality programs providing home visitation for families with young children and families expecting children; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut (for himself, Mr. BRALEY of Iowa, and Mr. WELCH):

H.R. 2668. A bill to provide for the offering of an American Trust Health Plan to provide choice in health insurance options so as to ensure quality, affordable health coverage for all Americans; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period

to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:

H.R. 2669. A bill to direct the Federal Trade Commission to prescribe rules to protect consumers from unfair and deceptive acts and practices in connection with primary and secondary ticket sales; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mr. MCHUGH, Mr. STUPAK, Mr. OBERSTAR, Mr. DICKS, Mr. MICHAUD, Mr. HINCHEY, Mr. NADLER of New York, Mr. LARSEN of Washington, Mr. HIGGINS, Mr. LEE of New York, Mr. LATOURETTE, Mr. HODES, Mr. MAFFEI, Mr. ARCURI, Mr. MANZULLO, Ms. PINGREE of Maine, Mr. SMITH of Washington, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. MASSA, and Mr. TONKO):

H.R. 2670. A bill to require reports on the effectiveness and impacts of the implementation of the Western Hemisphere Travel Initiative, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER of New York (for himself, Ms. LEE of California, Mr. MCDERMOTT, Mr. CROWLEY, Mr. BERMAN, Mr. GRIJALVA, Mr. PIERLUISI, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. LEWIS of Georgia, Mr. CASTLE, Mr. HINCHEY, Ms. NORTON, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. MARKEY of Massachusetts, Mr. KUCINICH, and Mrs. CHRISTENSEN):

H. Con. Res. 137. Concurrent resolution expressing the sense of the Congress that the lack of adequate housing must be addressed as a barrier to effective HIV prevention, treatment, and care, and that the United States should make a commitment to providing adequate funding for developing housing as a response to the AIDS pandemic; to the Committee on Financial Services.

By Mr. LEVIN (for himself, Mr. SMITH of New Jersey, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. MCGOVERN, Mr. WOLF, Mr. POE of Texas, Mr. INGLIS, Mr. ROHRABACHER, Mr. MCCOTTER, Mr. FRANKS of Arizona, Mr. MINNICK, Mr. ROGERS of Alabama, Mr. PASCRELL, Mr. WALZ, Mr. WU, Mr. HOLT, Mr. GUTIERREZ, Mr. BURTON of Indiana, Mr. WAXMAN, and Ms. SCHAKOWSKY):

H. Res. 489. A resolution recognizing the twentieth anniversary of the suppression of protesters and citizens in and around Tiananmen Square in Beijing, People's Republic of China, on June 3 and 4, 1989 and expressing sympathy to the families of those killed, tortured, and imprisoned in connection with the democracy protests in Tiananmen Square and other parts of China on June 3 and 4, 1989 and thereafter; to the Committee on Foreign Affairs. considered and agreed to. considered and agreed to.

By Mr. ADLER of New Jersey (for himself, Mrs. LUMMIS, Ms. BORDALLO, Mr. MCGOVERN, Mr. TEAGUE, and Mr. LANCE):

H. Res. 491. A resolution encouraging each institution of higher education in the country to seek membership in the Servicemembers Opportunity Colleges (SOC) Consortium; to the Committee on Education and Labor.

By Mr. CARNAHAN (for himself and Mrs. BIGGERT):

H. Res. 492. A resolution supporting the goals and ideals of High-Performance Building Week; to the Committee on Science and Technology.

By Mr. KLEIN of Florida (for himself, Mr. JOHNSON of Illinois, Mr. HODES, Mr. ISRAEL, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Ms. WASSERMAN SCHULTZ, Mr. SCHIFF, Mr. MEEK of Florida, Mr. WAXMAN, Ms. SCHWARTZ, Mr. MORAN of Virginia, Mr. SESTAK, Mrs. LOWEY, Mr. GRAYSON, Mr. NADLER of New York, Mr. MCMAHON, Ms. SCHAKOWSKY, Ms. CASTOR of Florida, Mr. MOORE of Kansas, Mr. KING of New York, Mrs. MALONEY, Mr. FRANK of Massachusetts, Mr. WEINER, Ms. HARMAN, Mr. ACKERMAN, Mr. KAGEN, Mr. CAPUANO, Mr. SHERMAN, Mr. HASTINGS of Florida, Mr. CANTOR, Mr. PETERS, Mr. BERMAN, Mr. LOEBSACK, Mr. HOLT, Mr. YARMUTH, Mr. CARSON of Indiana, Mr. STEARNS, and Mr. KIRK):

H. Res. 493. A resolution recognizing the significant contributions of Hillel: The Foundation for Jewish Campus Life to college campus communities in the United States and around the world; to the Committee on Education and Labor.

By Mr. KISSELL:

H. Res. 494. A resolution recognizing the exemplary service of the soldiers of the 30th Infantry Division (Old Hickory) of the United States Army during World War II; to the Committee on Armed Services.

By Mr. POE of Texas (for himself, Mr. BILIRAKIS, Mr. MCCOTTER, Mr. INGLIS, Mr. ROONEY, Mr. COHEN, Mr. BURTON of Indiana, Ms. BORDALLO, and Mr. KING of New York):

H. Res. 495. A resolution recognizing and honoring the Americans troops who gave their lives on D-Day at the Battle of Normandy; to the Committee on Armed Services.

By Mr. POE of Texas:

H. Res. 496. A resolution recognizing the 20th anniversary of the fall of the Berlin Wall; to the Committee on Foreign Affairs.

By Mr. ROGERS of Michigan (for himself, Mr. BOEHNER, Mr. HOEKSTRA, Mr. BILIRAKIS, Mr. BLUNT, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. DENT, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. MCCAUL, Mr. MCKEON, Mr. MILLER of Florida, Mrs. MYRICK, Mr. ROONEY, Mr. SHUSTER, Mr. SMITH of Texas, Mr. SOUDER, Mr. THORNBERRY, Mr. WILSON of South Carolina, Mr. MCCARTHY of California, and Mr. SESSIONS):

H. Res. 497. A resolution honoring the brave men and women of the intelligence community of the United States whose tireless and selfless work has protected America from a terrorist attack for the past eight years, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. TEAGUE (for himself, Mr. REYES, Mr. MCCAUL, Mr. THOMPSON of Mississippi, Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. KING of New York, Mr. ORTIZ, Ms. LORETTA SANCHEZ of California, Mr. CUELLAR, Mrs. KIRKPATRICK of Arizona, Mr. KRATOVIL, Mr. FILNER, Mr. SHULER, Mr. BRADY of Texas, Mr. ROYCE, Mr. BILIRAKIS, Mr. BILBRAY, Mr. ROHRABACHER, Mr. MARCHANT, Mr. CARTER, Mr. SMITH of Texas, Mr. BROUN of Georgia, Mr. JONES, Mr. POE of Texas, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. CAO, Ms. GIFFORDS, Mr. GALLEGLY, Mrs. MILLER of Michigan, Mr. MINNICK, Mr. PRICE of North Carolina, Mr. GORDON of Tennessee, Mrs. MCMORRIS RODGERS, Mrs. BLACKBURN, Mr. BURTON of Indiana, and Ms. TITUS):

H. Res. 498. A resolution honoring and congratulating the U.S. Border Patrol on its 85th anniversary; to the Committee on Homeland Security.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

58. The SPEAKER presented a memorial of the Department of Education of West Virginia, relative to a Resolution to Support 21st Century Integration of Technology Into Classroom Instruction and Learning; to the Committee on Education and Labor.

59. Also, a memorial of the State Legislature of Maine, relative to a JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES SECRETARY OF ENERGY AND THE CONGRESS OF THE UNITED STATES TO REVIEW NATIONAL POLICY ON USED NUCLEAR FUEL; to the Committee on Energy and Commerce.

60. Also, a memorial of the Conservation Federation of Missouri, relative to a resolution entitled, ''Restoring Clean Water Act Protections For Wetlands and Ephemeral and Intermittent Streams''; to the Committee on Transportation and Infrastructure.

61. Also, a memorial of the 75th Legislative Assembly of Oregon, relative to Senate Joint Memorial 1 urging the Congress of the United States, to enact legislation allowing Oregon veterans to obtain Oregon home loans at any time after a veteran has separated from services; to the Committee on Veterans' Affairs.

62. Also, a memorial of the Seventy-fifth Legislative Assembly of Oregon, relative to Senate Joint Memorial 3, urging the Congress of the United States, to enact legislation that increases funding levels for the United States Department of Veterans Affairs and the Veterans Health Administration to meet honorably discharged veteran's health care requirements and to enact legislation that provides universal health care access for honorably discharged veterans and their families; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HIMES introduced a bill (H.R. 2671) to authorize the Secretary of the department in which the Coast Guard is operating to issue a certificate of documentation with a coastwise endorsement for the vessel M/V GEYSIR; which was referred 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:

June 2, 2009

H.R. 13: Mr. HINCHEY and Mr. YOUNG of Alaska.

H.R. 17: Mr. PLATTS and Mr. BILIRAKIS.

H.R. 21: Mr. MCNERNEY and Mr. SABLAN.

H.R. 22: Mr. RUPPERSBERGER and Mr. AUSTRIA.

H.R. 43: Mr. WALDEN, Mr. YOUNG of Alaska, Mr. HINCHEY, Mr. PUTNAM, Mr. THOMPSON of Pennsylvania, Ms. GIFFORDS, Mrs. CAPPS, Mr. OBERSTAR, Mr. FLEMING, Mr. HINOJOSA,

Mr. BOREN, Mr. PAULSEN, Mr. LATOURETTE, and Mr. OLVER.

H.R. 55: Mr. HIMES and Mr. CONNOLLY of Virginia.

H.R. 60: Mr. COURTNEY.

H.R. 104: Mr. KUCINICH and Mr. MCDERMOTT.

H.R. 137: Mr. WAMP and Mr. LAMBORN.

H.R. 158: Ms. ESHOO.

H.R. 179: Ms. BORDALLO.

H.R. 181: Mr. FORTENBERRY.

H.R. 182: Mr. HINOJOSA and Ms. ROYBAL-ALLARD.

H.R. 187: Mr. FARR.

H.R. 188: Mr. FARR.

H.R. 197: Mr. BOUSTANY, Mr. GOODLATTE, and Mr. LAMBORN.

H.R. 204: Mr. STARK, Mr. HOLT, Mr. FILNER, Mr. WAXMAN, Mr. HINCHEY, Mr. GRIJALVA, Mr. BERMAN, and Mr. HONDA.

H.R. 205: Mr. REICHERT, Mr. CALVERT, and Mrs. CAPITO.

H.R. 270: Mr. WAMP, Mr. BOREN, and Mr. RODRIGUEZ.

H.R. 297: Mr. CASSIDY.

H.R. 303: Mr. PLATTS, Mrs. LOWEY, and Mr. MARCHANT.

H.R. 329: Mr. STARK and Mr. KUCINICH.

H.R. 333: Mrs. LOWEY and Mr. PLATTS.

H.R. 426: Mr. GUTHRIE.

H.R. 430: Mr. COURTNEY.

H.R. 433: Mr. PIERLUISI and Mr. RODRIGUEZ.

H.R. 450: Mr. WITTMAN, Mr. NEUGEBAUER, and Mr. BILIRAKIS.

H.R. 482: Mr. PIERLUISI, Mr. SPRATT, and Mr. ROGERS of Kentucky.

H.R. 503: Mr. SARBANES and Mr. PALLONE.

H.R. 556: Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. NEAL of Massachusetts, and Mr. NADLER of New York.

H.R. 560: Mr. DAVIS of Kentucky.

H.R. 569: Mr. BERMAN.

H.R. 614: Mr. BILIRAKIS.

H.R. 615: Mr. STARK.

H.R. 621: Mr. CAO, Mr. DAVIS of Kentucky, Mr. ALEXANDER, Mr. CUMMINGS, Mr. HARE, Ms. HERSETH SANDLIN, Mr. SNYDER, Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Mr. DICKS, Mr. HIMES, and Mr. CULBERSON.

H.R. 622: Mr. MILLER of North Carolina, Mr. BLUMENAUER, and Mr. THOMPSON of Pennsylvania.

H.R. 653: Mr. HOLT.

H.R. 676: Ms. FUDGE.

H.R. 699: Ms. WATERS and Mr. WU.

H.R. 716: Mr. CULBERSON.

H.R. 745: Mr. GALLEGLY and Mrs. HALVORSON.

H.R. 816: Mrs. LOWEY, Mr. BILIRAKIS, Mr. GONZALEZ, Mr. KILDEE, Mr. CHANDLER, Mr. GUTIERREZ, Mr. STARK, Mr. WU, Mr. MITCHELL, Mr. KLEIN of Florida, Mr. SMITH of Texas, Mr. WEXLER, Mr. VAN HOLLEN, and Mrs. TAUSCHER.

H.R. 832: Mr. BERMAN.

H.R. 877: Mr. HENSARLING.

H.R. 881: Mr. HENSARLING.

H.R. 904: Mr. LINCOLN DIAZ-BALART of Florida and Mr. INSLEE.

H.R. 913: Mr. FILNER.

H.R. 930: Mr. LOBIONDO.

H.R. 948: Mr. GERLACH and Mr. LARSEN of Washington.

H.R. 958: Mr. BRADY of Pennsylvania, Mr. BACA, Mr. MCINTYRE, Ms. DELAURO, Mr. TONKO, Ms. BALDWIN, Mr. GUTIERREZ, Ms. MCCOLLUM, Mr. MINNICK, and Mr. RAHALL.

H.R. 964: Mr. ADERHOLT.

H.R. 1021: Mr. RADANOVICH.

H.R. 1064: Mr. WAXMAN, Mr. PLATTS, Mr. WITTMAN, and Mr. WOLF.

H.R. 1066: Ms. SCHWARTZ, Ms. WATERS, and Ms. CLARKE.

H.R. 1074: Mr. CARTER and Mr. LAMBORN.

H.R. 1085: Mr. HOLT.

H.R. 1086: Mr. MCHUGH.

H.R. 1101: Mr. GRIJALVA and Mr. KUCINICH.

H.R. 1126: Mr. TIBERI and Mr. BAIRD.

H.R. 1165: Mr. FILNER.

H.R. 1173: Mr. BRADY of Pennsylvania.

H.R. 1177: Mr. KLEIN of Florida, Mrs. BLACKBURN, Mrs. MYRICK, and Mr. WILSON of South Carolina.

H.R. 1179: Mr. FORBES, Mr. LOBIONDO, Mr. MASSA, Mr. SERRANO, Ms. WATERS, Mr. WU, Mr. BOSWELL, Mr. CONNOLLY of Virginia, and Mr. PETRI.

H.R. 1182: Mr. REYES, Mr. MASSA, Mr. DOYLE, and Mr. PIERLUISI.

H.R. 1185: Ms. BALDWIN.

H.R. 1190: Mr. BACHUS and Mr. HODES.

H.R. 1204: Mr. LARSEN of Washington, Mr. BOYD, and Mr. BACHUS.

H.R. 1207: Mr. JORDAN of Ohio, Mr. HINCHEY, and Mr. ROSKAM.

H.R. 1213: Mr. GORDON of Tennessee, Ms. SCHAKOWSKY, and Mr. GONZALEZ.

H.R. 1283: Mr. QUIGLEY.

H.R. 1293: Mr. CASSIDY and Ms. ROS-LEHTINEN.

H.R. 1295: Mr. KING of New York.

H.R. 1302: Mr. LATHAM.

H.R. 1303: Ms. NORTON.

H.R. 1310: Ms. SPEIER and Ms. RICHARDSON.

H.R. 1313: Mr. FOSTER, Mr. GONZALEZ, and Mr. GINGREY of Georgia.

H.R. 1322: Mr. GENE GREEN of Texas, Mr. LOEBSACK, Ms. MCCOLLUM, Mr. HINCHEY, Mr. LYNCH, Mr. WILSON of Ohio, Mr. HOLT, Mr. WU, Mr. FILNER, and Mrs. MALONEY.

H.R. 1327: Mr. HEINRICH, Mr. LEVIN, Mr. PAYNE, and Mr. COURTNEY.

H.R. 1339: Mr. BOYD and Mr. RYAN of Ohio.

H.R. 1346: Ms. ROS-LEHTINEN, Mr. MILLER of North Carolina, and Mrs. HALVORSON.

H.R. 1349: Mr. KILDEE.

H.R. 1362: Mr. PASCRELL, Mr. GALLEGLY, and Mr. REICHERT.

H.R. 1380: Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. BUTTERFIELD, Mr. LANGEVIN, Mr. BOREN, Mr. BACA, Ms. WATSON, Mr. SCOTT of Georgia, Mr. JOHNSON of Georgia, Mr. SNYDER, Mr. CONNOLLY of Virginia, Mr. SCOTT of Virginia, Ms. DELAURO, Ms. FUDGE, and Mr. CARNEY.

H.R. 1389: Mr. RODRIGUEZ.

H.R. 1392: Ms. WATERS and Ms. CORRINE BROWN of Florida.

H.R. 1441: Mr. PRICE of Georgia and Mr. BURTON of Indiana.

H.R. 1454: Mr. MCCOTTER, Mr. BUTTERFIELD, Mr. ISRAEL, Mr. CONNOLLY of Virginia, Mr. LATHAM, and Mr. MCMAHON.

H.R. 1458: Ms. WOOLSEY, Mr. LOBIONDO, Mr. MARSHALL, Mr. INSLEE, and Mr. MCCOTTER.

H.R. 1474: Mr. LOEBSACK, Mr. TANNER, and Mr. GUTIERREZ.

H.R. 1475: Mr. WAXMAN and Ms. ZOE LOFGREN of California.

H.R. 1479: Mr. HONDA, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, and Mr. MEEKS of New York.

H.R. 1505: Ms. GRANGER.

H.R. 1521: Mr. GERLACH, Ms. ROYBAL-ALLARD, Ms. MATSUI, Mr. STEARNS, Mr. LANCE, Mr. DAVIS of Kentucky, Mr. BROWN of South Carolina, Mrs. CAPPS, Mr. WILSON of South Carolina, Mr. PAYNE, Mr. HINOJOSA, Mr. LOBIONDO, and Mr. ADLER of New Jersey.

H.R. 1523: Mr. KUCINICH, Mr. SMITH of New Jersey, Mr. RUSH, Mr. QUIGLEY, Mr. TONKO, Mr. FILNER, Mr. GUTIERREZ, and Mr. INSLEE.

H.R. 1545: Ms. KILROY and Mr. MCMAHON.

H.R. 1548: Mrs. HALVORSON, Mr. CASSIDY, Mrs. MCMORRIS RODGERS, Mr. GONZALEZ, Mr. GRAVES, and Mr. POE of Texas.

H.R. 1551: Ms. EDWARDS of Maryland, Mr. CARSON of Indiana, Mr. MASSA, Mr. ELLISON, and Mr. SARBANES.

H.R. 1552: Mr. CALVERT and Ms. MARKEY of Colorado.

H.R. 1577: Mr. NYE.

H.R. 1584: Mr. KING of New York and Mr. COURTNEY.

H.R. 1588: Mr. THORNBERRY and Mr. WAMP.

H.R. 1596: Mr. COURTNEY.

H.R. 1604: Mr. GUTIERREZ.

H.R. 1612: Mr. SARBANES, Mr. FILNER, Mrs. CAPPS, Mr. PAYNE, Ms. HIRONO, and Mr. KILDEE.

H.R. 1616: Mr. GEORGE MILLER of California, Mr. CROWLEY, Mr. CONNOLLY of Virginia, Mr. KUCINICH, Mr. ELLISON, Ms. BERKLEY, and Mr. HOLT.

H.R. 1618: Mr. WU, Ms. FUDGE, and Ms. WATERS.

H.R. 1620: Mr. GOODLATTE.

H.R. 1633: Mr. WAXMAN and Mr. JONES.

H.R. 1646: Mr. WOLF, Mr. GORDON of Tennessee, and Mrs. BONO MACK.

H.R. 1675: Ms. MOORE of Wisconsin.

H.R. 1684: Mr. CARTER, Mr. CANTOR, Mr. MATHESON, Mr. MCCOTTER, and Mr. TIAHRT.

H.R. 1685: Mr. ELLISON and Ms. CLARKE.

H.R. 1691: Mrs. BONO MACK and Mr. WAMP.

H.R. 1708: Mr. CONNOLLY of Virginia, Mr. FILNER, Mr. SCOTT of Georgia, and Mr. MCINTYRE.

H.R. 1740: Mr. GERLACH.

H.R. 1751: Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. ELLISON, and Mr. MCDERMOTT.

H.R. 1790: Mr. GRIJALVA.

H.R. 1799: Mr. BARTLETT.

H.R. 1826: Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. HARE, Mr. CONNOLLY of Virginia, Mr. HODES, and Mr. HONDA.

H.R. 1835: Mr. MCCOTTER, Mr. CUELLAR, Mr. PIERLUISI, Mr. SNYDER, Mr. SALAZAR, and Ms. NORTON.

H.R. 1836: Mr. CALVERT.

H.R. 1845: Mr. DOYLE and Mr. THOMPSON of Pennsylvania.

H.R. 1848: Mr. TONKO.

H.R. 1868: Mr. GARRETT of New Jersey, Mr. BILIRAKIS, Mr. COBLE, Mr. FORTENBERRY, Mr. ROGERS of Alabama, Mr. SMITH of Texas, Mr. POSEY, Mr. BACHUS, Mr. BONNER, Mr. CARTER, Mr. GRAVES, Mr. HALL of Texas, Mr. MCKEON, Mr. MICA, Mr. PITTS, Mr. ROSKAM, Mr. SESSIONS, Mr. SOUDER, Mr. STEARNS, Mr. SHUSTER, Mr. SULLIVAN, Mr. WAMP, Mr. WILSON of South Carolina, Mr. BURGESS, and Mr. PENCE.

H.R. 1897: Mr. MICHAUD, Mr. WEXLER, Mr. GRAYSON, Mr. DEFAZIO, Mr. CALVERT, Mr. GERLACH, Mr. ROONEY, and Mr. PAUL.

H.R. 1903: Mr. POSEY.

H.R. 1912: Mr. WELCH, Mr. GRIJALVA, Mr. TONKO, and Mr. HINCHEY.

H.R. 1927: Mr. COHEN, Mr. ANDREWS, Ms. NORTON, Mr. LATHAM, and Mr. HINCHEY.

H.R. 1932: Mr. KUCINICH.

H.R. 1934: Mrs. BIGGERT.

H.R. 1956: Mr. ELLISON, Mr. ABERCROMBIE, and Mrs. BACHMANN.

H.R. 1958: Mr. GRIJALVA and Ms. ROS-LEHTINEN.

H.R. 1963: Mr. MEEK of Florida and Mr. BRADY of Pennsylvania.

H.R. 1969: Mr. MCCOTTER.

H.R. 1985: Mr. FORBES.

H.R. 2002: Mr. PITTS.

H.R. 2009: Mr. SCHOCK.

H.R. 2016: Mr. GRIJALVA.

H.R. 2017: Mr. SPRATT, Mr. KLEIN of Florida, Mr. YOUNG of Alaska, Mr. BROWN of South Carolina, Mr. KIND, Mr. GORDON of Tennessee, Mr. MCCAUL, Mr. TIBERI, and Mr. PLATTS.

H.R. 2027: Mr. CONAWAY.

H.R. 2028: Mr. PLATTS.

H.R. 2030: Mr. LINDER and Mr. GUTIERREZ.

H.R. 2031: Mr. COURTNEY.

H.R. 2056: Mr. GRIJALVA.

H.R. 2060: Mr. GRIJALVA, Mr. PIERLUISI, and Mr. LANGEVIN.

H.R. 2064: Mr. BURTON of Indiana.

H.R. 2067: Ms. ROYBAL-ALLARD.

H.R. 2076: Mrs. DAVIS of California and Mr. WAXMAN.

H.R. 2093: Mrs. DAHLKEMPER.

H.R. 2095: Mr. LARSON of Connecticut and Mr. HASTINGS of Florida.

H.R. 2102: Mr. DICKS and Mr. MOORE of Kansas.

H.R. 2115: Mr. LoBiondo.
H.R. 2129: Mr. Hall of New York and Mrs. Capps.
H.R. 2138: Mr. Al Green of Texas.
H.R. 2139: Mr. Nadler of New York, Mr. Michaud, Mr. Waxman, Mrs. Davis of California, and Mr. Bishop of New York.
H.R. 2149: Mr. Wu and Mr. McCotter.
H.R. 2160: Mr. Bartlett and Mr. Gordon of Tennessee.
H.R. 2161: Mr. Sarbanes.
H.R. 2190: Ms. DeGette.
H.R. 2194: Mr. Larson of Connecticut, Mr. Griffith, Mr. Bishop of New York, Mr. Davis of Tennessee, Ms. Granger, Mr. Carter, Mr. Roskam, Mr. Price of Georgia, Mr. Wilson of Ohio, Mr. Davis of Alabama, Mr. Visclosky, Mr. Boyd, and Mr. Cleaver.
H.R. 2209: Ms. Waters and Mr. Stark.
H.R. 2243: Mr. Cassidy.
H.R. 2246: Mr. Scott of Virginia and Mr. Ellison.
H.R. 2261: Mr. McCotter.
H.R. 2269: Mr. Rush, Ms. Jackson-Lee of Texas, and Mr. Brady of Pennsylvania.
H.R. 2274: Mr. Franks of Arizona, Ms. Foxx, and Mr. Tiahrt.
H.R. 2279: Ms. Waters.
H.R. 2287: Mr. Culberson, Mr. Brown of South Carolina, Mr. Wamp, and Mrs. Blackburn.
H.R. 2289: Ms. Jackson-Lee of Texas.
H.R. 2294: Mr. Akin, Mr. Buchanan, and Mr. Radanovich.
H.R. 2296: Mr. Carter, Mr. Ross, Mr. Burton of Indiana, Ms. Herseth Sandlin, Mr. Childers, Mr. Chandler, Mr. Gordon of Tennessee, Mr. Boustany, Mr. Wilson of Ohio, Mr. Boucher, Mr. Peterson, Mr. Walz, Mr. Cassidy, Mr. Boozman, Mr. Carney, and Mr. Davis of Alabama.
H.R. 2298: Ms. Berkley.
H.R. 2300: Mr. Ryan of Wisconsin and Mr. Brown of South Carolina.
H.R. 2311: Mr. Connolly of Virginia.
H.R. 2312: Mr. Connolly of Virginia.
H.R. 2313: Mr. Connolly of Virginia.
H.R. 2329: Mr. Chaffetz, Ms. McCollum, Ms. Ros-Lehtinen, Mr. Grijalva, Mr. Miller of North Carolina, Mr. Wilson of Ohio, Mr. Etheridge, Mr. Burgess, Mr. Hinchey, Mr. Courtney, Mr. Tonko, Ms. Bordallo, and Mr. Filner.
H.R. 2339: Mr. Grayson.
H.R. 2345: Mr. Larsen of Washington, Mr. Putnam, and Mr. Hastings of Washington.
H.R. 2349: Ms. Kaptur.
H.R. 2350: Mr. Oberstar and Mr. McMahon.
H.R. 2358: Ms. Schakowsky and Ms. Roybal-Allard.
H.R. 2365: Ms. Kaptur and Mr. Space.
H.R. 2368: Mr. Filner.
H.R. 2373: Mr. Bishop of Georgia, Mr. Rothman of New Jersey, Mr. Braley of Iowa, Mr. Boucher, Mr. Visclosky, Mr. Barrow, Mr. Frelinghuysen, Mr. Lewis of Georgia, Mr. Oberstar, Mr. Smith of New Jersey, Mr. Hinchey, and Mr. Scott of Georgia.
H.R. 2393: Mr. Jones, Mr. Wittman, and Mr. Wilson of South Carolina.
H.R. 2401: Ms. Norton.
H.R. 2404: Ms. Hirono.
H.R. 2408: Mr. Israel, Mrs. Miller of Michigan, and Mrs. Bono Mack.
H.R. 2414: Mr. Reyes.
H.R. 2415: Mr. Hall of New York, Ms. Bordallo, and Mr. Sires.
H.R. 2416: Mr. Hall of New York, Ms. Bordallo, and Mr. Sires.
H.R. 2424: Mr. Cummings.
H.R. 2427: Mr. Filner.
H.R. 2448: Ms. Shea-Porter, Mr. Courtney, Mr. Platts, Mr. Welch, and Mr. Wexler.
H.R. 2452: Mr. Childers, Mrs. Maloney, Mr. Carney, Ms. Schwartz, Mr. Gohmert, and Mr. Israel.
H.R. 2453: Mr. Davis of Tennessee.
H.R. 2458: Mr. Carter.
H.R. 2474: Ms. Watson, Mrs. Napolitano, Mr. Baca, and Mr. Stark.
H.R. 2478: Ms. Lee of California, Ms. Moore of Wisconsin, and Mr. Moran of Virginia.
H.R. 2493: Mr. Higgins.
H.R. 2499: Mr. Thompson of Pennsylvania, Mr. Peterson, Mr. Kucinich, Mr. Al Green of Texas, Mr. Culberson, Mr. Carson of Indiana, Ms. Sutton, and Mr. Price of North Carolina.
H.R. 2504: Mr. Hare.
H.R. 2509: Mr. Franks of Arizona and Mr. Mitchell.
H.R. 2515: Ms. Schakowsky.
H.R. 2516: Mrs. Lummis.
H.R. 2517: Ms. Clarke, Mr. Hinchey, Mr. Israel, Mr. Meek of Florida, Mr. Larson of Connecticut, Mr. Sestak, Mr. DeFazio, and Mr. Frank of Massachusetts.
H.R. 2523: Mr. Luján, Ms. McCollum, and Mr. Kildee.
H.R. 2525: Mr. Smith of New Jersey, Mr. Holt, and Mr. Filner.
H.R. 2554: Mr. Souder, Mr. Berry, Mr. Lance, and Mr. Roskam.
H.R. 2555: Mr. Johnson of Georgia, Mr. Capuano, Mr. Ellison, Ms. Hirono, Mr. Moran of Virginia, Mr. Pierluisi, and Mr. Mario Diaz-Balart of Florida.
H.R. 2559: Mr. Walz.
H.R. 2567: Mr. George Miller of California, Mr. Ellison, Mr. Boucher, and Ms. Bean.
H.R. 2568: Mr. Costa and Ms. Woolsey.
H.R. 2571: Mr. Murphy of Connecticut.
H.R. 2583: Ms. Bordallo.
H.R. 2594: Mr. Minnick, Mr. Wamp, Mr. Boren, and Mr. Culberson.
H.R. 2608: Mr. Aderholt, Mr. Burton of Indiana, Mr. Daniel E. Lungren of California, Mr. Harper, Mr. Costello, Mr. Barrett of South Carolina, Mr. Souder, Mr. Childers, Mr. Wamp, Mrs. McMorris Rodgers, Mr. Pitts, and Mr. Hoekstra.
H.R. 2613: Mr. Rothman of New Jersey.
H.J. Res. 26: Mr. Snyder.
H.J. Res. 47: Mrs. Biggert, Mr. Manzullo, Mr. Shuster, Mr. McCaul, Mrs. Blackburn, Mr. Kagen, Mr. Platts, Mr. Edwards of Texas, and Mr. Wolf.
H. Con. Res. 18: Mr. Stark.
H. Con. Res. 46: Mr. Filner.
H. Con. Res. 49: Mr. Kildee, Mr. Bilirakis, Mr. Lance, Ms. Berkley, Mr. Teague, Mr. Luján, Mr. Royce, Ms. Schwartz, Mr. Inglis, and Mr. Kind.
H. Con. Res. 57: Mr. Connolly of Virginia.
H. Con. Res. 59: Mr. Fleming and Mr. Latham.
H. Con. Res. 74: Ms. Bordallo and Mr. Payne.
H. Con. Res. 91: Mr. Rangel.
H. Con. Res. 98: Ms. DeLauro.
H. Con. Res. 102: Mr. Kennedy, Ms. McCollum, Mr. Miller of North Carolina, and Mr. Connolly of Virginia.
H. Con. Res. 108: Ms. Moore of Wisconsin and Ms. Shea-Porter.
H. Con. Res. 109: Mr. Altmire, Mr. Thompson of Pennsylvania, Mr. Walden, Ms. Shea-Porter, Mrs. Blackburn, Mr. Pallone, and Mr. Calvert.
H. Con. Res. 117: Mr. Hare.
H. Con. Res. 118: Mr. Holt.
H. Con. Res. 123: Mr. Calvert, Mr. Posey, and Mr. Moore of Kansas.
H. Con. Res. 127: Mr. Conyers, Ms. Norton, Ms. Wasserman Schultz, Mr. Watt, Mr. Faleomavaega, Mr. Cleaver, Mr. Hinchey, Mr. Thompson of Mississippi, Mr. Rush, Ms. Castor of Florida, Mr. McGovern, Mr. Davis of Illinois, Mr. Serrano, Mr. Gonzalez, Mr. Stark, Mr. Berman, Ms. Richardson, Mr. Gutierrez, Mr. Cummings, Mr. Sablan, Ms. Velázquez, and Mr. Carson of Indiana.
H. Con. Res. 131: Mrs. Bachmann, Mrs. Blackburn, Mr. Boustany, Mr. Carter, Mr. Conaway, Mr. Herger, Mr. Jordan of Ohio, Mr. Miller of Florida, Mr. Roe of Tennessee, Mr. Rogers of Michigan, Mrs. Schmidt, Mr. Fortenberry, Mr. Sensenbrenner, Mr. Pitts, Mr. McClintock, and Mr. King of New York.
H. Con. Res. 135: Mr. McCarthy of California and Ms. Richardson.
H. Con. Res. 136: Mr. Cummings.
H. Res. 54: Mr. Tiahrt.
H. Res. 57: Ms. Norton.
H. Res. 69: Mr. Cardoza, Mr. Berman, Mr. Rodriguez, Mr. Filner, and Mr. Luján.
H. Res. 89: Mr. Altmire, Ms. Titus, Mr. Maffei, Mr. Luján, Mr. Carney, and Ms. Watson.
H. Res. 111: Mr. Pascrell, Mr. Akin, Mr. Boren, and Ms. Pingree of Maine.
H. Res. 130: Mr. Courtney.
H. Res. 150: Mr. Filner.
H. Res. 156: Mr. Young of Alaska, Mr. Wamp, and Mr. Tiberi.
H. Res. 175: Mr. Wamp and Mr. Calvert.
H. Res. 225: Mr. Poe of Texas and Mr. Culberson.
H. Res. 232: Mr. Davis of Kentucky and Mr. Sestak.
H. Res. 259: Mr. Scalise, Mr. Boren, Mr. Poe of Texas, Mr. Wamp, Mr. McHenry, and Mr. Nye.
H. Res. 260: Ms. Clarke, Mr. Clyburn, Mr. Paulsen, Mr. Filner, Ms. Richardson, Mr. Barrow, and Ms. Schakowsky.
H. Res. 274: Ms. Schakowsky and Mr. Rangel.
H. Res. 285: Mr. Lewis of Georgia and Mr. Hoekstra.
H. Res. 309: Mr. Calvert, Mr. Inglis, and Mr. Royce.
H. Res. 314: Ms. Sutton, Mr. Blumenauer, Ms. Castor of Florida, Mr. Capuano, Mr. Davis of Illinois, Mr. Higgins, Mr. Moran of Virginia, Mr. Mack, Mrs. Bono Mack, Mr. Langevin, Ms. Tsongas, Mrs. Davis of California, Ms. Giffords, Mr. Luján, Mr. Becerra, Mr. McMahon, Mr. Peters, and Mr. Schrader.
H. Res. 318: Mr. Taylor, Mr. Latta, and Mr. Burton of Indiana.
H. Res. 330: Mr. Brady of Pennsylvania, Mr. Childers, Mr. Matheson, Mr. Cardoza, Mr. Inglis, Mr. Miller of North Carolina, Mr. Spratt, Mr. Peterson, Mr. Davis of Alabama, Mr. Massa, and Mr. Kline of Minnesota.
H. Res. 364: Ms. Schwartz, Mrs. Tauscher, Mr. Markey of Massachusetts, Mr. Gutierrez, and Mr. Pierluisi.
H. Res. 383: Mr. Hinchey.
H. Res. 394: Mr. Rohrabacher.
H. Res. 397: Mr. Sam Johnson of Texas and Mr. Gordon of Tennessee.
H. Res. 407: Ms. Schakowsky, Mr. Pierluisi, and Mr. Weiner.
H. Res. 408: Mr. Hunter.
H. Res. 409: Mr. Chaffetz, Mr. Burgess, Mr. Latta, and Mr. Calvert.
H. Res. 418: Mr. Price of Georgia.
H. Res. 420: Mr. Skelton, Mr. Manzullo, Mr. Pitts, Mrs. Kirkpatrick of Arizona, Mr. Burgess, and Mr. Fleming.
H. Res. 429: Mr. Pastor of Arizona, Ms. Bean, Mr. Tanner, Mr. Carney, Mr. Boucher, Mr. Abercrombie, and Mr. Cardoza.
H. Res. 440: Mr. Schrader.
H. Res. 465: Mr. Jones, Mr. Kingston, Mr. McIntyre, Ms. Wasserman Schultz, and Mr. Wilson of South Carolina.
H. Res. 467: Mr. LaTourette, Mr. Ryan of Ohio, Ms. Kaptur, Mr. Kucinich, Mr. Austria, and Mr. Driehaus.
H. Res. 471: Mr. Aderholt, Mr. Connolly of Virginia, Mr. Young of Florida, and Mr. Bishop of New York.
H. Res. 475: Mr. McDermott, Mr. Price of North Carolina, and Ms. Edwards of Maryland.
H. Res. 476: Ms. Richardson, Ms. Fudge, Mr. Bishop of Georgia, Mr. Cooper, Mr.

RUSH, Mr. SERRANO, Mr. SAM JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. ISRAEL, Mr. MEEK of Florida, Mr. FATTAH, Mr. BUTTERFIELD, Ms. CORRINE BROWN of Florida, Mr. SKELTON, and Ms. MOORE of Wisconsin.

H. Res. 480: Mr. MORAN of Virginia, Mr. HALL of New York, Mr. FARR, and Mr. FILNER.

H. Res. 483: Mr. SPRATT, Ms. MCCOLLUM, Mr. ROGERS of Kentucky, Mrs. BLACKBURN, Mr. WALZ, Mr. ORTIZ, and Mr. GINGREY of Georgia.

H. Res. 484: Mr. MCDERMOTT.

H. Res. 486: Mr. PAYNE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

Amendment number 1 to be offered by Representative GOODLATTE of Virginia, or a designee, to H.R. 1385, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

36. The SPEAKER presented a petition of the California Federation of Teachers (CFT), AFT, AFL-CIO, relative to 2009 CFT RESOLUTION 23 to Protect the human rights of child soldiers Omar Khadr and Mohammed Jawad; to the Committee on Armed Services.

37. Also, a petition of the Town of Shandaken, New York, relative to RESOLUTION #63 requesting the United States Congress, Governor of New York, New York State Legislature and New York State Board of Elections to enact laws, rules and regulations and take all other needed actions to specifically authorize the continued use of lever voting machines; to the Committee on House Administration.

38. Also, a petition of the Democratic Party of Douglas County, Oregon, relative to RESOLUTION NO. 2009-40 supporting Representative Conyer's investigation of Judge Bybee's role in authoring the ''Torture Memo'' of August 1, 2002; to the Committee on the Judiciary.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, JUNE 2, 2009 No. 81

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

Eternal Father, we thank You for another day with its fresh promise, its opportunities and duties. As our bodies are renewed, so give strength to our minds and hearts to glorify You in our lives.

Be near our Senators as they labor. For their added burdens, give them increased strength. Lord, to all who serve in the government, provide a full measure of grace and wisdom that all things may be ordered according to Your will. Help our lawmakers to be faithful and obedient to Your vision for our Nation as You keep them from becoming weary in their pursuit of Your purposes.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 2, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 11 a.m., with the time equally divided between the two leaders or their designees and with Senators permitted to speak for up to 10 minutes each. At 11 a.m., the Senate will turn to executive session and immediately proceed to vote on confirmation of Regina McCarthy to be an Assistant Administrator of the Environmental Protection Agency. It is expected that will be a voice vote, but we will have to wait and see.

Upon disposition of the nomination, the Senate will resume legislative session and proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. Therefore, Senators should expect at least one rollcall vote to begin at 11 a.m. The Senate will recess from 12:30 until 2:15 today to allow for the weekly caucus luncheons.

Mr. President, I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, yesterday I noted that all of us wish to reform health care but that we need to do so without sacrificing what Americans like about our current system. They like the freedom, they like the choice, they like the quality of care, they like the options, and they like the efficiency. I also noted that the kind of government takeover of health care that some of our Democratic friends are contemplating could lead to a decline in every one of those things. This morning, I wish to explain in a little greater detail how it could happen.

The first point I wish to make is that the very concept of a government option is itself misleading. What starts out as an option could quickly become the only option. This is clear to anyone who realizes that, unlike market-based health plans, any government-run plan would have unlimited access to taxpayer money and could use that money to subsidize the cost of services, and artificially lower prices would make the government-run plan more attractive to individuals and businesses. Some say this could be avoided by creating ''safeguards'' to ensure a level playing field for the market-based insurers and a government plan. But no safeguard could create a truly level playing field, and any safeguard could easily be eliminated once a government plan is enacted. A government plan would also be able to operate at a loss—a loss the taxpayers would have to cover one way or another.

Government could also keep health care costs artificially low by paying providers less than private insurers do, just as it already does with both Medicare and Medicaid. At first blush, that

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

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may actually sound appealing, but as we know, there is no such thing as a free lunch. Let me explain.

Right now, doctors and hospitals make up the difference between what a procedure costs and what the government is willing to pay for it by passing those costs on to private insurers. But doctors and hospitals would likely get even less under a new government health plan, so they would shift even more costs on to private insurers, who would then raise rates for individuals and businesses even higher than they were before. Once these higher rates take effect, employers would be all but certain to start encouraging workers to enroll in the government-run plan.

As a result of all of this, it is easy to see how private market health plans would become more and more expensive and thus less and less affordable and accessible. At some point, private health plans would likely be crowded out altogether, and government care would be the only option left. That is where the delays and the denied care would begin to kick in. Under a government system, Americans would have no choice but to accept all the bureaucratic hassles and the endless time spent on hold waiting for a government service representative to take their calls. They would also have to deal with all of the restrictions of care that inevitably follow. What is being advertised as an option will eventually lead to delays—delays in testing, delays in diagnosis, and delays in treatment.

So the question Americans need to ask themselves is whether this is the reform they really want. Do we really want a government takeover of health care, because that is what a so-called government option would lead to in very short order. Americans need to realize that when someone says ''government option,'' what could really occur is a government takeover that soon could lead to government bureaucrats denying and delaying care and telling Americans what kind of care they can have.

The irony in all of this is that as a result of a government takeover of health care, the private plans tens of millions of Americans currently enjoy will eventually only be available to just a very few wealthy Americans—to those who are able to pay for more health care than they currently have and like. According to a recent study, 119 million Americans would lose the private coverage they currently have as a consequence of a government plan. The best options would only remain available to a select few.

Over the last few months, we have seen government getting involved in virtually every aspect of our economy. Washington is suddenly running the banks and the auto companies. Now it is thinking about running America's health care. The results, I am afraid, would not lead to the kinds of reforms Americans really want in their health care. Instead, it would lead to a system that most Americans would deeply regret.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hillary Chandler Tompkins to be Solicitor of the Department of the Interior; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that no further motions be in order; that any statements related to the nomination be printed in the RECORD; that upon confirmation, the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will have to object, I would just say to my friend from New Mexico, we have not been able to get that nomination cleared yet on this side, but we will be consulting with the Republican colleagues and at some point let him know whether it is possible to go forward. Therefore, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, let me briefly describe the circumstances that caused me to make this unanimous-consent request. I am obviously disappointed there has been an objection raised to the confirmation of Ms. Tompkins. I am advised that one or more Republican Members have placed an anonymous hold on her nomination.

The Solicitor of the Department of the Interior—the office to which the President has nominated Ms. Tompkins—is one of the most important posts in the Department of the Interior and one of the most important legal positions in our government. The Department of the Interior has broad authority over the administration and care of our public lands and natural resources. Its many offices and bureaus face daily a broad range of legal issues requiring special expertise in public land law, mining law, water rights law, Indian law, and wildlife law. The Solicitor is the Department's general counsel. She is solely responsible for the legal work of the Department. By law, all the legal work of the Department is performed under the supervision and direction of the Solicitor. She is responsible for the interpretation and application of the legal authority affecting all of the actions taken under the Department of the Interior's programs and operations.

The job requires a deep knowledge of the law, professional experience, and sound judgment. In my view, the President has nominated such a person—a person with demonstrated ability and stature in this field in the person of Hillary Tompkins. She earned a law degree at Stanford University Law School in 1996. She served as a trial attorney in the Environment and Natural Resources Division of the Department of Justice, as a special Assistant U.S. Attorney in Brooklyn, as an associate in Sonosky Chambers, one of the Nation's leading law firms specializing in Native American law, as chief counsel to the Governor of New Mexico, and as an adjunct law professor at the University of New Mexico Law School.

As chief counsel to Governor Bill Richardson, Ms. Tompkins demonstrated her ability to lead and manage a team of lawyers, to oversee the general counsels of multiple agencies, and to render sound legal advice and counsel.

She will bring to the Solicitor's office considerable expertise in the areas of environmental, natural resources, water, and Indian law, as well as experience in the areas of constitutional law, administrative law, and the legislative process.

In addition, Ms. Tompkins has a compelling personal story. She was born on the Navajo reservation, and although she was raised in New Jersey, she has not lost touch with her Navajo heritage. If confirmed, she will be the first Native American, and only the second woman, to hold the office of Solicitor.

It is unclear to me why anyone would object to confirming Ms. Tompkins. She is clearly well qualified for the position. At her hearing in April and in the weeks since then, Senators on the other side of the aisle have expressed their concerns about departmental policies, over which Ms. Tompkins has had no control and no responsibility. Secretary Salazar has bent over backwards to address those concerns, and it is my understanding all of those concerns now have been addressed.

In any event, Senators had chosen to place holds on David Hayes's nomination to be the Deputy Secretary of the Interior, rather than on Ms. Tompkins' nomination, pending resolution of their concerns. The holds on Mr. Hayes's nomination were lifted before the recess, and he and all of the other Department of the Interior nominees have now been confirmed. Only Ms. Tompkins' nomination is still being blocked.

Many of the most pressing problems facing the Department of the Interior

are legal ones. During its final weeks, the previous administration took a number of controversial actions. In its rush to lock in those actions before it left office, the previous administration failed to give adequate consideration to various legal requirements. As a result, several of those actions have been overturned by the courts.

Secretary Salazar has inherited this legacy and is doing his best to address these problems. But he needs a Solicitor. More than 4 months into the new administration, the Department of the Interior should not still be without its top legal officer. And Ms. Tompkins should not still be the victim of anonymous holds.

DEATH OF ANASTASIOS ''TASS'' HATJIKIRIAKOS

Mr. BINGAMAN. Mr. President, I was deeply sorry to learn this morning of the death of a long-time Senate employee and friend, ''Mr. Tass.'' An integral part of the Senate Resataurants staff for many years, he was a great friend to me and to my office.

He died on Sunday from injuries received when he was hit by a car in Silver Spring. All of us who knew him and appreciated his service to the Senate join his family and friends in mourning his loss. He—and they—are in our thoughts and prayers.

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

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

REGINA McCARTHY

Mr. BARRASSO. Mr. President, I rise today to offer my concerns regarding the nomination of Regina McCarthy to be the Administrator for the Office of Air and Radiation in the Environmental Protection Agency.

For the past few weeks, I have been seeking responses from the nominee and the administration on their efforts to use the Clean Air Act to regulate climate change.

I have put a hold on her because I have serious concerns about the EPA using the Clean Air Act to regulate climate change.

I want to know the plan that the nominee will implement. I want to know how she will protect businesses, farms, hospitals, and nursing homes from the effects of the EPA's endangerment finding.

As you know, the endangerment finding designates CO_2 as a harmful pollutant to public health under the Clean Air Act.

The finding's effects on the Clean Air Act will require EPA to regulate any building, structure, facility or installation that emits more than 250 tons of a CO_2 in a year.

The result would be thousands of lost jobs, with no environmental benefit to show for it.

Hospitals, schools, farms, commercial building and nursing homes will be required to obtain preconstruction permits for their activities. EPA says this will not occur, that they will use discretion and good judgment.

According to legal scholars, the statutory language in the Clean Air Act is mandatory and does not leave any room for EPA to exercise discretion or create exceptions.

The only jobs that will be created are in law firms as the litigation bonanza begins. EPA will be sued by environmental groups wanting to eliminate exempted sectors. The EPA will also be sued by industries not exempted.

It will, as Democrat Congressman JOHN DINGELL stated, be a glorious mess.

I have nothing personal against Mrs. McCarthy. I simply wanted an answer to a question, the same question Americans all across our country want answered: How are you going to protect them?

I still do not have a credible answer to this question. I am tired of the stonewalling.

Mrs. McCarthy believes that she can not answer the question until she is confirmed by the Senate. That answer, I believe, is not good enough.

She has also stated that she wanted to be informed of any potential lawsuit. She stated she wanted to discuss the issue with the litigants in the hopes of convincing them not to sue.

Government officials can't go around the country trying to convince every litigant, whether it be a national environmental group or a local group, not to sue.

I have also posed this same question to the EPA Administrator in the hopes that she could provide EPA's plan on behalf of Ms. McCarthy.

EPA Administrator Lisa Jackson says that she can target what she regulates. She claims she will only target cars and trucks.

That is setting the precedent of picking winners and losers. We do not know what standards will be applied to make those decisions. We do not know what role politics will play in these decisions.

Administrator Jackson's statement also ignores the regulatory cascade that the endangerment finding and the motor vehicle emission standards will certainly trigger.

Litigators and courts will drive much of this job-killing regulation.

We have a nominee to head up the EPA's Air Office, Ms. Regina McCarthy. We have an Administrator of the EPA and we have a climate and energy czar who is supposed to coordinate climate change policy for the administration.

Carol Browner, the climate and energy czar has not been confirmed by Congress. We do not know who is developing a roadmap for how to use the Clean Air Act to regulate climate change.

What jobs in what industries will be kept? Which industries will be penalized? Who will be held accountable for making these decisions?

The economic consequences of the ticking timebomb will be devastating.

By the EPA's own estimate, the typical preconstruction permit in 2007 cost each applicant $125,000 and 866 hours to obtain.

Ranchers or private nursing homes have no background in this area. They will need to hire lawyers. They will need to hire experts. They will be taking time out of their day to figure out all this redtape.

This will create such a fog of uncertainty with investors and small businesses. This makes small businesses even riskier to lend money to; nobody will know how much this will cost their business.

With lending having already ground to a halt, this is hardly the right move to help our economy.

According to the U.S. Chamber of Commerce, there are 1.2 million schools, hospitals, nursing homes, farms, small businesses, and other commercial entities that would be vulnerable to new controls, monitoring, paperwork, and litigation.

If even 1 percent of the 1.2 million have to get preconstruction permits, that would mean 12,000 new preconstruction permits a year.

By the EPA's own analysis, if permitting is increased by just two to three thousand, this would impose ''significant new costs and an administrative burden on permitting authorities.''

According to the EPA, this ''could overwhelm permitting authorities.''

The net result of all of this will be thousands of jobs lost.

As I have stated previously on the floor, if the administration can not tell us by what legal authority they can pick winners and losers, if the administration can not provide economic certainty to lenders and businesses, if the administration does not know how they will deal with all the thousands of new preconstruction permits, they should take this job killing option off the table.

There appears to be such a frenzy of political pressure from special interests to pass something on climate change.

The pressure has reached the point where enacting any climate change policy before Copenhagen is more important than addressing its aftermath.

The thinking is, just get something done on climate change. We will deal with the impacts later.

That's not how you make good policy.

But that is exactly what is going on here.

The President's own attorneys, from a host of Federal agencies, have expressed concerns with this approach.

Their concerns were contained in a memo.

This memo is a well thought out, scientific and legal critique of using the Clean Air Act to regulate climate change by the Obama administration.

It confirms the fears of every small business owner, every farmer, school and hospital administrator, both large and small, that the Obama administration knows that using the Clean Air Act to regulate climate change is bad for America.

They know it, but for political reasons, they have ignored the science, the consequences to our economy and the impact to the American people.

The memo states, ''Making the decision to regulate CO_2 under the Clean Air Act for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities. Should EPA later extend this finding to stationary sources, small businesses and institutions would be subject to costly regulatory programs.''

The document also highlights that EPA undertook no ''systemic risk analysis or cost-benefit analysis'' in making their endangerment finding.

The White House legal brief questions the link between the EPA's scientific technical endangerment proposal and the EPA's political summary.

EPA Administrator Jackson said in the endangerment summary that ''scientific findings in totality point to compelling evidence of human-induced climate change, and that serious risks and potential impacts to public health and welfare have been clearly identified . . .''

But the Obama administration's memo states that this is not accurate.

The memo actually questions the science behind designating CO_2 as a health threat stating the scientific data on which the agency relies are ''almost exclusively from non-EPA sources.''

The memo goes on to say the essential behaviors of greenhouse gases are ''not well determined'' and ''not well understood.''

This memo confirms that the administration has so far ignored its own advice.

What is somewhat surprising is that those who express these concerns are ridiculed or, even worse, attacked by administration officials.

In one instance, attempts were made by administration personnel to smear the reputation of a career employee at the Small Business Administration.

This was a person who offered a reasonable and thoughtful critique of the impact the endangerment finding has on small business.

This is unacceptable behavior by the administration.

Strangely enough, not just the authors of the Obama administration legal brief, but also environmental groups, disagree with EPA Administrator Jackson's position that a targeted approach under the Clean Air Act is legal and appropriate.

The Sierra Club's chief climate counsel stated last year that ''the Clean Air Act has language in there that is kind of all or nothing if CO_2 gets regulated and it could be unbelievably complicated and administratively nightmarish.''

I have warned the administration that groups such as these will sue the EPA if the EPA does not capture both large and small emitters. She has dismissed such threats. This is despite the Wall Street Journal report last month that a representative of the Center of Biological Diversity stated her group is prepared to sue for regulation of smaller emitters, such as farms, schools, hospitals, and nursing homes, if the EPA stops at simply the large emitters.

I have asked for a plan from the administration on how she will address losing court cases if the agency is sued for picking winners and losers. Her response in a committee hearing 3 weeks ago is she could not share with me any such plans in that forum.

I have posed the question to the administration: If you can't share information with the elected representatives of the 50 States, then in what forum, if not a Senate hearing, can you share the information?

I am confident the majority believes they have a strong chance at passing something along the lines of the Waxman-Markey bill this Congress regarding climate change. They are hopeful they can get something to the President for him to sign. If hope alone could pass legislation, we could all adjourn early. But hope is not certainty. The negative effects of the endangerment finding on the American economy is certain.

The bottom line is that the nominee, as well as Lisa Jackson and the administration, appears to have no credible plan to use the Clean Air Act in a way to regulate climate change.

There is only one responsible choice for us to make. Let us take this regulatory ticking timebomb off the table. This is why I plan to introduce a bill very soon that will take the Clean Air Act out of the business of regulating climate change.

I wish to give every Member an opportunity to join me in giving the Senate and the American people the time we need to forge a sound energy and climate strategy, a strategy that makes energy as clean as we can—and I am talking about American energy—as clean as we can, as fast as we can, without raising energy prices for American families.

Let's develop all of our energy resources—our wind, our solar, our geothermal, hydro, clean coal, nuclear, and natural gas. We need an ''all of the above'' strategy to address our Nation's needs. As Lisa Jackson, the EPA Director, stated on a recent trip to my home State of Wyoming, ''As a home of wind, coal, and natural gas, Wyoming is at the heart of America's energy future.'' That is because Wyoming has it all—coal, wind, natural gas, oil, and uranium for nuclear power. We have it all, and we need it all. I look forward to working with my colleagues, as well as Ms. Jackson, to make that happen.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

EPA POLICIES

Mr. GRASSLEY. Mr. President, I wish to speak about Regina McCarthy's nomination but not about the nominee or her qualifications. Rather, I will highlight a few concerns I have with the EPA and the burdens being placed on those in rural areas and agriculture because of EPA actions.

A few weeks ago, I had the pleasure of joining President Obama for lunch. While the purpose of the lunch was to discuss health care reform, I took the opportunity to bring up a few concerns I have with EPA and agriculture. In particular, I raised four issues where EPA policies are causing tremendous concern and are burdening family farmers. The issues I raised to the President are indirect land use attributed to biofuels; second, fugitive dust; three, greenhouse gases and livestock producers; and, four, point source pollution permits.

Since that meeting with the President, I have had follow-on meetings with Nancy Sutley, chair of the Council on Environmental Quality and also the President's legislative staff. They heard me out. They seemed sympathetic to the concerns I raised. However, I am not sure the message is being relayed to the EPA bureaucrats.

The first issue pertains to a component of the new Renewable Fuels Standard that requires various biofuels to meet specified lifecycle greenhouse gas emission reductions. The law specifies that lifecycle greenhouse gas emissions are to include direct emissions and significant indirect emissions from indirect land use.

In the proposed rule changes released by EPA last week, they rely on incomplete science and inaccurate assumptions to penalize U.S. biofuels for so-called indirect land-use changes. The fact is, measuring indirect emissions of greenhouse gases is far from a perfect science. There is a great deal of complexity and uncertainty surrounding this issue. Because of this uncertainty, the EPA has committed to an open and transparent review by the public.

The EPA compiled a system of models to analyze land-use impacts of U.S. biofuels policies. They have indicated that these models have been peer reviewed and that they stand up to scientific scrutiny. That is true for the models independently, but—and a big but—it is not true for the way the EPA has overlaid and integrated their models. In addition, the models are not publicly accessible. There is inadequate data in how the models and data have integrated.

As it stands, stakeholders are unable to replicate the EPA's results. So this process is neither open nor is it transparent.

Under the EPA's analysis, ethanol produced from corn reduces greenhouse gas emissions by 16 percent compared to gasoline. However, if you remove the murky science of emissions from indirect land-use changes, corn ethanol reduces greenhouse gas emissions by 61 percent compared to the gasoline. So one can see that sound science plays a very important role in whether ethanol is more environmentally positive or less environmentally positive.

The EPA's models conclude that international land use contributes more in greenhouse gases than the entire direct emissions of ethanol production and use—from the growing of their crops, the production of ethanol at the refinery, up to and including tailpipe emissions. The ripple effects are greater than the direct effects. Wouldn't you think you ought to take more into consideration for the direct effects? The fact is, the model the EPA has cobbled together to measure indirect land use is far from scientific. It is more like a guess.

The rule indicates that itself by including the word ''uncertainty.'' Understand, this is an EPA rule that talks about the science of indirect land-use calculation, and it uses the word ''uncertainty'' more than 60 times.

Even larger in this debate is the role of common sense. It defies logic that the EPA would try to blame a farmer in my State of Iowa for the actions of farmers or developers in Brazil. Do they think Brazilians are waiting to see what I am going to plant on my farm, for instance, before they plant their crops in Brazil? It does not pass the commonsense test. The facts do not support it either.

During the past 5 years, when biodiesel and ethanol production in the United States ramped up, Brazilian soybean acres decreased and corn acres remained unchanged. See, there is no relationship.

Amazon deforestation has also fallen in the past 5 years. A recent study indicated that the primary reason for land clearing was for timber production and land grabbing, followed by cattle farming, not because of ethanol production in the United States. So nowhere on the list—we are talking about a list from a study—was U.S. biofuel production.

I think this debate comes down to a few simple questions: Do we want more production of green fuels or less production? Do we want greater dependency on Iran and Venezuela for energy needs or less dependence? Do we want to increase our national security by reducing foreign dependence on energy?

I don't think the people at EPA get the big picture, and I am pretty sure they don't understand how American agriculture works. While the EPA's actions have a significant impact on the rural economy and the agriculture industry, it is clear the EPA has a lack of understanding of American agriculture. I know this to be the case regarding the indirect land use.

Margo Oge, the Director of the office in charge of this rule, admitted during a committee hearing in the House of Representatives last month that she has never been on a farm in the United States. How can regulators with such a great impact on the agricultural industry have so little understanding of the industry they are regulating? We need to encourage some commonsense thinking in EPA. So I have invited Administrator Lisa Jackson and a number of EPA officials to come to Iowa to visit a farm, to see firsthand how the agricultural industry works.

I have also invited Regina McCarthy, who should be confirmed by the Senate today. She will be Assistant Administrator for the Office of Air and Radiation. I have also invited Margo Oge, the Director I referred to, the Director of the Office of Transportation and Air Quality, the office that wrote these regulations on indirect land-use changes.

Another issue I brought up with the President that I am concerned about is EPA's attempt to regulate particulate matter.

In 2007, the EPA published the ''Clean Air Fine Particle Implementation Rule'' in which the EPA inappropriately opted for the administrative convenience of regulating all particles that fall within the fine PM size range the same, including dust.

Instead they should have appropriately based the regulation on particle composition.

Essentially, this rule treats dust as though it were cigarette smoke, causing the same adverse health issues.

There are no scientific studies that show this to be the fact. Controlling dust from combining soybeans, gravel roads, and feedlots is impossible.

When it comes to a rule in the EPA that you have to keep dust on your farm within the property lines of your farm, think how nonsensical that approach is. Only God determines when the wind blows and only God determines when soybeans have 13 percent moisture and they have to be harvested immediately. We cannot make decisions based on EPA rules of when the wind blows or doesn't. God makes that decision.

Compliance with the more stringent fine PM standard will be unattainable for many farmers and ranchers.

The fine PM standard is health-based and must be met at the property line of each individual operation regardless of cost.

This could essentially require farmers to sell some of their cattle, combine wet crops, or wall in their roads and driveways.

This would be a ridiculous way to regulate agriculture.

The next concern I have with the EPA is their decision not to appeal a Sixth Circuit decision which vacated an EPA rule that exempted pesticides applied under the Clean Water Act.

The EPA rule in question had exempted pesticides applied near or into waters of the United States from obtaining permits when applied in accordance with the Federal Insecticide Fungicide, and Rodenticide Act.

In vacating the rule, the court issued an opinion declaring that agricultural sprayers and nozzles are point-source conveyances and that all residues and excesses of chemical pesticides that remain in water after the beneficial use is completed are ''pollutants'' under the Clean Water Act.

I share concerns of many who represent agricultural states as to how the EPA is going to implement the new permitting process without creating a burden on our farmers.

Producers could face legal liability if a permit is not issued quickly, yet the farmer needs to spray immediately.

I urge the EPA to draft a flexible rule that does not impede a producer's ability to apply pesticides and allows emergency application to be done expeditiously.

If they don't, we are going to have major problems on our farms when bugs, weeds, and disease show up.

The final issue is related to some of Senator BARRASSO's concerns with the nominee we are considering. That is, the direction the EPA is heading toward regulation of greenhouse gases under the Clean Air Act.

While this could have wide ranging, unforeseen effects on all sorts of small businesses, I want to talk about how agriculture could be affected.

The Clean Air Act was designed for more traditional types of pollution that can have a direct negative effect on human health and the environment in relatively small quantities.

Given the emissions thresholds in the law, a family farm cattle operation, for example, could be considered an emitter just like a factory smokestack, with all the red tape and costs that entails.

And, at the end of the day, how are you going to get cows to stop passing gas?

Nancy Sutley assured me that EPA has no desire to regulate livestock emissions in this way.

However, Senator BARRASSO raises some good points about what would happen should environmental groups follow through on their threats to sue EPA to force them to regulate sources as small as family farms.

Rather than rely on EPA's assurances, I would like these questions answered before EPA goes any further down this road.

I am hoping that a visit to the heartland will help them better understand the real world implications of some of their decisions.

They owe it to the hardworking farmers and ranchers to get a better understanding of how U.S. agriculture works.

Hopefully, they will realize a little common sense will go a long way when making broad policy decisions that affect the farmers who put food on their table.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

RAILROAD ANTITRUST ENFORCEMENT ACT

Mr. KOHL. Mr. President, I rise to speak about an agreement we have reached with Senator ROCKEFELLER regarding today's planned consideration of the Railroad Antitrust Enforcement Act. Before describing our agreement, I would like to say a few words about this legislation.

We believe this legislation is essential to restoring competition to the Nation's crucial freight railroad sector. Freight railroads are essential to shipping a myriad of vital goods—everything from coal used to generate electricity to grain used for basic foodstuffs. But for decades, the freight railroads have been insulated from the normal rules of competition followed by almost all other parts of our economy because of their outmoded and unwarranted antitrust exemptions. Our legislation is designed to eliminate the obsolete antitrust exemptions that protect freight railroads from competition.

This bipartisan legislation has 11 cosponsors, including members of both the Judiciary Committee and Commerce Committee, and was reported out of the Judiciary Committee on a unanimous 14-to-0 vote in March.

The railroad industry's obsolete antitrust exemptions resulted in higher prices to millions of consumers every day. Consolidation in the railroad industry in recent years has resulted in only four class I railroads providing nearly 90 percent of the Nation's freight rail transportation. Three decades ago, by contrast, there were 42 class I railroads. A 2006 GAO report found shippers in many geographic areas ''may be paying excessive rates due to a lack of competition in these markets.''

The ill-advised effects of these consolidations are exemplified by the high prices paid by captive shippers; namely, industries served by only one railroad. A recent study by the Consumer Federation of America found that rail shipping rates for captive shippers are $3 billion higher than they would be if the market were competitive. These unjustified cost increases cause consumers to suffer higher electricity bills because a utility must pay for the high cost of transporting coal, results in higher prices for goods produced by manufacturers who rely on railroads to transport raw materials, reduces earnings for American farmers who ship their products by rail, and raises food prices paid by consumers.

Repeal of the railroad antitrust exemption is supported by the attorneys general of 20 States and a wide range of consumer organizations and leading industry trade organizations, including the American Public Power Association, the American Chemistry Council, the National Farmers Union, the American Corn Growers Association, and the National Industrial Transportation League, as well as many more.

Once their outmoded antitrust exemptions are removed, railroads will be subject to the same laws as the rest of the economy. Government antitrust enforcers will finally have the tools to prevent anticompetitive transactions and practices by railroads. Likewise, private parties will be able to utilize the antitrust laws to deter anticompetitive conduct and to seek redress for their grievances. On the Antitrust Subcommittee, we have seen that in industry after industry, vigorous application of our Nation's antitrust laws is the best way to eliminate barriers to competition, to end monopolistic behavior, and to keep prices low and quality of service high. The railroad industry is no different. All those who rely on railroads to ship their products deserve the full application of the antitrust laws to end the anticompetitive abuses all too prevalent in this industry today.

That is why I am so pleased by the agreement that I have reached today with Senator ROCKEFELLER. He has agreed to include this necessary repeal of the railroads' unwarranted antitrust exemption in his comprehensive bill to reform the freight rail industry and the Surface Transportation Board when that bill is introduced in the coming weeks. Senator ROCKEFELLER has also agreed that his comprehensive rail reform bill will address a specific railroad practice that is of great concern to me—a practice known as paper barriers. He has pledged that his legislation will give the STB enhanced power to address this issue so that shippers are not denied the benefit of competition in relation to these arrangements. With this agreement, we have avoided a potentially divisive floor debate and we have the solid support of the distinguished chairman of the Commerce Committee for repealing the antitrust exemption and addressing paper barriers.

I thank my friend from West Virginia for his compromise as well as his support for the need to reform the freight rail system in the United States in the interest of all parties, including rail shippers and consumers.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

NOMINATION OF REGINA McCARTHY

Mrs. BOXER. Mr. President, as chairman of the Environment and Public Works Committee, I look forward to the Senate's vote this morning on the confirmation of Regina McCarthy to be Assistant Administrator of the Office of Air and Radiation at the Environmental Protection Agency. I am happy to report to the Senate that my ranking member, Senator INHOFE, supports her as well, and he wanted to make that point.

The Assistant Administrator for Air and Radiation plays a crucial role in developing and improving programs that better protect public health and the environment, and she also will help address critical threats to our families and our communities. Regina McCarthy is very qualified to be Assistant Administrator. She comes to this position with a stellar record of achievement. During her hearing before the EPW, she impressed us all with her deep firsthand knowledge of clean air policy. She has three decades of experience in public service. She has a unique record of accomplishments in addressing air pollution at the State level in Massachusetts as well as Connecticut.

Here is the thing: She will bring a spirit of bipartisanship to this critical EPA office that is focused on protecting public health and the environment. In Massachusetts, Regina McCarthy served under Governors Cellucci and Romney, both Republicans. She served as Assistant Secretary for Policy at the Office of Environmental Protection and Deputy Secretary of the Office of Commonwealth Development. In 2005, Republican Governor Jodi Rell of Connecticut—another Republican—appointed Regina to be Commissioner of Connecticut's Department of Environment. So Regina's ability to work with people on both sides of the aisle is clear. She wants to solve the serious air pollution problems facing our families and communities, and I believe her experience in a bipartisan world will greatly help her.

California faces some of the most dangerous air pollution in the country. My State is a magnificent State, but it has its problems because we have the busiest ports in the Nation. We actually are responsible for taking care of 40 percent of the Nation's imports, and those goods are brought into our ports by ships that, unfortunately, still use—many of them—a highly polluting fuel called bunker fuel. And when we look at the rates of cancer across this Nation, you see clusters of cancer at all of our ports, and a lot certainly at our ports in California.

I worry very much about those families. We have been able to work in a bipartisan way—although not quickly enough, in my view—to make sure that these ships get away from this bunker fuel, and actually we are working very hard with the Obama administration, as we did with the Bush administration, on international treaties to move us away from this very polluting bunker fuel. So we are making great progress there, but we still have a lot of the trucks at our ports. We are working closely with, in this case, Los

Angeles, where they have a very cutting edge program to move away from the dirty trucks, and we are fighting hard to get that program to move forward.

So we look at the ports and we know there are problems, and we look at the highways, and we know there are problems. In my State, and other States, where we have valleys, the dirty air is trapped into those areas. So as a Senator from California, I welcome Regina McCarthy to this job, because, frankly, we need to do much more about the quality of the air, or lack of same, across the country.

The California Air Resources Board estimates that diesel emissions contribute to 2,000 premature deaths each year, and that the health costs of diesel emissions are billions of dollars each year. So I want to say again, we are talking about 2,000 premature deaths each year when we talk about dirty air. We are not just saying we are upset because you can start to see the air and it looks terrible; we are saying that this dirty air is being breathed in by our kids, by our grandkids, by pregnant women, by people with disabilities, and only the strongest survive on this. So we know it is a problem, and Regina McCarthy gets it. Her job isn't to be a robot, her job is to understand that the situation is dire here—2,000 premature deaths a year because of dirty air. And that is just from diesel emissions. So we need an assistant administrator on air who has the experience, the expertise, and the ability to work with communities large and small, to work with industry, and to work with government to find lasting solutions.

One of the opportunities we have here, separate and apart from the enforcement of the Clean Air Act—which will be under her domain—is to pass global warming legislation which will move us away from the dirty sources of fuel toward clean energy and, by the way, create long-lasting clean energy jobs which will stay here and boost our economy forward.

We have a lot of work ahead of us on this committee which I am so privileged to chair, and certainly right here in the Senate, and we are going to call on Regina McCarthy. She is well qualified, she has the ability to work with communities and industry, and she is the right person for this job.

I am disappointed that we had a colleague of ours hold her nomination up, you know, week after week after week. It should have been done. But today it looks good that we are moving forward. I hope we can do it by voice vote, and again I want to point out that in terms of Regina McCarthy's nomination, Senator INHOFE, the ranking member on the committee, supports her for this job, as do I. And I think that is the best thing I could say for a nominee, because oftentimes we find ourselves at loggerheads. But in this case, we are together.

I thank the Presiding Officer, I urge approval of her, and I hope we can do this by voice vote.

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

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

The assistant bill clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF REGINA McCARTHY TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

Mr. LIEBERMAN. Mr. President, I rise today to express my strong support for the confirmation of Gina McCarthy to head the Office of Air and Radiation at the Environmental Protection Agency. I have had the opportunity to work with and get to know Ms. McCarthy during her tenure as the commissioner of Connecticut's Department of Environmental Protection. Ms. McCarthy has worked tirelessly to make Connecticut's air, land and water cleaner, which in turn has made Connecticut the wonderful place it is today to live, work and raise a family.

Among her achievements, I would like to highlight Ms. McCarthy's pioneering work to address climate change in New England. She is widely recognized as a chief engineer of the very successful Regional Greenhouse Gas Initiative. Since her appointment in 2004, Ms. McCarthy has worked to dramatically improve Connecticut's environment. She has restored and defended the integrity of many of Connecticut's most cherished natural treasures. She devoted herself to protecting Long Island Sound, a source of nourishment and recreation to the millions who live and work along its coastline. As commissioner, Ms. McCarthy devised strategies for dealing with our State's solid waste, and she worked to improve Connecticut's air quality. She also made great strides to reinvigorate our parks and open spaces.

Gina arrived in Connecticut with a wealth of experience after holding a number of health and environmental positions in Massachusetts at the local, State and Federal levels. She worked for the Stoughton Board of Health and Conservation, Massachusetts' Hazardous Waste Facility Site Safety Council, the Massachusetts Toxics Use Reduction Program and the New England Governor's Environment Committee. Ms. McCarthy also served as the under secretary of policy at the Massachusetts Executive Office of Environmental Affairs and as the deputy secretary of operations to the Office for Commonwealth Development where she oversaw the development and implementation of Massachusetts' first Climate Protection Action Plan.

We have been lucky to have Gina in Connecticut and I am excited that the entire country will now benefit from her talents at the EPA. In her new position, Ms. McCarthy will be responsible for developing national programs, technical policies and regulations to control air pollution and prevent exposure to radiation. She will continue her work to address climate change and improve energy efficiency—a double charge that is both timely and imperative to the continued health of our planet. She will also develop strategies to reduce industrial and vehicle-generated air pollution as she works to improve indoor and outdoor air quality. I am excited to have someone of Ms. McCarthy's character and credentials leading these essential efforts and I am filled with confidence in her ability to address them productively.

I strongly support the nomination of Gina McCarthy to head the EPA's Office of Air and Radiation and urge my colleagues to do the same.

Mr. DODD. Mr. President, I rise today in support of the nomination of Regina McCarthy to be Assistant Administrator for Air and Radiation at the Environmental Protection Agency. I would also like to thank Chairman BOXER and the members of the Environment and Public Works Committee for their support of this excellent and deserving nominee. While I think it is regrettable that her confirmation was delayed for so long, I am glad that she will soon be able to get to work on finding solutions to the many important environmental issues facing our nation.

I congratulate President Obama on nominating such a remarkably qualified, energetic, and passionate individual to serve as Assistant Administrator. Commissioner McCarthy has 25 years of experience working at all levels of local and State government and has a depth and breadth of knowledge on environmental issues that few can rival. She has also served under both Democratic and Republican Governors, in Massachusetts as well as my home State of Connecticut. In both States and in all capacities, Gina has been universally recognized as a uniquely talented environmental advocate.

As commissioner of Connecticut's Department of Environmental Protection since 2004, Gina has amassed an impressive record of accomplishments. She spearheaded the ''No Child Left Inside'' initiative in Connecticut and nationwide, which combines environmental education with numerous outdoor programs to promote physical activity while teaching kids to become good stewards of the environment. She has also been a key proponent of sustainable economic development in Connecticut, has worked tirelessly to reinvigorate our State park system, and has been a terrific advocate for open space and conservation initiatives.

Perhaps most prominently, Commissioner McCarthy was one of the driving forces behind the creation of the Regional Greenhouse Gas Initiative, RGGI, the Nation's first mandatory cap and trade program, which was adopted by 10 States in the Northeast to address the grave threat of climate change. The commissioner's work on the issue of climate change has been recognized and lauded nationally, and her experience will be invaluable when she is confirmed as Assistant Administrator for Air and Radiation. President Obama has made it clear that addressing climate change is a top priority for his administration, and as Assistant Administrator, Gina will play a vital role in developing and implementing policies to control greenhouse gas emissions.

In my view, this incredible list of accomplishments does not do justice to the qualities Gina will bring to her new position once she is confirmed. Across my State she has a well-deserved reputation for her boundless energy, incredible passion and determination, and willingness to speak frankly in order to address challenges head on.

Indeed, she has made such an enormous impact that on March 14, the Hartford Courant ran an editorial entitled ''DEP Chief Gina McCarthy a Hard Act to Follow,'' which praised both her passion for the issues and her pragmatic approach. The Courant specifically noted her ability to revitalize a department which had lost the public's trust and engage people across the State in preserving Connecticut's landscape and Long Island Sound.

Once again, I congratulate Gina McCarthy and strongly urge all my colleagues to support her nomination. Connecticut's loss is a win for our Nation. And, while we are sad to see her leave Connecticut, I am confident that Gina will continue to be the outstanding advocate for the environment and public health she has always been and I look forward to working with her in her new capacity at the EPA.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT—MOTION TO PROCEED

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 47, H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Tom Harkin, Edward E. Kaufman, Mark Begich, Bernard Sanders, Michael F. Bennet, Mark Udall, Patty Murray, Claire McCaskill, Carl Levin, Jack Reed, Sheldon Whitehouse, Christopher J. Dodd, Jeff Merkley, Robert Menendez, Charles E. Schumer, Max Baucus.

Mr. ENZI. Mr. President, today the Senate will vote on cloture on the motion to proceed on H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

Full and fair debate is one of the hallmarks of American democracy and the Senate in particular. All we are voting on today is whether we are going to get to debate, not whether we are going to have FDA regulation of tobacco. But if this vote does not get 60 votes, we will not have the opportunity in this Congress to see whether we can take real steps to curb tobacco use.

Whether you are for this bill or against it, I urge you to support cloture on the motion to proceed. We cannot get to substantive amendments and improvements to the bill until we have cloture on the motion to proceed.

I will have a number of amendments to improve this bill and fight the scourge of tobacco use and its deadly health consequences. In order to get to offer my amendments, I will support cloture on the motion to proceed, and I urge my colleagues to do the same.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr. BYRD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER (Mrs. GILLIBRAND). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 11, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—84

Akaka	Feinstein	Murkowski
Alexander	Gillibrand	Murray
Barrasso	Graham	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Bayh	Gregg	Pryor
Bennet	Harkin	Reed
Bennett	Hutchison	Reid
Bingaman	Inouye	Risch
Boxer	Isakson	Rockefeller
Brown	Johanns	Sanders
Burris	Johnson	Schumer
Cantwell	Kaufman	Sessions
Cardin	Kerry	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Kyl	Specter
Cochran	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Corker	Levin	Udall (CO)
Cornyn	Lieberman	Udall (NM)
Crapo	Lincoln	Vitter
Dodd	Lugar	Voinovich
Dorgan	McCain	Warner
Durbin	McCaskill	Webb
Ensign	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feingold	Mikulski	Wyden

NAYS—11

Bond	Coburn	Inhofe
Brownback	DeMint	McConnell
Bunning	Hagan	Roberts
Burr	Hatch	

NOT VOTING—4

Begich	Kennedy
Byrd	Martinez

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Connecticut.

Mr. DODD. Madam President, I rise in support of S. 982, the Family Smoking Prevention and Tobacco Control Act, the matter that is before the Senate. This bill would give the Food and Drug Administration the authority to regulate the tobacco industry and put in place the tough protections for families that for too long have been absent when it comes to how cigarettes are marketed to our youngest citizens—our children.

This is an issue that many in this Chamber have worked on for a long time. For those who have been here for some time, this issue is not a new issue. It has been before the Congress now for over a decade, and for various reasons along the way—the other body has adopted this bill or we have adopted the bill but not at the same time the other Chamber has; the committees have acted but never in the same year or in the same Congress—so we have had sort of a disjointed process that has never brought the other Chamber and this one together around the importance of this legislation.

So once again we are here, this time I think with the greatest opportunity to do something I believe most Members—I cannot believe anyone in this Chamber could be adverse to the notion we ought to do everything in our power to limit the 3,000 to 4,000 children who every day—every single day—begin smoking in the United States.

Madam President, 400,000 of our fellow citizens die every year because of smoking-related illnesses. We are about to begin, in a few weeks, a debate on health care. One of the major provisions of that effort will be in the area of prevention. There are a lot of divisions I suppose about how we ought to proceed with health care, but as I have listened over the last number of months to our colleagues talk about health care reform, one issue—one issue—enjoys almost unanimous support; and that is, what can we do to reduce chronic illness in the country? How do we do a better job of having a health care system, not a sick care system? How do we prevent people from acquiring or contracting these illnesses that are so debilitating and so costly? One of them is, obviously, smoking-related illnesses and the 400,000 who die every year.

The one certain way is to try to limit the number of people who begin smoking every day; that is, our youngest citizens, our children. That is what this bill is all about. It comes down to simply that. We will have a long debate about various provisions in this bill, but in the final analysis, we will have to decide in the coming day or two whether, for the first time—the very first time—the Food and Drug Administration of our Nation will have the power and the capability to regulate tobacco products and begin to restrain—to restrain—the 3,000 to 4,000 who begin smoking every single day. So even in the 2 or 3 days we will debate this bill, keep in mind that during those 2 or 3 days, close to 10,000 children will begin smoking, 1,000 of whom will become addicted every day, and of that 1,000, anywhere from 300 to 500 will die. I have 76,000 children in my small State of Connecticut today who are going to die because of smoking-related illnesses, because they are already hooked and addicted to tobacco products. So there are a lot of things we debate and discuss and there is a lot of rhetoric and talk about protecting our children and protecting families, but here is an opportunity we have, as Democrats and Republicans coming together in common cause, to make a difference for literally millions of people in our country for years and years and years to come.

When the Supreme Court struck down the FDA's tobacco rule in 2000, it became very clear that legislation was going to be necessary in order to protect our children and the public health from deadly tobacco products. Eight years ago, I introduced comprehensive children's legislation that included, with the help of my good friend Senator HARKIN, the Kids Deserve Freedom From Tobacco Act to give the authority to the FDA over these products. In the 108th Congress, our colleague from Massachusetts, who has been a champion on this issue—who has been the leader and champion on this issue for literally years and years and years, Senator KENNEDY, and who is the major sponsor, by the way, of this legislation—was able to take this issue to the next level. He worked out a bipartisan bill called the Family Smoking Prevention and Tobacco Control Act with our colleague from Ohio, Senator MIKE DEWINE, Representatives HENRY WAXMAN, and TOM DAVIS of the other body and the other party, and other members of the HELP Committee on a bipartisan basis. The bill we consider today is virtually the same legislation that Senator KENNEDY and Senator MIKE DEWINE, HENRY WAXMAN and TOM DAVIS worked on before. It has a long history, having passed each Chamber, but never at the same time.

So allow me to share a little of that history with my colleagues as we enter this debate. In July of 2004, the Senate voted 78 to 15 to add it as an amendment to another bill; that is, this tobacco bill. Unfortunately, the language was removed in conference between the House and the Senate. Three months later, Senators KENNEDY and DEWINE reintroduced the legislation and it was passed by unanimous consent, but the other body did not consider it at that time. Refusing to give up, of course, as he always does—he never gives up—Senator KENNEDY reintroduced the bill in the 109th and the 110th Congresses. In August of 2007, the Health, Education, Labor and Pensions Committee, on which Senator ENZI and I serve, reported out this bill by a vote of 13 to 8. In July of 2008, the House passed a very similar bill by a margin of 326 to 102. Although the Senate version had 60 cosponsors, there was not enough time left in that year for the Senate to pass the House-passed legislation.

On April 2 of this year, the other body—the House—once again passed its version of this legislation, with very minor changes, by an overwhelming vote of 298 to 112.

The point I wish to make to my colleagues is simply this: Over the years, this bill has been reviewed, it has been vetted, it has been debated over and over. I think all of us, I would hope, agree that the time has come to act with uniformity in both Chambers, with the President committed to this issue to protect our Nation's children and pass this legislation into law.

Frankly, we can't afford to wait any longer. Every day, as I mentioned at the outset of these remarks, another 3,500 to 4,000 children are ensnared by tobacco companies that target them with impunity as they try smoking for the first time—every single day. One thousand of these children who will start today—that close to 4,000 across our country—will be addicted probably for life as smokers, and a third of that number will eventually die—if not more—from smoking-related diseases.

The tobacco industry is well aware of these numbers. They know that if they can't bring children into the process, then they won't have any more smokers. If you lose 400,000 people a year who lose their lives from smoking-related illnesses, then you have to replenish those numbers somehow. You can't lose 400,000 people every year, year after year, from smoking-related illnesses and not replenish the numbers. How do you do it? You do it by drawing in children, by getting kids to start smoking. That is why they have been so successful. When you get 3,000 to 4,000 every day—every day starting—40,000 in a 10-day period, then do the math yourself and you see what happens very quickly. You begin to replenish those numbers. If a quarter of that number remains addicted for life, you make up that 400,000 rather quickly and that doesn't include, by the way, the foreign sales of tobacco products. That is just right here in our country.

I would suspect that if you have been a smoker or are a smoker—and let me say in truth in everything, I was a smoker and I know how difficult it is to give up tobacco products. Anyone who tells you it is easy doesn't know what they are talking about. It is hard. It is difficult. It is extremely difficult. But even people who smoke, I will tell my colleagues, the one thing they pray every day is that their children will not begin it. In fact, I suspect some of the strongest advocates of this legislation are the people who have been hooked on tobacco products and they would tell you that the one thing they pray and hope is that their children don't become addicted to this product because they know how damaging it is. They know what it does to them. They know the potential harm to themselves and to their families. So this is not an issue, in my view, that ought to cause any division among parents and family members when it comes to what happens to their children.

Tobacco companies, as I say, are well aware of all of this. Almost 90 percent of smokers begin as children, and that is an astonishing figure. Equally astonishing is the fact that smoking kills more Americans every year than alcohol, AIDS, car accidents, illegal drug use, murders, and suicides combined. Take all of those causes of death in our Nation, combine all of them, and they don't equal the number of people who lose their lives as a result of tobacco-related illnesses.

In my home State of Connecticut, more than one in five high school students smokes. Every year, 15,000 children in my State try cigarettes for the fist time and another 4,600 become regular smokers. Absent action from our Congress, of course, more than 6 million children who are alive today will die from smoking, including the 76,000 I mentioned in my small State of Connecticut. This ought to be entirely unacceptable to all of us.

Here we are soon to begin a debate, as I said a few minutes ago, on health care, with the common cause of trying to create a health care system, not a sick care system, where prevention is going to be a major focus of our attention. I can't think of a more significant step we could take on the eve of dealing with the health care debate than having this Congress stand up with an overwhelming vote and say we are going to begin an effort here to reduce that 90 percent who end up beginning smoking over a lifetime—that is our children—and that is what this bill is designed to do.

If ever there was a moral obligation to act, I think it is at this moment. No one suggests that any law is going to stop every child—of course it won't—from lighting a cigarette or beginning that process. Obviously, parents have to do their part in educating their children, as do others. But we shouldn't be making it harder on them than it already is, which is precisely what we are doing every second that we fail to act on a bill such as this.

So the purpose of this historic public health legislation is very simple: It is to protect our children and give them a longer, healthier future—the future they deserve. It will give the Food and Drug Administration the authority to prevent the sale and marketing of tobacco to children, require changes to cigarettes to make them less harmful, and protect the public health, and to prevent tobacco companies from using misleading marketing practices to encourage tobacco use. It would accomplish this by prohibiting outdoor advertising within 1,000 feet of a school or playground. Parents ought not to live in fear that their children are being marketed cigarettes when they are at school every day. It would limit advertising in publications with significant youth readership to a black-on-white, text-only format; no pictures, mascots, or other eye-catching logos. It would restrict promotions that appeal to children and adolescents, and stop illegal sales of tobacco products to children and adolescents. Lastly, it would prohibit tobacco product vending machines except in adult-only facilities.

For this first time, the bill would regulate tobacco products, requiring all tobacco product manufacturers to register with the Food and Drug Administration and to provide that agency with a detailed product list. The legislation would assess user fees on manufacturers to pay for the cost of the FDA tobacco regulation. And it would mandate larger and far more informative health warnings on tobacco products, including prohibiting misleading terms such as ''light'' and ''mild'' on products that offer no health benefits whatsoever, and instead are intended to kill.

This bill is supported by over 1,000 organizations, including every major public health group in the United States: the Campaign for Tobacco Free Children, the American Cancer Society, the American Lung Association, the American Heart Association, and many others. Thirty national faith organizations and over 800 State and local organizations support this bill. In addition, former Secretaries of Health and Human Services, both Democrats and Republicans, including Tommy Thompson and Donna Shalala; former Surgeon Generals, Republicans and Democrats, David Satcher and Richard Carmona; David Kessler, the former FDA Commissioner; and Julie Gerberding, the former CDC Director, have all expressed their support of the legislation now before us.

In its 2007 report, ''Ending the Tobacco Problem: A Blueprint for the Nation,'' the Institute of Medicine urged Congress to: ''Confer upon the Food and Drug Administration broad regulatory authority over the manufacture, distribution, marketing and use of tobacco products.''

That is precisely what we give them in this bill. It deals with the manufacture, the distribution, and the marketing of tobacco products, particularly to our children.

Again, I hope my colleagues will gather behind this.

Lastly, let me say we would not be here on the cusp of winning this fight without the tireless efforts of our committee chairman, Senator TED KENNEDY of Massachusetts, who has made the public health the cause of his lifetime. It has been his passion over the past 40 years that he has been involved in his public career. This bill is but one more example of good policy he has shepherded through the Congress which puts children and their families and the public first. All of us ought to thank him for his leadership on this issue.

Passing this bill will be a historic victory for our Nation's children—protecting children from aggressive marketing by tobacco companies and establishing sound manufacturing practices of tobacco products. It will be an historic step for parents who have enough to worry about in today's day and age without having to be concerned that cigarettes are being marketed directly to them, or tobacco products designed in ways to be specifically appealing to the youngest of our citizens in this country. Parents deserve peace of mind when it comes to how dangerous tobacco products are being marketed. With this legislation, that is precisely what we are trying to do.

I will emphasize again, this is not going to stop all of the problems of children starting smoking every day, but if we can make a difference and cut those numbers down. Then we will have achieved a great deal for our Nation. This is an opportunity to do so.

I should point out as well, I am not unsympathetic at all to the tobacco States—the States that grow tobacco where literally thousands of farms, their livelihood, and jobs depend upon this industry. This bill takes into account the needs of those small family farmers to provide help to them as they transition. All of us know what it is like to be in a State where there are certain things that occur, products that are made, services provided where they could be adversely affected by changes through no fault of their own. This bill tries to accommodate, to the extent possible, the industries and the businesses in those States that would be adversely affected, obviously, by the reduction in the use of tobacco products by our citizenry as a whole. I think all of us here, and again particularly parents, whether you are a smoker or a nonsmoker—you ask any parent in this country whether they would like to see their children begin smoking—ask them that simple question. I don't care where you live, the last thing you want to see is your child begin a lifetime of use that you know is going to put their life in jeopardy from the moment they start. So if nothing else, as you think about this bill and you think about these amendments coming along, many of which may be appealing on a certain level, remember, we have tried for 10 years and we have failed. Think about how this bill might have made a difference 10 years ago, if it had been adopted, and how many young children might not have started because of the inclusions and the provisions in this bill.

We cannot wait for another Congress, another 2 or 4 or 5 years to get back to this again. This is the moment. This is the hour. This is the time when we can accomplish that kind of achievement. We have a chance to do something in a meaningful way, and I urge my colleagues to join us in this effort.

Let me also say this to my friend and colleague from Wyoming, who is a champion on this issue and cares deeply about it. We had a very good and extensive markup of the bill a couple of weeks ago. There are some outstanding amendments Senator ENZI has raised, and our staffs are working together to try to resolve those matters, as I promised we would, before we get to offering a substitute that may include some of the provisions we are in the business of trying to resolve. I thank him for his cooperation, and also the members of the committee, who stayed 2 days to mark up this legislation.

I commend my friend from Wyoming for his diligence in all of this, as he always demonstrates, and our colleagues on both sides of the committee, who worked on this legislation; I am grateful to them as well. I look forward to a good, healthy, and vibrant debate, with the final conclusion being strong support for this bill.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I rise today to talk against the deadly scourge of tobacco. Tobacco use is the leading preventable cause of death in the United States. We have to take some dramatic steps to reduce smoking.

Smoking killed my dad, my mom, and my mother-in-law, and secondhand smoking conclusively affected me. This isn't political; this is about the health of all Americans. This bill comes out of the Health, Education, Labor, and Pensions Committee. The Senator from Connecticut, Mr. DODD, mentioned that we don't want kids to start. We don't want anybody to start. There is enough information out there that can tell you that this will kill you. So don't do something that will kill you. Yes, it is a slow death; it may take a number of years, but it will kill you. Cancer is one of the big results of smoking.

I wish to share a little bit from a contract that an oncologist—a person who deals strictly in solving cancer and providing cancer treatment—makes his patients sign before he will treat them because if they keep smoking, they are adding to the problem, causing recurrences of the problem. It starts off this way:

Tobacco is a dangerous substance. It contains 50 carcinogens (cancer-causing substances) and is a Group A Carcinogen in the same class as asbestos and radon. It has many toxic substances besides cancer-causing agents; among these are insecticides which are used on the tobacco plant. In some parts of the country, tobacco is used as an industrial insecticide because of this composition. Tobacco use is considered the number 1 preventable cause of death in the world. On average, tobacco users live 35 years less than non-tobacco users.

I go on to quote:

Tobacco has been found to cause a multitude of cancer types, whether it is smoked or used in a smokeless fashion. Tobacco is the number one cause of cardiovascular disease leading to heart attack and strokes. Emphysema, chronic bronchitis, and many other diseases are a consequence.

When I care for patients, I expect them to be involved in the healing process, no matter what disease they are afflicted by. If they continue to smoke, they do not want to improve their health. Because of this, they can either discontinue tobacco and continue under my care, or find another health care provider.

Any tobacco user followed in our clinic will be given the opportunity for tobacco cessation (quitting the habit).

They work with them on that.

Tobacco users must discontinue tobacco use within 2 weeks of the initial consultation.

I ask unanimous consent that the entire contract be printed in the RECORD.

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

TOBACCO POLICY

(By Philip C. McMahill M.D.)

Tobacco is a dangerous substance. It contains 50 carcinogens (cancer causing substances) and is a Group A Carcinogen in the same class as asbestos and radon. It has many toxic substances besides cancer causing agents; among these are insecticides which are used on the tobacco plant. In some parts of the country, tobacco is used as an industrial insecticide because of this composition. Tobacco use is considered the number 1 preventable cause of death in the world. On average tobacco users live 35 years less than non tobacco users.

Tobacco has been found to cause a multitude of cancer types, whether it is smoked or used in a smokeless fashion. Tobacco is the number one cause of cardiovascular disease leading to heart attacks and strokes. Emphysema, chronic bronchitis, and many other diseases are a consequence.

When I care for patients, I expect them to be involved in the healing process, no matter what disease they are afflicted by. If they continue to smoke, they do not want to improve their health. Because of this, they can either discontinue tobacco and continue under my care, or find another health care provider.

Any tobacco user followed in our clinic will be given the opportunity for tobacco cessation (quitting the habit). Tobacco users must discontinue tobacco use within 2 weeks of the initial consultation.

Random urine nicotine testing is used to monitor patients. If a patient is positive on 3 urine nicotines, they must find another health care provider. If someone refuses nicotine testing on any given day, that counts as a positive urine nicotine. If a patient has a positive urine test and is on treatment, the treatment will be delayed for one week. Do not use nicotine products, such as patches or gum that may cause a positive urine test.

Patient Signature

Date

Mr. ENZI. Madam President, I did notice that in the last couple of weeks, a Federal appeals court has even looked at a landmark ruling that found that the Nation's top tobacco companies were guilty of racketeering and fraud for deceiving the public about the dangers of smoking. A three-judge panel of U.S. courts of appeals in Washington unanimously upheld requirements that manufacturers change the way they market cigarettes. The requirements, which have been on hold pending appeal, would ban labels such as low tar, light, ultra light, or mild, since such cigarettes have been found to be no safer than the others. That is one of the requirements in this bill—that they cannot use that kind of false advertising.

I wish to share some facts with you. The Senator from Connecticut shared some with you. These are from the Centers for Disease Control and Prevention. Among current U.S. adult smokers, 70 percent report they want to quit completely. In 2006, an estimated 19.2 million adult smokers had stopped smoking for at least 1 day during the preceding 12 months because they were trying to quit. That is more than 44 percent of the smokers. Think about it—70 percent of smokers want to quit, and 44 percent of them are trying each year. Unfortunately, not enough of them succeed. I know what a terribly addictive thing it is. I watched my parents deal with it. The numbers are even more shocking when we consider youth smokers. Nearly one in five young people smokes, but more than 54 percent of current high school smokers in the United States tried to quit smoking during the preceding year.

We need to get people to stop smoking or, better yet, never start. I support incentives to quit smoking—for example, offering incentives to lower health insurance premiums for those who stop smoking or, better yet, who never start. That becomes a continuing cost to us. The cost of health care is out of control. There seems to be support in the context of health care reform.

Full, fair, and open debate is critical to the democratic process. I am pleased to have the opportunity this week to offer amendments to this bill to help lessen the toll tobacco takes on our society. Senator DODD mentioned the committee action. We have a committee that works a little differently from some of the others. We look at that opportunity of the committee process to see what the key concerns are and to see how they can be incorporated into making a better bill. That is what Congress is about. That is why we have 100 people here and 435 on the other end of the building, so that we get a lot of backgrounds, opinions, and ideas, so that can avoid unintended consequences and tighten up processes so that what we are trying to do can actually get done.

I appreciate the way this bill has been worked on. One of the things we did, of course, was leave about six amendments to be worked on in the interim, before we actually get to amendments on this bill. I am hopeful those can be worked out so they will tighten up the bill a little bit more.

This Congress does have a unique opportunity to have an impact on smoking and health consequences. My record is clear when it comes to tobacco. I am no friend of big tobacco. I have never taken a dime of tobacco company money for my campaigns, and I don't intend to start now. I have ideas to make a real impact on the public health and win the war on tobacco.

I thank the Senator and all those on the other side of the aisle for the serious consideration they are giving the bill and the opportunity now to have the floor debate. I am hoping we will stick to germane issues so that it will stay a tobacco bill. That is the only way we will actually reach a conclusion on it.

I hope the ideas presented with the goal of making this a better bill will get serious consideration. I am sure they will. I encourage people to bring those ideas forward and, if they will, talk to us a little bit before they put them in to see if they are already under consideration as opposed to already in the bill.

I am thankful for this opportunity. I am glad that the bill is being brought to the floor and that it went through the regular process. I hope something good can come out of this. We need to make sure what we are doing will stop smoking.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank my colleague from Wyoming for his eloquent comments and his commitment to the issue.

Madam President, 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. DODD. 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. DODD. Madam President, I ask unanimous consent that during today's session the recess time for the caucus luncheon period and any period of morning business be counted postcloture.

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

RECESS

Mr. DODD. Madam President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:21 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT—MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

NUCLEAR POWER

Mr. ALEXANDER. Mr. President, 1 year ago I went to the Oak Ridge National Laboratory in Tennessee to propose a new Manhattan Project to put America on the path to clean energy independence. The project would focus on seven grand challenges: plug-in electric cars and trucks, carbon capture from coal plants, making solar power cost competitive; recycling used nuclear fuel, advanced biofuels from crops we don't eat, green buildings, and fusion. Last week I went back to Oak Ridge, spoke to a gathering, a summit of people from several States who were meeting to talk about how to attract and keep high technology jobs. I proposed that the United States should build 100 new nuclear plants during the next 20 years, while scientists and engineers figure out the grand challenges I discussed 1 year ago. This would double America's nuclear powerplants which today produce 20 percent of all of our electricity and 70 percent of our pollution-free, carbon-free electricity. This is an aggressive goal. But with Presidential leadership, it could happen. I am convinced it should happen. Conservation and nuclear power are the only real alternatives we have today to produce enough low-cost, reliable, clean electricity to clean the air, deal with climate change, and keep good jobs from going overseas. Climate change may be the inconvenient problem of the day, but nuclear power is, for many skeptics, the inconvenient answer. These nuclear skeptics cite regulatory delays and past problems with safety. They appoint commissions to slow walk decisions about recycling used nuclear fuel. They point to the shortage of welders for new plants. They complain that Japan and France are building most of the essential equipment for new nuclear plants. No surprise, since Japan is building 1 nuclear plant a year, and France is producing 80 percent of all of its electricity from nuclear powerplants. The skeptics say that carbon from coal plants contributes to climate change, which is true, and so they offer their solution: operate our big complex country, which uses 25 percent of all of the energy in the world, on electricity generated from the wind, the sun, and the Earth. One day that might be possible. But today there is a huge energy gap between the renewable electricity we wish to have and the reliable, low-cost electricity that we must have. My guess is, it will be 30 or 40 or 50 years before these new sources of electricity are cheap enough and reliable enough to supply most of the power to our electric grid.

The nuclear skeptics in Congress, urged by the President, reported last month an energy and climate change bill that would require 20 percent of our electricity to be made from a very narrow definition of renewable energy. My visit to Oak Ridge was to a gathering to discuss how to attract and keep high tech jobs in the region. I tried to paint a picture for those attending about how this legislation would affect those who attended.

To put things in perspective, the Tennessee Valley Authority produces an average of about 27,000 megawatts of electricity for industrial and household customers in our seven-State region. Sixty percent comes from coal, 30 percent from nuclear, 8 percent from hydroelectric power, and 1 percent from natural gas. Across the country, it is 50 percent coal, 20 percent nuclear, 20 percent natural gas, and 6 percent hydroelectric power. Nationally, only about 1½ percent of electricity comes from the Sun, the wind, and the Earth. Almost none of the TVA's power does. But the 40 percent of TVA power that comes from nuclear and hydro plants is just as clean as these narrowly defined renewables. It is free of pollution that dirties the air, and it is free of carbon that contributes to global warming. In that sense, TVA is the sixteenth cleanest utility in the country already.

Here is another yardstick. The new nuclear powerplant at Watts Bar in Tennessee can produce 1,240 megawatts of electricity. The Bull Run coal plant produces about 870 megawatts; the Fort Loudoun Dam, 150 megawatts. All three operate almost all the time. This is called base load power, which is important since large amounts of power can't be stored. Some forget that solar power is only available when the Sun shines and wind power is only available when the wind blows.

So how much renewable electricity is available in our region? The new solar plant our Governor Phil Bredesen has proposed in Haywood County would cover 20 acres but produce just 5 megawatts. The 18 big wind turbines atop Buffalo Mountain, a few miles away from where I made my speech, have the capacity to produce 29 megawatts but actually produce only 6 megawatts. It may be also possible to squeeze a few hundred megawatts from turbines in the Mississippi River. The Southern Company's new biomass plant in Georgia—biomass is sort of a controlled bonfire of waste wood products—would produce 96 megawatts. All this for a utility that needs 27,000 megawatts to operate at any given time.

Each of these sources of renewable energy consumes a lot of space. For example, the big solar thermal plants in the western desert where they line up mirrors to focus the Sun's rays take more than 30 square miles—that is more than 5 miles on a side—to produce the same 1,000 megawatts that one can get from a single coal or single nuclear plant that sits on one square mile. Or take wind, to generate the same 1,000 megawatts with wind, one would need 270 square miles. That is 16 miles on a side. An unbroken line of wind turbines 50 stories high from Chattanooga to Bristol would give us only one-fourth of the electricity we get from one unit of the Watts Bar nuclear powerplant which fits on one square mile, and we would still need the nuclear powerplant for the times when the wind doesn't blow. There is good reason why there is only one wind farm in the entire southern United States. In our region, the wind blows less than 20 percent of the time. Much of that time is at night when TVA already has several thousand megawatts of unused electricity.

Biomass will be a renewable source that we will emphasize in the South, we are told. That's a good idea. It might reduce forest fires, and it will conserve resources. The National Forest Service told us last week that there are 2 million tons of wood scraps and dead trees in Tennessee's forests, and pulp and paper companies might produce another 2 million tons. That sounds like a lot. But let's not expect too much. We would need a forest the size of the entire 550,000-acre Great Smoky Mountain National Park to feed a 1,000-megawatt biomass plant on a sustained basis. That is a plant that would produce as much electricity as one nuclear power unit.

Think of the energy it is going to take to haul this around. Georgia Southern says it will take 160 to 180 trucks a day to feed biomass into a 96-megawatt electrical plant. Remember, TVA uses at least 27,000 megawatts of electricity every day.

Of course, conservation and efficiency are the places to start when looking at America's and, especially, Tennessee's electricity futures. Tennesseans use more electricity per person than residents of any other State. If we reduced our use to the national

average, it would equal the electricity produced by four nuclear powerplants. We might still have to build some new powerplants, because our history and that of the country is that conservation only limits electricity growth. It usually doesn't reduce it. For example, 20 years ago we never would have guessed that computers would be using nearly 5 percent of our electricity. One can see we will need some breakthroughs, something like a new Manhattan project, before we can rely very much on renewable electricity.

Of all these forms of electricity in our region, solar has the most promise. It takes up massive space, but we can use rooftops. It only works when the Sun shines, but the Sun shines during peak times of electricity use. I believe our Governor is exactly right to try to make Tennessee a hub for solar power. The first grand challenge of my proposed Manhattan project is to try to make solar power cost competitive. According to TVA, in our region, it is far from that today. Solar costs four to five times as much as the base load electricity that TVA now produces. Wind power, on the other hand, can supplement electricity on the Great Plains and perhaps offshore. But for our region, it would be a terrible mistake.

In Tennessee it is a waste of money, and it destroys the environment in the name of saving the environment. The turbines are three times as tall as Neyland Stadium, which is our great big football stadium in Knoxville. In our region they only work on mountaintops where the winds are strongest, and they barely work there. I haven't mentioned the new transmission lines that will be necessary from the mountaintops through backyards in Tennessee.

Someone asked Boone Pickens if he would put any of these turbines on his 68,000-acre ranch in Texas. ''Hell no,'' he said. ''They're ugly.'' Well, if Boone doesn't want them on his ranch because they are ugly, why would we want them on the most beautiful mountaintops in America, in North Carolina, Tennessee, Virginia, West Virginia, Pennsylvania, all the way up to the White Mountains of New Hampshire?

Some of the jobs that we will be growing and attracting to our region and across the country are so-called green jobs, created as scientists and engineers work on the grand challenges I propose. Please remember that nuclear power is also green. Electric cars and trucks are green. One-third of Tennessee's manufacturing jobs are auto related. Even green jobs need low-cost electricity. The two new polysilicon plants located in Cleveland and Clarksville, TN manufacture polysilicon for solar panels that go on roofs. Together these two plants use 240 megawatts of electricity, about one-fifth of the production of the new nuclear unit at Watts Bar. Don't forget about places like the Aluminum Company of America in my hometown, which has closed its smelter and won't open until it can get a 20-year, low-cost electricity contract from TVA, or the steady stream of regional manufacturers who have been to my office saying that electric rates are already too high for them to keep jobs in our region.

The point is, if we care about jobs of any color, the cost of electricity matters. Which is why it is especially galling to see France, a country we usually don't like to emulate, using the technology we Americans invented to give themselves some of the lowest electric rates and lowest carbon emissions in the European Union.

So why is it that nuclear energy, perhaps the most important scientific advancement of the 20th century, was invented in America and yet we stopped taking advantage of it just when we most need it? Shortly after World War II, Glenn Seaborg, the great American Nobel Prize winner, said that nuclear energy had come along just in time because we were reaching the limits of fossil fuels. He was right. The succeeding decades proved that fossil fuels are not unlimited, and their supplies could seriously compromise energy independence. And that doesn't even address global warming.

Yes, I do believe global warming and climate change are problems we must address. We can't go on throwing 3 billion tons of carbon dioxide into the atmosphere every year without running into some kind of trouble. Every session I have been in Congress, I have introduced legislation to cap carbon emissions from coal powerplants. But the way to deal with global warming and to keep our jobs is to encourage what has been called the ''Nuclear Renaissance'' and start making nuclear energy the backbone of a new industrial economy.

Right now there are 17 proposals for 26 new reactors in licensing hearings before the Nuclear Regulatory Commission. That is a start. I think we need to go well beyond that.

I propose that from the years 2010 to 2030 we build 100 new nuclear reactors to match the ones we are already operating. That is what we did from 1970 to 1990. During that 20-year interval, we built almost every one of the 104 reactors that now provide us with 20 percent of our electricity. If we build another 100 by 2030, we will be able to provide well over 40 percent of our electricity from nuclear power. Clean hydropower provides 6 percent of our electricity today, and with the electrification of small dams around the country, we may be able to expand that to 8 percent. With diligent conservation, and some renewable resources, we can add another perhaps 10 or 12 percent. Then, my friends, we will really be talking about a clean energy economy.

Still, that is only the beginning. The second largest source of carbon emissions—and the biggest source of our energy instability—is the 20 million barrels of oil we consume every day to run our cars and trucks. I believe we should make half our cars and trucks plug-in within 20 years. That would reduce by one-third the oil we import from foreign sources. The Brookings Institution scholars estimate we can power those cars and trucks by plugging them in at night without building one new powerplant. Let me repeat that. If we electrify half our cars and trucks in America, we can plug them in at night without building one new powerplant because we have so much unused electricity at night.

As our fleet of electric vehicles grows, the most logical option for plugging in will be supplied by clean nuclear power. Until we make great advances in storage batteries, it cannot be electricity that is sometimes there and sometimes not. We cannot have Americans going to bed every night praying for a strong wind so they can start their cars in the morning.

Still, when it comes to nuclear power, a lot of people worry about safety. They say: Well, nuclear power sounds great to me, but I am afraid one of those reactors is going to blow up and cause a holocaust.

Well, let's make a few things clear. As Oak Ridgers—where I was last week—know better than almost anyone, a reactor is not a bomb. It cannot blow up. That is impossible. There is not enough fissionable material there.

What a nuclear reactor can do is overheat if it loses its cooling water, just the way your car engine can overheat and break down if it loses its antifreeze. It is called a meltdown. Nuclear scientists have warned about this from the beginning and take many precautions so it will not happen.

Nuclear skeptics like to bring up Three Mile Island, so let's talk about that. What happened at Three Mile Island was basically an operator error. A valve failed, and when the automatic safety mechanism kicked in, the operators overrode it because of a mass of flashing lights and sirens on the control panel, which confused them about what was happening.

Three Mile Island completely changed the nuclear industry. The Kemeny Commission, appointed by President Carter, analyzed the problems and made many recommendations, most of which were put into practice. The valve that started the whole thing had failed nine times before in other reactors and the manufacturer had tried to keep it a secret. People in the nuclear industry were not talking to each other.

Now all of that has changed. Nuclear operators train for 5 years before they can take over control rooms. They spend 1 week of out of every 5 in a simulator honing their skills. The nuclear companies have special SWAT teams that can be dispatched anywhere in the country at a moment's notice in case anything goes wrong. A Nuclear Regulatory Commission inspector practically lives on the site. What is more, every reactor in the country is on the

hook for $100 million if something goes wrong at another reactor. As you can imagine, they watch each other very closely.

And it shows. Our entire nuclear fleet—104 reactors—is now up and running 90 percent of the time. There has only been one year-long shutdown for safety problems in the last decade. We have added the equivalent of 29 new reactors since 1990 by doing a better job of running the ones we already have. If the rest of America ran as well as the nuclear industry, we would be sitting on top of the world.

''But what about Chernobyl?'' someone will say? ''Wasn't that a nuclear catastrophe?'' Well, the Soviets did things very differently at Chernobyl than we know how to do in this country. For instance, they did not put a containment structure around the reactor, which is like not putting a roof on your house and then acting surprised when it rains and you get wet. In addition, they did something no American power reactor has ever done: They surrounded the core with carbon in the form of graphite. That is like building your reactor in the middle of a charcoal grill. When the graphite caught fire, it spewed radioactive smoke all over the world. That could never happen at an American reactor—and it will not happen again in Russia since they have made a lot of changes over there and now they are building reactors in the same way we build reactors.

So let's build 100 new nuclear reactors during the next 20 years. Our new reactors have even better safety features—although it is never good to be overconfident. We have learned how to run the current fleet at its full potential. Most reactors are making close to $2 million a day. The attorney general of Connecticut proposed a windfall profits tax a few years ago when fossil fuel prices went through the roof. He said it was not fair that reactors could run so cheaply. So why not expand on our winnings? Why not build another generation of reactors?

Well, a lot of people say it cannot be done. They say we do not manufacture anything anymore in America. We have to import all our goods from China. They say we do not have the nuclear engineers to design the new generation. They say we do not have the specialty welders to put them together on site. They say we cannot manufacture the steel vessel heads anymore, and our steel forges are not big enough. Right now, the only forge in the world big enough to make a reactor vessel is Japan Steel Works, and they are backed up. People say our new plants will spend a decade standing in line behind the 34 other reactors that are already under construction in the world, mostly in Asia. And you know something. They are right. They are right because all the things they are saying here are true. We do not have a nuclear construction industry. But then, they do not know America. America can respond to a challenge. Just as we rose to the occasion in 1943 when we began the Manhattan Project at Oak Ridge and at other sites in our country, so can we rise to the occasion today to build a new generation of nuclear reactors that will provide clean, reliable power for America for the rest of this century.

It is not going to be easy. What we are talking about here is essentially a rebirth of Industrial America, and it is already starting to happen. Westinghouse is opening a school for training welders who can knit together a containment structure strong enough to protect both the environment from the reactor and the reactor from outside threats. Alstom, a French company, is investing $200 million in Chattanooga, in my State, to manufacture heavy turbines for nuclear plants.

We also have to train nuclear engineers to take the place of the great generation that embraced the technology in the 1960s and 1970s, only to see their dreams come to naught when the Nation turned away from nuclear power. We have to find a steel manufacturer somewhere in this country that is willing to step up and say: ''Here, we can do those forgings right here in Pennsylvania or Ohio or Michigan or Illinois. We do not have to stand in line in Japan.'' And we have to find investors who are willing to put up their money and say: ''Yes, I have faith in America. I have faith in technology. I am ready to invest in building a cleaner, safer, more prosperous world.''

With Presidential leadership, we could add more loan guarantees to accelerate construction, and could streamline the permit system to ensure that new reactors do not become ensnared in regulatory mazes or combative lawsuits. But we cannot sit on our hands because in America we do not sit around waiting for the Government to do things for us. We do things for ourselves.

So the task we face here today is no less formidable than the task the Oak Ridge pioneers faced when they first arrived in Tennessee in 1943. They were trying to save the world from Japanese militarism and Nazi totalitarianism. Now we are trying to save the world from the pending disaster of dwindling energy supplies, the uncertain dangers of a warming planet, and the stagnation and decay that can only follow if we do not revive American industry.

So I propose today that we work together across the aisle, with the President, in the task of bringing about a Nuclear Renaissance in helping to generate the Rebirth of Industrial America.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The assistant bill clerk proceeded to call the roll.

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

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

Mr. BURR. Mr. President, I come to the floor because the Senate this week is considering a new regulatory bill for the tobacco industry and there will be Members who will come to the floor to say: We have tried to do this for 10 years. This is well past due.

Well, in part they are right. This bill was produced 10 years ago. It has not changed. It is exactly what was produced. But let me try to fill in some history for the Members of the Senate.

In 1998, we passed the FDA Modernization Act. I was the lead sponsor of that bill in the House of Representatives. We spent 2½ years developing a bill to modernize the Food and Drug Administration.

Most Americans do not even realize what the Food and Drug Administration is. It is an agency in the Federal Government that regulates 25 cents of every dollar in our economy. It is what assures every American that when you go to the pharmacy and you get a drug, there is a Federal agency that has determined that drug is, one, safe, and, two, effective; or that when you go to a hospital or a doctor's office, and they take a medical device—maybe it is something that permits them to go inside your body without cutting you open—that device has gone through an extensive review by the FDA.

In some cases, pharmaceutical products take up to 12 to 14 years for approval—the amount of clinical trials to prove safety and efficacy that we go through, not just on animals but on humans—but it assures every American that the gold standard in the world exists right here in the United States of America. We put manufacturers and their products through a test at the FDA like no other country does. As a matter of fact, when the European Union was created and there were efforts to try to harmonize our approval process in the United States with that of Europe, what we found was that Europe's adoption, then, of 15 countries was that they take any of the 15 countries' approval process. What we found in the United States was it was hard for us to find one country that had as rigid a requirement as the United States of America; therefore, we didn't harmonize. For that reason, there are drugs that are approved in the European Union that are not approved in the United States because they either haven't met the test of the FDA or they have chosen not to go through the test.

The reason I share all of that with my colleagues is that for 2½ years, there were two focuses of those of us who worked on FDA modernization: one was to make sure we had an agency that could perform its task of efficiency, and two, that we did nothing to change the gold standard—the assurance the American people had that every time they got a prescription, every time there was a device, that the gold standard was intact, that it was safe and effective.

It says on the FDA's Web site—and this is just part of their mission statement:

The FDA is responsible for protecting the public health by assuring the safety, efficacy and security of human and veterinary drugs, biological products, medical devices, our Nation's food supply, cosmetics, and products that emit radiation.

For the most part, I think we would agree that we do set the gold standard on the approval of products. We do have some questions about the Nation's food supply. This body has taken up three or four different pieces of legislation because of the fact that the FDA has not had the preview process they needed, and because of that, there have been contaminated foods—some produced here in the United States, some things were shipped in from out of the country, but it was FDA's mission to make sure that did not happen. Well, when we passed that piece of legislation, we all of a sudden accelerated the application process, the review process of drugs and pharmaceuticals. In the next year, we approved 81 new applications because that FDA Modernization Act was in place but, more importantly, the gold standard was still in place.

I wish to ask my colleagues, what are we here today to do? The legislation that is on the floor is to give the FDA the jurisdictional responsibility of regulating tobacco. I want my colleagues to think hard about this. The FDA's responsibility is for protecting the public health—well, tobacco is bad for the public health; it causes disease and it causes death—''by assuring the safety and effectiveness.'' Well, how in the world can you certify that tobacco is safe? It can't be done.

So to say we are going to allow the FDA to become the agency of regulatory jurisdiction is to say to an FDA reviewer: We would like you to do this on drugs, we would like you to do this on devices, we would like you to do this on foods, and we would like you to do this on cosmetics and products that emit radiation, but when it comes to tobacco, we don't want you to hold tobacco to the core mission statement of the FDA. We want you to ignore that it kills people, we want you to ignore that it causes disease, and we want you to just regulate it based upon how Congress said regulate it.

It is not making much sense to people who are listening. Why would you do this? You could find any agency or create an agency to do exactly what Congress laid out in law. But no, we are laying it out in law and we are saying to the FDA: We want you to take that on as your jurisdiction, as your responsibility.

But what is the likelihood of this, that by putting this new burden on the FDA and surging reviewers who are currently working through applications on drugs and devices, working on food safety, and we surge them over to this new area of responsibility called tobacco, that we are going to put more junior employees working on applications of drugs? It might be the next lifesaving drug that is on the marketplace. It might be a device that is actually a device that is inserted into your body, and maybe a young reviewer either delays the approval of that device or that pharmaceutical or makes the wrong decision because the senior reviewer has gone over to do tobacco.

Some will come to the floor and claim that tobacco has to be in the FDA. The FDA, since its inception, has never, ever regulated tobacco. We regulate it through what was the ATF, Alcohol, Tobacco and Firearms; the Federal Trade Commission has regulated the labeling; and the industry on its own eliminated most of the concerns the American people had when they had a master settlement with States years ago.

We are going to be debating this for days. I am going to be down here frequently until this debate is over with because what I want is for the Members of the Senate and the American people to understand that it is not as black and white as what some people would come to the floor and say: Just give it to the FDA and let them handle the responsibility. Feel comfortable doing that if you are willing to jeopardize drug safety, food safety, and device safety because they can't prove the safety and efficacy of this product. As a matter of fact, the bill that is being considered by the Senate doesn't do anything to regulate existing products that are on the marketplace. Think about that. Think of all of the cigarette brands you see behind the counter. The Kennedy bill actually says they are grandfathered. You can't touch them. You have to allow them to continue to be sold. But to a new product, one that might be a reduced-risk product, meaning less harm to the user, the pathway to try to be approved through the FDA is impossible.

It is estimated that without doing anything, we will have a 2-percent reduction in cigarette usage per year in this country. That is a statistic the CBO came out with. But if we enact this bill, according to the—excuse me, CBO estimated that it is currently being reduced at 2 percent annually. According to the Centers for Disease Control, smoking rates declined among Americans annually at 2 to 4 percent. Think about this: CBO says this bill will reduce cigarette smoking by 2 percent annually. CDC says we are currently reducing cigarette smoking use 2 to 4 percent in the United States. In essence, what CDC says is, if you do nothing, we are going to reduce it more than what this bill is going to do. Why? Because CDC—the Centers for Disease Control and Prevention—realizes that when you grandfather all of these products, where FDA has no ability to go in and say, do this, do that, what you are doing is you are locking in the American people. When you say to the FDA: Have this jurisdiction, but we are not going to give you any real way to bring reduced-risk products or reduced-harm products to the marketplace, all you are doing is assuring that people are going to continue to smoke cigarettes.

The marketplace at least has brought smokeless tobacco into the marketplace, and through that smokeless tobacco, it has generated a 2-percent reduction in smoking. We can make the claim that smokeless tobacco is not good for the American people. It is certainly not good for our youth. But the statistics show it is not as bad as smoking. You don't have the degree of death and disease from smokeless tobacco. We will get into that because there are studies around the world, many of them done in the country of Sweden, where we find exactly that, that they have been able to reduce smoking drastically in Sweden by allowing new, reduced-harm products to come to the marketplace, and through the ability of the public to decide that they would like to switch, they have drastically gotten off of cigarette products.

No, that is not the course we are going to take. We are going to take one that is typical Washington. We are going to pick an agency and we are going to say: Let's dump this responsibility on them, no matter what the cost is. We forget the fact that the FDA is the gold standard. It is responsible for protecting the public health. How are you protecting the public health when you grandfather every cigarette product that is currently on the marketplace to exist just as it is? How do you prove safety and efficacy? How can this be effective?

We are headed in the wrong direction. As one of the authors of the 1998 act, this troubles me greatly because I spent 2½ years trying to figure out how not to change the gold standard, that balance at the FDA that assured every American that it had gone through a grueling process of review, that it had passed every test that had been set to prove safety and efficacy. Why would we jeopardize this? Why would we risk the fact that we might change this gold standard?

These are the questions that are going to be asked over the next several days. They are questions I hope to answer for people, not with what I believe but with the facts, with the truth about what is going on around the world, why we are headed in the wrong direction, and why we can have an effective regulatory entity in Washington without jeopardizing the future of drug and device safety, food safety, cosmetics, and products that emit radiation. These are things we need to take very seriously.

I will make this last request, as I see my colleagues are headed to the floor and wish to speak as well. I only asked one thing a week and a half ago of the committee members, and that was to read the bill. Well, the fact that attitudes haven't changed much, that we are on an accelerated pathway, I can just about assure my colleagues they

didn't do what I asked. I didn't expect them to. I think the American people believe we read every bill before it is considered. I think most Members attempt to do that through staff or themselves. This is one that, quite frankly, had they read it, we wouldn't be here today. We wouldn't be doing what we are attempting to do.

This is not about a quest of 10 years. In 1998, when we opened the Food and Drug Administration to do the Modernization Act, we opened the entire thing. Every Member of Congress had an opportunity to amend that bill in the House and the Senate at the time and to give the FDA jurisdiction over tobacco. No Member exercised that ability. So in 1998, there were no Members who thought it was important enough to put that responsibility in the FDA.

We have seen steady reductions in smoking among adults and, more importantly, smoking among youth. Youths are always the ones we point at and we say we have to make sure we do this because children shouldn't have cigarettes. They are right. They shouldn't. That is why we have age limits and advertising limitations.

Can we do better? Yes, we can. Let me assure my colleagues, I will offer a substitute that not only is effective regulation, but it will protect the gold standard of the Food and Drug Administration. It won't put in jeopardy what we have established as the most crucial regulatory body we have that controls or regulates 25 cents of every dollar of our economy. I don't believe that is responsible of the Members of the Congress. They have already made the mistake in the House. I hope we don't make the mistake in the Senate. We can come up with effective regulation but not doing it through the Food and Drug Administration.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

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

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

HEALTH CARE REFORM

Mr. GREGG. Mr. President, I rise to speak about health care and where we are going on the issue of health care here as a government and as a nation. The health care train is beginning to leave the station, so to say. I wish to make sure it is on the right track, that it not be on tracks which will lead it over a cliff. So I want to lay out a few fundamental tests that I believe need to be passed for health care reform to be effective.

First, everybody needs to be covered. Everybody should have the right to get insurance in this country. That is a reasonable request, and it is a reasonable thing to do. The fact that some people don't have adequate health care coverage is not acceptable.

Secondly, we need to have a system which encourages the marketplace to produce better products, more quality, better health care. We also need a system that doesn't let the government become too intrusive into the health care administration so that we don't end up with the government between you and the doctor and we have a system where the government basically creates such a top-down bureaucracy that you end up with rationing or significant delays in the delivery of health care, as occurs in some of our sister countries such as Canada and England.

Thirdly, we have to have a system that encourages innovation and gives those creative minds out there in the health care field who are discovering new drugs and new ways to treat very serious illnesses the opportunity to do that, to get a reasonable reward for what they are doing, both monetarily and, of course, the great satisfaction of helping to cure people.

We also need a health care system which says to the American people: You are going to get quality health care when you go to get health care, and you are going to get it at a reasonable price.

So these conditions, these standards are things we should follow.

As this train starts to leave the station, we are seeing a great deal of talk around here about how any health care that is proposed, if it is coming from the other side of the aisle, must be heavily laden with new government restrictions and new government directions, the most significant of which is something called a public plan. A public plan—no matter how it is dressed up or what costume is put on it—has the same effect. It is a statement by the government that it is going to compete in the marketplace with the private sector for the delivery of health care insurance in this country.

That is not fair competition. There is no way the private sector will be able to compete with a public plan; we know that. What we know is that a public plan is essentially a stocking horse for a single-payer plan. It is more than the camel's nose under the tent, it is the camel's neck, and probably front legs, under the tent on the effort to produce a singer-payer plan.

It doesn't make a whole lot of sense for us to go into a single-payer plan, which is essentially nationalizing the health care system. We have seen neighboring nations have this experience, and their experience is not good. In your nationalized health care systems, such as in England, for example, about 78 percent of the women who get breast cancer survive. Here that percentage is around 92 percent. The difference is because in the United States detection occurs early. In England, unfortunately, because they have a public health care system, which essentially involves delay in the ability to get treatment, people are not determined to have that illness early enough to cure it effectively. You see that with all sorts of diseases.

In Canada, you may not be able to get hip surgery if you are over a certain age—certainly not in time to have your lifestyle improved. The simple fact is, a single-payer plan inevitably leads to delay in the delivery of care and also rationing. In addition, of course, it leads to massive bureaucracies, inefficiency, and a reduction in quality. It drives out of the market people who create new products, the new research, the new drugs, because you are basically setting a fixed return on what a person can make if they invest in producing a new drug, and the production of new drugs is a very expensive business. It costs almost $1 billion and 12 years to bring a new drug to the market. It is extremely expensive. If you cannot get a reasonable return on your money, you are not going to be able to get investors. If your investors are looking at that and saying the government may step in and fix my return and change the years of exclusivity and create a formulary to determine how and what drugs can be sold and who can buy them and ration those drugs, that does not work. It reduces research, and therefore quality, and it reduces the ability to get good health care.

A public plan should be a nonstarter. It should never happen. I have proposed—and I think we should be proposing formal ideas; we have not heard formal ideas from the other side of the aisle yet and I hope we will get some soon—I have sat on a number of bipartisan groups, which have been constructive, especially the Baucus group has been very constructive, but we still don't have anything formal coming out of that group. The same is true with the HELP Committee, under Senator KENNEDY—and from the administration, for that matter, we do not have anything formal.

I think we have an obligation to lay down the specifics on what we want to do. I proposed ''CPR.'' That is the title I have given the proposal: Coverage, Prevention, and Reform. Essentially, it will set up a system where every American will be required to get health insurance, and we will have affordable health insurance for low-income Americans, people under 300 percent of poverty or less. They will have assistance to get health insurance. The insurance will be focused on the biggest concern for most Americans, which is when someone in your family gets sick or has a severe accident and your entire economic lifestyle has changed and, in fact, maybe you are wiped out and bankrupted by that event. Essentially, this proposal will make sure everybody in this country has meaningful health insurance, so they cannot be wiped out by a medical event.

Secondly, this proposal is focused aggressively on the issue of prevention. It changes the HIPAA rules so employers can put more money into giving people incentives to live healthy lifestyles.

That is critical to our society. We have diseases in this country that can be addressed through improving lifestyles. We have seen that, and a lot of companies have been successful in this area—in the area of obesity, which is a severe problem, and with diabetes and other huge costs to society, we can change the impact of those costs and those very detrimental health problems through a better lifestyle. We should incentivize that—monetarily incentivize that. That is what my proposal does.

In addition, the proposal incentivizes people to take preventive action relative to screenings and to getting early health care intervention, rather than late health care intervention. It does it through financial incentives. That is the best way to do things—pay money for being thoughtful and healthy.

Third, it looks at the system of reimbursement and says this is a chaotic system in this country, where we have stovepipes branching off everywhere. We need to have a system that reimburses, first, for quality, rather than simply for procedures, and one that says if you are delivering quality care, you will be reimbursed—especially if you are delivering quality care at less of a cost, and you are going to get a benefit for that—the providers will. We have seen study after study, now over a period of 20 years—most done by the group at DARPA—which has shown us it is not an issue of cost that produces quality, it is an issue of those who are performing the procedures.

We know, for example, that in some parts of the country it can cost 50 percent more to get a certain procedure, and you will have 20 percent less of an outcome than if you go to other parts of the country. For example, if you go to Mayo Clinic, it will cost less to get one procedure, and you will get a better outcome than if you go to a hospital in southern California, where it costs more and you get less of an outcome. It is the same if you compare Florida and Washington State. If we incentivize quality and reasonable costs, we know we will get better quality and lower costs.

We also know we have a haphazard procedure around here on how we have deductibles relative to Medicare and the various parts of it. Nobody knows what their deductible is because it changes depending on what type of treatment you are getting—Part A, B or D, whatever. We should standardize those and get more efficiency into the health care system.

How do we accomplish this? If you are going to get everybody in the system, you have to basically require that everybody be in the system. We have 47 million uninsured people. Of that number, 20 million can buy their insurance. They have incomes up to $75,000 or more. But they choose, as a matter of lifestyle, not to insure themselves. A fair amount of people—the other 27,000 people—either don't have the wherewithal or they are with companies that are so small they don't have the wherewithal to supply health care.

What I am suggesting is that everybody in America has to buy health insurance—the coverage I talked about—meaningful health insurance, with a heavy emphasis on prevention and reform. If you cannot afford it, then we will help you buy it. But you have to buy it. It is an individual mandate. This is an approach that I think will work. It doesn't require that we throw the baby out with the bathwater. It doesn't require that we entirely rewrite our health care system in this country to satisfy those who want to run the health care system out of the government.

It is not a nationalization of the health care system, not a single-payer or a public plan system. There will be innumerable competing insurance products out there for people to buy in order to meet these standards of coverage—innumerable. They will be settled by the marketplace. People will have choices. States will have an exchange program, and you will be able to see everything available to you and quickly decide what is best for you as a family or an individual. It is not an attempt to totally rewrite the health care system. It is an attempt to build on the present system, and it recognizes we have weaknesses, such as the fact that 47 million people are not covered and that we actually disincentivize preventive medicine and a healthy lifestyle under HIPAA and such that we have a reimbursement system that makes no sense and is chaotic and has grown up, over the years, as a result of the bureaucratic machine that would make Rube Goldberg seem simple. Take the strength of our system—we have private sector initiatives going on that are creating better health care, which doesn't cause people to have to suffer massive delays and doesn't create rationing in the marketplace, depending on your age, and doesn't put the government between you and your doctor. That is a good health care system, and we should not throw it out by going to a public plan, a single-payer system. We should build on the health care system we have and bring those who are not covered into it and bring all of us into an attitude of living healthier lifestyles and focusing on prevention, quality, and reform; thereby promoting research and better health care.

That is my proposal. I don't expect this proposal to win the day, but I hope it will be listened to as we go down the road because this is a huge issue. Seventeen percent of the American gross national product is spent on health care. We don't need massive amounts of money in health care. We spend 6 percent more of our gross national product than the next closest nation. There is a huge amount of money moving around in our system. We need more quality at a more reasonable cost.

In addition, a lot of people are quite happy with their health care system, with what they are provided by their employer—usually. Why should we throw them out the door too? Let's address that. What we need is to look at the system we have, its strengths, and build on those strengths. We need to look at its weaknesses and reform them. I know my proposal will help accomplish that, and I hope it will be taken seriously.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I know we are on the 30 hours postcloture on the legislation that is the Family Smoking Prevention and Tobacco Control Act. I support that legislation. I applaud our colleague Senator KENNEDY for his leadership on this issue. It gives the FDA the authority to regulate tobacco, including ingredients in tobacco products and tobacco marketing, which I think is an important step for our Nation's health.

We talked a lot about this in the past. The fact is that smoking and the use of tobacco is dangerous to one's health. We know that. I had a doctor once say there are three things that will give you pretty good odds for a longer life. One is wear a seatbelt. The second is keep your weight down. And the third is don't smoke. Pretty sound advice. The ''don't smoke'' piece is about the health consequences of smoking.

We know especially the issue of marketing and marketing to children is a pernicious activity. We also know the best way you can get somebody hooked on cigarettes is to get them when they are kids, get them when they are young. Do you know of anybody who at age 35 is sitting in a La-Z-Boy recliner watching a color television set ruminating about life and thinking to themselves: What on Earth have I missed in life? What can I do to enhance my life? What should I be doing that I so far have been unable to do and they decide: I have to take up smoking. That just doesn't happen. If you don't get them when they are kids, you don't get them. That is why we pay a lot of attention to addiction to nicotine, marketing to children, and so on.

Let me say again the leadership of Senator KENNEDY and so many others on a bipartisan basis on this issue I think is very important. It deals directly with the issue of the health of the American people.

I do want to say, however, that I intend to offer an amendment tomorrow when we get on the bill itself. I want to describe why I am offering an amendment and what the amendment does.

The amendment is called the Pharmaceutical Market Access and Drug

Safety Act. This underlying bill deals with the FDA. So, too, will my amendment deal with the FDA. I will offer the amendment with Senator SNOWE from Maine, the Dorgan-Snowe bill which we worked on for a long while. It has very wide support in this Chamber from TED KENNEDY, JOHN MCCAIN, CHUCK GRASSLEY, DEBBIE STABENOW. So many others in this Chamber on a bipartisan basis have supported this concept.

Let us give the American people the opportunity that comes with the worldwide economy and the ability in the free market to choose your products. And here is the reason it is important to do that.

The American people at this point understand the value of prescription drugs. They are enormously valuable, and I commend all of those who produce prescription drugs. Yes, the pharmaceutical industry—good for them. Yes, the National Institutes of Health and in so many other areas with public funding as well that develop the approaches that result in lifesaving prescription drugs. I commend all of them, including the pharmaceutical industry.

But it is also the case that the pricing mechanism the pharmaceutical industry uses in this country is fundamentally flawed. They have a pricing mechanism that in most cases for major brand drugs, the American people are told: You get to pay the highest prices in the world. You, the American people, get to pay the highest prices in the world for the same pill put in the same bottle made by the same company. And it is not fair.

I have an example of that, and I ask unanimous consent to show them on the floor.

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

Mr. DORGAN. Mr. President, this is the drug called Lipitor. Most people understand what Lipitor is. It is a drug that is used to lower cholesterol. This happens to be made in Ireland and sent all over the world. These two bottles were sent to two different places—one to the United States and one to Canada. The United States consumer got to pay twice as much as the Canadian consumer. It is the same bottle, same pill, same company, FDA approved, and the American people are charged twice as much. And it is not just Lipitor. It is drug after drug.

The question is, why? Why should that be the case? It is not just Canada, it is virtually every other country in the world as well that enjoys lower cost prescription drugs, when, in fact, we pay a much higher cost for the identical drug.

This happens to be the price—$4.47 per 20 milligram tablet of Lipitor to a U.S. consumer, and just north of the border, $1.82 for the same drug. I could have used other countries. It would have shown the same result.

I have taken a busload of North Dakotans to Canada because I live in a State that borders Canada. In a one-room drugstore at Emerson, Canada, I saw individuals buy their prescription drugs and saw the savings drug by drug. I sat in a farmyard one summer afternoon with an old codger in his eighties from North Dakota. He was talking about health care. He said: You know, my wife has been fighting breast cancer for 3 years. He said: For 3 years every 3 months we have driven to Canada to buy Tamoxifen to fight her breast cancer. Why did we drive to Canada? Because we couldn't afford it in the United States. We couldn't afford to pay for the drugs for my wife's fight against breast cancer. It was 80 percent less costly for the identical drug just north of the border. That is not fair.

Again, it is not just Canada. It is virtually every other industrialized country where drugs are sold for a fraction of the price they are sold in the United States. These are FDA-approved drugs, made in FDA-approved facilities, and sent all around the world. The only difference is pricing. We are charged the highest prices in the world.

The Wall Street Journal had a piece on April 15 of this year, quoting some experts:

> These kinds of price increases—
>
> Speaking of prescription drugs—
>
> are way out of line with what's being experienced in the rest of the economy.

Said Ron Pollack, executive director of Families USA, a consumer health care advocacy organization.

Credit Suisse's Catherine Arnold said drug companies have increased prices so aggressively in recent months to wring sales out of products before any health care cost-cutting efforts eat into profits.

That is not fair. One might ask: How can they do it? They can do it because there is something in law that prevents the importation of prescription drugs, even FDA-approved drugs, prevents the importation into this country by anybody except the drug manufacturer itself. That means the American people are not given the same opportunity to shop worldwide for an FDA-approved drug. It means it is a free-trade economy except the American people cannot participate in that free trade.

What we propose to do is to offer a piece of legislation that gives the American people the opportunity to access FDA-approved drugs, the same drug made in the same place marketed differently but priced higher in the United States to access those same drugs. Do we do this because we want Americans to buy their drugs from other countries? No, that is not the point. The point is if they can access that same FDA-approved drug sold for a fraction of the price in another country, it will force the pharmaceutical industry to reprice their drugs at a lower cost in this country in a manner that is fair to the American people.

The estimates of what this will save are $50 billion in 10 years—$50 billion in savings in this country. That is not insignificant at all.

One of the things that is always raised by those who support the practice of the pharmaceutical industry is this is going to cause all kinds of safety concerns. Can you imagine the counterfeit drugs that will come across?

I just described this drug Lipitor. This is not made here. It is made in Ireland and then shipped in. How do we know this is real? The provisions in the legislation that we have created actually provide safety requirements that exceed those that now exist with respect to batch lots and pedigrees and all kinds of new resources for the FDA to do more audits than they now do, to do more inspections than they now do.

Don't anybody come to the floor of the Senate raising those kinds of issues because they do not exist. This legislation is legislation that has very stringent safety requirements and will provide an opportunity for the American people for some basic fairness.

Here is a quote from Mr. Hank McKinnell, former Pfizer CEO. He said:

> Name an industry in which competition is allowed to flourish—computers, telecommunications, small package shipping, retailing, entertainment—and I'll show you lower prices, higher quality, more innovation, and better customer service. There's nary an exception. OK, there's one. So far, the health care industry seems immune to the discipline of competition.

That is exactly why the pharmaceutical industry can decide this afternoon behind a closed door: Here is what we are going to do to our prices, and if you don't like it, tough luck, because we have the capability to make it stick.

I don't come to the floor of the Senate as someone who has some sort of grief against the pharmaceutical industry. As I said when I started, the pharmaceutical industry plays a very important role in health care in this country. I have a grief against their pricing policy, however.

I held hearings on this issue long ago. A group of us on the floor of the Senate—Republicans and Democrats—has tried for some long while only to be blocked to pass legislation that would give the American people the opportunity to access the identical prescription drugs that are sold for a fraction of the price in the rest of the world and do it in a manner that is fair to the American people. We have been blocked in that opportunity.

This is an FDA bill on the floor of the Senate. This is the place to offer this amendment.

I visited with my colleagues this morning, Democrats and Republicans. I talked with Senator STABENOW, Senator SNOWE, Senator MCCAIN, and many others this morning about this amendment to this bill. On a bipartisan basis, we believe this will help the American consumer. It is long overdue. And at a time and during a year in which there is a lot of discussion about health care issues and the problems confronting this country in health care, one of the most significant problems is this dramatic march of price increases in health care.

Look, we spend more money per person on health care than any other group. We spend more money than any group of people in the world per capita by far, and we rank 41st in life expectancy. Something is not working out quite so well there. One of the areas of these price increases in health care that leads the pack is the issue of prescription drugs. Prescription drugs allow us to manage disease, in many cases keep people out of an acute care bed, which is very expensive. We know the ability to manage health care conditions through the use of prescription drugs has been very helpful and has been lifesaving to many Americans and people around the world. We understand that completely.

Those who oppose the amendment I am proposing would say: Look, all that will do then is shut down or at least reduce the revenue that the drug companies have, pharmaceutical companies have and, therefore, they will do less research and, therefore, have less opportunity to unlock the mysteries of these dreaded diseases and find the very next cure for Parkinson's, Alzheimer's, or some other disease.

It is interesting to me that the costs or the amount of funds spent for marketing and promotion by the pharmaceutical industry, at least from information I have, exceed the amount of money they spend on research. How many people in the morning have a little television set somewhere near while they are brushing their teeth getting ready for work. The television set is on, and there is a voice on the television set and a really interesting picture and it is describing some awful symptom that you have that you want to get rid of, and they are describing the symptom and describe the 85 things that could go wrong if you take the pill they are pushing. Then they say: Go to your doctor and ask him if the purple pill is right for you. I don't know what the purple pill does; I don't know what it is about, but the commercials are so intriguing and so persuasive, you almost want to go ask someone if the purple pill is right for you.

There is so much advertising relentlessly pushing prescription medicine at consumers—who can only get it if a doctor prescribes it in the first instance—how about cutting back on some of that advertising? So don't tell me that if they have to charge a price that is competitive with other prices around the world for the prescription drugs they sell in the United States that somehow it will injure their research.

Let me say that a fair amount of the research goes on here at the Federal Government level through the National Institutes of Health and the contracts all across the country, and we are substantially increasing that investment. I believe in that and I support it. I am one of those who has pushed and pushed because there are so many things that we can unlock with respect to these mysterious diseases, and we can make this a much better future if we invest in the research necessary.

When we find the capability and research to address these diseases, very often we see that research available to pharmaceutical industry companies that then market a pill or market some medicine as a result of it. And they do some research themselves—not insignificant, by the way—and find opportunities in their own companies as well to introduce and provide life-saving medicines. So my hat is off to all of them. It is just that I insist on fair pricing for the American people, and that has not been the case for a long time.

I am offering an amendment that is going to save this country $50 billion over the next 10 years. My colleague, Senator SNOWE, and I, along with many other colleagues, have introduced this piece of legislation—with more than 25 colleagues now, but we have had far more than that many in previous Congresses—and we are impatient. This has been a long tortuous trail and we are impatient to get this done on behalf of the American people.

I wanted to come today, even during the 30-hour postcloture period, to say that when we are on the bill tomorrow, I intend to offer this legislation and to do it in a way that advantages the American consumer to be able to access the same quality prescription drugs that other consumers around the world are accessing for similar prices. At the moment that is not the case. We are overcharged. The drugs are overpriced. It is unfair to the American consumer, and it is past time—long past the time—for this Congress to do something about it.

Mr. President, I yield the floor, and 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. BURR. 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. BURR. Mr. President, as I stated earlier today, I will be back time and time and time again to help my colleagues, one, understand what bill is being considered this week in the Senate but, more importantly, the ramifications of doing the wrong thing.

I think most Americans would agree that we should do everything we can to regulate tobacco products as relates to the youth of our country. By the same standard, I think that we have an obligation as Members of the Senate to make sure we don't in fact limit the choice of adults who choose a tobacco product. I believe that you don't limit that if you responsibly regulate the product. I believe you do limit it if in fact to make something fit you design a regulatory scheme that by default limits the future options adults might have.

I left off earlier talking about the core mission of the Food and Drug Administration being to protect the public health by ensuring the safety and efficacy of pharmaceutical products, biologics, medical devices, cosmetics, and the food supply. God knows we have been challenged over the last couple of years with the food supply. Whether you talk about contaminated peanut butter or spinach in California, a number of things have come into play, and I think many of us would agree the Food and Drug Administration has been deficient in the area of food safety. As a matter of fact, the people now authorizing bills to dump on the FDA the responsibilities for tobacco were very critical of the FDA as it related to their food safety oversight, so it shouldn't shock any of us that I think they are misguided in where they have chosen to focus their efforts toward regulating this industry.

Let me add to that the former—just recently former with the change in administration—FDA Commissioner's statements about this bill.

> The provisions in this bill would require substantial resources, and FDA may not be in a position to meet all of the activities within the proposed user fee levels. As a consequence of this, FDA may have to divert funds from its other programs, such as addressing the safety of drugs and food, to begin implementing this program.

This is not something I have schemed up. This comes from the former Commissioner of the FDA, who says that within the framework of the Kennedy bill, the user fee levels alone may not be enough for us to set up this regulatory framework and, therefore, we might have to divert funds from other programs, such as addressing the safety of drugs and food to begin this program.

Let me explain. To implement this program, it will cost $787 million a year—$787 million a year. I will propose, along with Senator HAGAN, a substitute—that when HHS was asked to tell us how much they needed to absolutely fund that new entity to regulate the tobacco industry they told us they would need $100 million. So there is already an option on the table that allows us to take user fees from the industry to fund a $100-million-a-year program to regulate the entirety of tobacco; or we can choose to put it at the FDA, where we are basically going to do the same thing and the former FDA Commissioner said the $787 million devoted to user fees may not be sufficient to meet the regulatory requirements set forth in this legislation.

It is actually a little bit worse than that, because the CBO stated that before the Kennedy plan can be implemented—which is paid for by a shell game of requiring military servicemembers to mandatorily participate in TSP, the savings plan, the 401(k) of the Federal Government—to pay for the program you have to come up with $200 million to kick the program off. You know, it is a catch-22. The Kennedy program can't even be implemented from the shell game of funding they

have set up, but more importantly it is going to cost almost eight times more than if we were to regulate tobacco in a separate entity under the guidance of the Secretary of Health and Human Services—the same person who has the guidance of the FDA; the same Secretary.

What we are going to propose is that we set up a new agency to in fact regulate the tobacco product, but not get it confused with other core missions, such as the safety and efficacy of drugs and biologics and devices. That would be a huge mistake, I believe.

Let me, if I could, quote Jack Sullum's April 2008 op-ed in Reason Magazine in talking about the Kennedy bill. He said:

> A consumer protection bill that reduced competition, raised prices, restricted choice, blocked information, and made products more hazardous could not really be counted as a success. The act imposes new regulatory burdens and advertising restrictions. The compliance costs and reduced competition are likely to raise prices. The bill not only authorizes the prohibition of safer tobacco products in the censorship of potentially lifesaving information about relative risks; it gives the FDA permission to make cigarettes more dangerous by ordering reductions in nicotine content. Such a mandate aimed at making cigarettes less attractive to new smokers would force current smokers to absorb higher levels of toxins and carcinogens to obtain their usual doses of nicotine. According to supporters, this bill, backed by the biggest tobacco company, will enable the FDA to protect smokers from big tobacco. But who will protect smokers from the FDA?

That doesn't come from RICHARD BURR or any other Member, this comes from an individual who has had an opportunity to read the bill, something a majority of the Members in the Senate have not done. If Members of the Senate read the Kennedy bill, they would never put the jurisdiction of tobacco with the FDA. They would never jeopardize the safety of drugs, of cosmetics, of devices and biologics. In fact, the Kennedy bill authorizes the prohibition of safer tobacco products.

Let me say that again, because I don't think everybody realizes what I said. The bill prohibits safer tobacco products and the censoring of potentially lifesaving information about relative risks among tobacco products. But this is being sold as a public health bill. This is being sold as a bill that reduces youth access, youth usage of tobacco products.

Let me tell you what we did in 1998. It really wasn't what we did. We were, I guess, smart enough to stay out of it. The tobacco companies, understanding that there was a tremendous health cost that resulted from their products, came up with a settlement with all the States. It was called the Master Settlement Agreement—the MSA—and we will talk about the MSA a lot over the next few days. How much was the MSA? It was a guaranteed award of $280 billion over a period of time, and every year the companies make that payment to the States. These funds were to be used for health care costs and programs associated with tobacco use, mainly cessation programs. The industry was actually paying States to run cessation programs to get people to stop smoking—to stop using tobacco products.

If States spent the MSA money the way the CDC recommended to them every year, trust me, we wouldn't be here today. We would not be talking about the FDA taking over the jurisdiction of the regulatory responsibilities of tobacco, because had States used the money that was devoted for these cessation programs, the reduction in smoking would have been dramatic.

Let me add that, according to the CDC, smoking rates among Americans decline annually 2 to 4 percent currently—2 to 4 percent a year. The CBO, when looking at the Kennedy bill, estimated that, when implemented, this legislation would only decrease smoking by 2 percent annually. In other words, doing nothing versus the Kennedy bill, we have a trend line that gets us to a 15.97 percent usage of tobacco products in the year 2016; under the Kennedy bill, as scored by CBO, you would have a usage of cigarettes—of smoking products—of 17 percent in 2016. That is almost a 2-percent difference—a 2-percent additional decline, if we do nothing. And I am not here proposing that we do nothing. I am here proposing we do a new regulation, but we don't do it in a way that necessarily jeopardizes the safety, the gold standard of the Food and Drug Administration.

I think it is shocking in talking about the MSA, the $280 billion over these number of years designed to help States with their health care costs and with cessation programs. What have the States been doing? Let me pick a few of them, if I could. Of the amount the CDC recommended to the State of Connecticut that they spend on cessation programs—programs designed to get people to stop using tobacco products—how much did Connecticut spend? It is easy, 18.9 percent of what the CDC recommendation was—18.9 percent. I don't know whether they built sidewalks or highways or paved roads or what they did with it, but they certainly didn't do it to try to get people to quit smoking.

It is easy to come up here and pass something that you can turn around and say: Well, this should work, rather than to actually devote money to actually doing something that matters. As a matter of fact, let me say that the smoking prevalence among youth in Connecticut is 21.1 percent.

The alcohol prevalence in youth in Connecticut is 46 percent. The use of marijuana prevalence among youth is 23.2 percent. The use of marijuana in youth in Connecticut is 23.2 percent; alcohol, it is 46 percent; of tobacco, it is 21.1 percent. Why aren't we addressing the real problems? Alcohol usage prevalence among youth is twice what tobacco is. Marijuana is 2 percent higher than tobacco.

Illinois. Of the CDC recommended amount to go to cessation, how much did they spend of the recommended amount? Mr. President, 6.1 percent—6 percent of what CDC said they ought to be spending of the FSA money on programs to reduce the rate of smoking. They used 6 percent. And 19.9 percent of the prevalence among youth in the use of tobacco; 43.7 percent of alcohol; 20.3 percent of marijuana. Again, alcohol and marijuana are higher in youth prevalence than tobacco usage. Six percent of the CDC recommendation devoted to programs to try to reduce the use of tobacco products.

Massachusetts. Of the CDC recommendation as to how much should go to programs to get people to stop the use of tobacco products, 15 percent; 85 percent devoted to something else—building sidewalks, filling in budget gaps—but not to reduction in the use of tobacco products.

But this is such a prevalent issue, we are going to spend a week or longer of the Senate's time talking about how we jeopardize the gold standard of the FDA when States that have had the funds since 1998 to reduce the problem chose to use them on something else because it wasn't a big deal.

In Massachusetts, 17.7 percent prevalence in youth usage of tobacco products; 46.2 of alcohol; 24.6 of marijuana.

Missouri. Of the CDC recommendation for cessation programs, how much did they spend? They spent 3.7 percent. For 96-plus percent, they said: We are not going to spend this on what the CDC recommended that we do to reduce tobacco consumption. We are going to spend it on what we want. Mr. President, 23.8 percent youth prevalence of tobacco usage; 44 percent for alcohol; 19 percent of marijuana usage. Thank goodness marijuana usage in Missouri is lower in the rate of prevalence among youth than tobacco.

Nevada. Of the CDC recommendation of how much they devote in Nevada to reduce tobacco usage, 12.6 percent. And 13.6 percent youth prevalence—they do a tremendous job with making sure the usage by youth is minimal, 13.6 percent; 37 percent for alcohol; 15.5 percent for marijuana.

New Hampshire. Of the CDC recommendation, they spent 5.7 percent on programs to get people to stop smoking. Nineteen percent youth prevalence for smoking; 44.8 percent youth prevalence for alcohol; 22.9 percent youth prevalence for marijuana.

New Jersey. Of the CDC recommendation, 8.5 percent; 19.8 percent for smoking prevalence in youth; 46.5 percent alcohol prevalence for youth; 19.9 percent marijuana prevalence for youth.

Ohio. How much of the CDC recommendation for programs to actually reduce consumption of tobacco products? It is 4.9 percent. Tobacco use prevalence among youth, 21.6 percent; alcohol, 45.7 percent; marijuana, 17.7 percent.

Texas. Of the CDC recommendation, 4.7 percent. Over 95 percent of the recommendation of the CDC, if you wanted to reduce youth prevalence of smoking, 95 percent went somewhere else. Twenty-one percent prevalence in youth smoking; 48 percent alcohol; and 19 percent in marijuana.

This is a sampling for now 11 years during which they have had the funding to do the programs. They have seen a greater need in the States, a greater need to the tune in some cases of 96-plus percent that they were going to devote to something else because the prevalence of youth smoking wasn't that big a concern to those States. They diverted the money. Now, all of a sudden, this is such a pressing issue even though the trendline says doing nothing actually reduces the use of tobacco products, of smoking, more than the bill that is being considered. If we did nothing, it would do better, but all of a sudden we have religion in the Senate.

Here is an opportunity to actually pass something and to go home and say: Here is what we have done. Ten years ago, we promised you the FDA would have jurisdiction, and we didn't do it.

What they forget is, 11 years ago, when we passed the FDA Modernization Act, we opened up the entirety of the FDA as we redesigned how they functioned, and no Member of Congress offered an amendment to give the FDA—11 years ago—the responsibility for tobacco. Every Member focused, over 2½ years in crafting that legislation, on making sure that this mission statement, the responsibility for protecting the public health by assuring the safety and efficacy of drugs, devices, cosmetics, food safety, that we didn't do anything to diminish this. Now, all of a sudden, 11 years later, we are claiming that for 10 years we actually wanted FDA to have jurisdiction of tobacco, and we are willing to jeopardize the mission of FDA on drugs, devices, biologics, and food safety just because we want to give them this new jurisdiction.

Read the bill. Actually spend the time to sit down and read the bill. You will find out how we are jeopardizing the future of the American people relative to drug safety.

Let me quote from the American Association of Public Health Physicians in its white paper on the case of harm reduction. We will talk about reduced-risk products and harm reduction a lot of over the next several days.

From the white paper:

> Tobacco harm reduction is taken to mean encouraging and enabling smokers to reduce their risk of tobacco-related illness and death by switching to less hazardous smokeless tobacco products. In practical terms, enhancement of current policies based on the premise that all tobacco products are equal risk will yield only small and barely measurable reductions in tobacco-related illness and death. Addition of harm reduction components, however, could yield a 50 to 80 percent reduction in tobacco-related illness and death over the first 10 years and a likely reduction of up to 90 percent within 20 years.

That is from the American Association of Public Health Physicians. That basically says what you are getting ready to do is a huge mistake. You are getting ready to grandfather every tobacco product on the market today and you are ruling out these new products that might come to market in the future that would have a devastating impact on the reduction of death and illness among the American people, which has a direct impact on health care costs.

From the Royal College of Physicians in Sweden:

> In Sweden, the available low-harm smokeless products have been shown to be an acceptable substitute for cigarettes to many smokers, while ''gateway'' progression from smokeless to smoking is relatively uncommon.

Why is this important? You will hear people say these new smokeless products shouldn't come to the marketplace because that is an opportunity for youth to get hooked on nicotine and then to turn to smoking. Smokeless product has an age limit, just like cigarettes. As a matter of fact, I quoted the numbers on marijuana prevalence for youth. Marijuana is illegal. It does not have an age limit to it. It is illegal. Yet, for most of the States I referenced, the prevalence among youth of marijuana usage was higher than that of tobacco. Where is the outrage?

Dr. COBURN will come to the floor at some point before the end of this debate. He will offer a recommendation that we give the jurisdiction to the FDA for smoking marijuana. Why? Because smoking marijuana does more health hazard to one's lungs than smoking tobacco. I will let him make the case because he is a doctor and deserves the credibility of his profession.

There are 14 doctors in the 111th Congress, with two of those doctors in the Senate: Dr. COBURN and Dr. BARRASSO.

One of the House M.D.s, MICHAEL BURGESS, a member of the Health Subcommittee of the House Committee on Energy and Commerce, felt compelled to explain why he voted against this bill in the House, a doctor who voted against the companion bill to the Kennedy bill. He practiced medicine in North Texas for 25 years and lost both parents to tobacco-related illness. He said:

> The FDA is a beleaguered agency that cannot do what we currently require it to do with food and drugs. Agency officials have stated the FDA is badly understaffed and underfunded. Yet, with this bill, we are giving the agency an entire new group, tobacco. This is hardly a logical rationale, let alone safe for the American public. Until the agency is able to demonstrate on a consistent basis that they have the capacity to do all we currently require them, we should not give them additional responsibilities.

That is a doctor of 25 years who is basically looking at the work of the FDA and saying: Nobody in their right mind, especially a medical professional, would consider this to be a wise thing, to offer the FDA additional jurisdiction.

Until they can prove that they understand the responsibility of the FDA, which is to protect the public health by assuring the safety and efficacy and security of human and veterinary drugs, biological products, medical devices, our Nation's food supply, cosmetics, and products that emit radiation, until they do that, why would we even consider giving them any more?

That is a medical doctor of 25 years making that statement when he voted against this bill in the House.

This bill is going to pass, make no illusions about that. Why? Because Members haven't read it. If they did, there is no way they would vote for it. The truth is, this is going to be popular at home. They will go home and say: I gave the FDA regulation of tobacco products. They will not go home and say: We had an opportunity since 1998 to reduce youth usage of tobacco and our State decided not to even meet the recommendations of the CDC, much less the others. We thought it was more important to build sidewalks or fill budget gaps than to meet these new targets. Now we have the answer to it because giving it to the FDA, no child will ever smoke again. Baloney. If they are under 18 today, they are finding some way to buy tobacco. It is illegal, but it should not surprise us when we look at marijuana usage, where we have a product that is not age limited, it is illegal, and more youth use marijuana than use cigarettes.

We really have to focus on this, if, in fact, we want to make sure we don't do the wrong thing.

Let me, at this time, cite part of a letter from Elizabeth Whelan. Dr. Whelan is the president of the American Council on Science and Health. This letter was sent to Congressman STEVE BUYER and Congressman MIKE MCINTYRE in the House. She writes:

> (H.R. 1256) will not only fail to reduce the ravages of cigarette induced disease and death—it will likely worsen it. The new regulation of tobacco additives will not lower the toxic and carcinogenic mixture induced by the combustion and inhalation of cigarette smoke. The enhanced restrictions on lower risk tobacco products such as smokeless tobacco and clean nicotine which have been shown to assist addicted smokers in quitting will condemn the over 40 million addicted smokers to the same old quit or die pair of options.

Limit 40 million addicted smokers to the same old quit or die options.

We are going to see, over the next several days, people come to the floor and say this is about public health, this is about reducing youth usage, this is about addressing the health risks of tobacco. Yet every professional who has written on this issue has said: What we are getting ready to do in the Senate is the worst thing we could do. It is going to make the problem worse. It is going to raise the cost of health care, not lower it. It is going to lock more people into choosing cigarettes

versus smokeless products or other nicotine products that might get them off of cigarettes as an addiction.

In addition to not advancing the public health, I firmly believe this bill will further overburden the FDA and doom the FDA at its core mission of safety and efficacy of drugs and devices and biologics and food safety.

Again, Mr. President, I plan to visit the floor a lot, as will some of my colleagues, over the next several days as we have an opportunity to continue to talk about this bill but also to offer amendments on this bill.

The FDA grew out of a single chemist in the U.S. Department of Agriculture in 1862 to a sprawling agency today of nearly 10,000 employees comprising chemists, pharmacologists, physicians, microbiologists, veterinarians, pharmacists, lawyers, and many others. Let me assure you, they are some of the most talented people we have in this country—the most dedicated professionals—to make sure this core mission is met every day. The worst mistake we could make is to give them something that does not fit in the mission of FDA because I do not care how much you try, you just cannot prove that tobacco is safe and effective. It just cannot happen.

If the effort is to get more Americans to make the choice of giving up the habit, then do not create a system that does not allow new products that Sweden and other countries have experienced reduce the amount of usage. Certainly, do not fall prey to the belief that if we pass this legislation we are going to reduce drastically the use of tobacco products. As a matter of fact, as CDC proved, doing nothing reduces the use of tobacco products 2 percent more than if we pass the Kennedy bill. CBO estimate for the Kennedy bill; CDC estimate if we do nothing.

If the effort is to get it right, one would suggest we are doing it wrong. If the effort is to make sure we address public health to reduce the prevalence of youth usage, not to limit the choice of adults, why in the world would you give it to an agency, jeopardizing its core mission by prescribing to the agency an impossible task of bringing new, reduced-risk products to the marketplace?

Where would you create a new regulatory body where you grandfathered every product that currently contributes to death and disease and say: If new products are created that reduce the risk, that reduce the harm, we are going to make it unbelievably difficult for you to be able to market those products. I do not think that is what the term ''only in America'' was meant to portray. The insanity of what this institution is getting ready to do—why, the American people, they must think we are crazy by now. If they do not today, they will by the time this bill passes.

Again, Mr. President, I will be on the floor frequently between now and then. I am committed to not only point out the difficulties and challenges of the legislation that serves as the base bill but am committed early on to present a substitute bill that brings every bit as much regulatory oversight and responsibility to the tobacco industry but will allow new, less harmful products to come to the market that will allow adults—people of legal age—to choose to use those products, if they choose to, and especially to use them if they are trying to reduce their dependency on smoking. That is the way you reduce the risk of death and disease. You reduce the cost of health care in this country. It is not necessarily by allowing the FDA to have jurisdiction. If I was wrong, I would not point to these States that underfunded the commitment needed to successfully do cessation programs that were paid by the tobacco industry and in most cases found that the prevalence of marijuana use among youth is higher than the prevalence of tobacco use. Marijuana is illegal. Tobacco does have an age limitation.

Our belief that we can just wave a magic wand, give it to a new agency, and that youth numbers are going to go down—well, we might be lucky enough to get them to go down, probably not more than they are naturally going down. I wish we were here debating why the prevalence of marijuana use—an illegal drug—is higher among America's youth than tobacco is. I think the country would be better served if that were the debate we were having on the Senate floor and not a debate about how we jeopardize the safety and efficacy of drugs and devices and cosmetics and food safety in the future.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, I rise in strong support of the Family Smoking Prevention and Tobacco Control Act. This legislation has been a long time coming, and for millions of Americans affected each day by tobacco addiction and the hazards of secondhand smoke, for hundreds of thousands diagnosed each year with lung or throat cancer, it provides potentially lifesaving protections that are long overdue.

I wish to commend Senator KENNEDY for his leadership of the HELP Committee in crafting this comprehensive bill. It will give the U.S. Food and Drug Administration the legal authority to regulate tobacco products, curb sales to children, and restrict misleading tobacco advertising.

For many years, the Federal Government has known about the addictive nature of tobacco products and the damaging effects of cigarettes on smokers. We have seen the seductive and deceptive advertisements that have targeted children, women, minorities, and even smokers suffering from tobacco-related illnesses. We have read the evidence spelling out the numerous carcinogens added over the years to increase consumers' dependency on cigarettes. Despite overwhelming data showing the products' destructive effects, the industry's representatives, under oath, refuted well-documented scientific findings about the additives in their products and concealed their own internal research reports.

So far, the Federal Government has been powerless to effectively regulate the industry. The bill before us tackles this obstacle head-on and gives the FDA the power it has lacked in years past to make Americans aware of tobacco's dangers and to reduce tobacco use. It is a much needed and responsible approach to the epidemic of smoking addiction in this country.

The toll taken by tobacco use in our Nation is devastating. State data compiled by the Campaign for Tobacco-Free Kids outlines the effects in my own State of Maryland. More than one in seven Maryland high school students smoke cigarettes, and each year 22,000 Maryland children try cigarettes for the first time. Of these, 6,600 become new daily smokers each year. Although the sale of cigarettes to those under 18 is illegal, 12.5 million packs of cigarettes are smoked by children in my State each year. It is clear that better tools and stronger enforcement of our laws are needed.

The mortality data shows why we must be alarmed by these numbers. More than 6,800 Marylanders die each year from their own smoking, and 780 nonsmokers die each year from exposure to secondhand smoke. For every person in Maryland who dies from smoking, approximately 20 more Marylanders are suffering from serious smoking-caused diseases and disabilities or other tobacco-caused health problems.

The Senate will begin to consider health reform legislation this month. A major goal of that effort will be to reduce health care costs in this Nation. Well, the legislation on the floor today is a good place for us to start.

It is estimated that the annual health care expenditures in Maryland that are directly caused by tobacco use totals almost $2 billion, and expenditures from secondhand smoke exposure another $79 million. Our State's Medicaid budget alone spends $476 million each year to address tobacco-related illnesses. We can save health care costs and save lives by passing a strong tobacco regulation bill and sending it to the President for his signature.

Perhaps the best case I can make for the passage of this bill comes from Ms. Geraldine Lloyd, who lives in nearby Frederick, MD. She is a courageous woman who has asked that her story be shared with Congress so we can take the necessary actions to protect the

American people. Geraldine started smoking at the age of 15 and became a pack-a-day smoker within the first year. Geraldine spent 15 years trying to quit smoking but was unable to do so.

Finally, Geraldine was diagnosed with throat cancer. After radiation and 17 surgeries, she has been left speechless and has to breathe through a hole in her neck. After 11 years of not smoking, she was diagnosed with lung cancer in 2004. In her own words, this is her story:

I was born in 1943, into generations of smokers. Both my grandfathers were North Carolina tobacco farmers, and my mother's father was a lobbyist for Liggett & Myers Tobacco Company. Although they died before I was born of heart disease and lung cancer, they remained vivid symbols of my roots, until four years ago, when I discovered that my mother's grandfather coined the term ''I'd walk a mile for a Camel'' and was paid royalties for the slogan until he died. It was also the last cigarette I smoked.

I'm absolutely certain that I was addicted as a child to secondhand smoke. I was constantly sick with chest infections and spent the best years of my life coughing and struggling to breathe. I loved sports, but never had the lung capacity to participate because I was in a futile cycle of withdrawal. I found no relief until I started smoking at the age of 15, escalating to a pack a day within a year.

I didn't try to quit until my mother died in 1975 from brain and lung cancer. But I couldn't. My father died four short years later, from cancer of the throat and the lung. They were both pack-a-day smokers.

Witnessing what smoking had done to them, I was determined to stop. I spent the better part of 15 years trying to quit, using every imaginable over-the-counter treatment as a way of escape. I underwent hypnosis, therapy, acupuncture, patches, gum, and could never remain abstinent for more than a few weeks. Each and every time I quit and began again, the addiction became more ruthless, leaving me less and less capable of coping without them.

I was diagnosed with throat cancer in 1993, and through the next four years I underwent radiation and surgery, and sixteen subsequent surgeries to save my esophagus. Lengthy stays in hospitals, and the stress of breathing through a stoma (a hole in my neck), relieved me of the physical addiction. Looking at myself in the mirror took care of the rest.

Since then, I have been speechless, with the aid of electro-larynx, and dedicated to helping children understand addiction to nicotine. In 2004, after a lengthy recovery, and 11 years of not smoking, I was diagnosed with another cancer, in the lung.

I'm in remission, but my life has been drastically changed. The compromised life I lived while smoking was a vacation compared to the life I've been forced to live since surviving cancer.

The collective and unspeakable horror of allowing an industry to run with a free license to kill is finally being heard. We represent lives of freedom and happiness robbed from nicotine addiction due to an industry that remains unregulated, with rampant freedom to manipulate their product to suit their greed. I have survived, but so many do not. Sometimes survival is the cruelest joke against tobacco's victims. The tobacco industry has been laying down a genetic map of pain, suffering, sorrow, and unconscionable human injustice for decades, and it is time for it to stop.

Mr. President, I want Geraldine Lloyd to know we have heard her message and we take it to heart. It is time to empower the Federal Government, through the FDA, to put an end to the tobacco industry's longstanding practices and to begin to eliminate the threat of tobacco-related illnesses that have taken so many American lives and harmed so many others.

I am proud to be a cosponsor of this legislation. I urge my colleagues to support it overwhelmingly. We owe it to our children, we owe it to our Nation, and we owe it to Geraldine Lloyd.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. HAGAN. Mr. President, I know we are going to have a lot to say about the pending business, the FDA tobacco bill, over the course of the week. I have a number of amendments, and I know many of my colleagues also have amendments they wish to offer as well.

Those amendments and the specific concerns they seek to address we will have an opportunity to discuss when we get to that stage of the process. For the moment, I simply want to lay out some of my general concerns about this legislation.

This broad, sweeping legislation will have a devastating impact on the economy in my State of North Carolina and on the lives of many of my constituents. In my State, we have 12,000 tobacco farmers. We also have over 65,000 jobs in North Carolina tied to the tobacco industry. North Carolina generates about $587 million annually in farm income from tobacco. The economic impact of tobacco in North Carolina is $7 billion.

As you know, we are in the midst of an economic crisis, and the bill before us today is further going to devastate our economy in North Carolina by putting thousands of people out of work and exacerbating the already high level of unemployment throughout the State.

First, we are going to hear about how this bill will prevent youth from taking up smoking. I fully support that goal. In fact, I know that every day probably about 3,500 youth across the United States try their first cigarette, and another thousand become regular, daily smokers. Clearly, we have to do something to prevent youth smoking.

But the bill before us goes much further than that. It grants the FDA extremely broad authority to take actions that it considers to be in the interest of public health. That is an interesting standard—especially when you consider that cigarettes, when used as intended, are a dangerous, unhealthy product. I know that and you know that.

Given that cigarettes are an unhealthy product, asking the FDA to take actions in the interest of public health puts them in a very difficult position. It creates a practically unprecedented regulatory conundrum for the FDA that will require them to go much farther than the stated mission of reducing youth smoking.

Another issue is the product standards. Under the bill we are going to be considering this week, not only can the FDA take actions that reduce smoking, but they would also have the authority to change what actually constitutes a cigarette. I will discuss that point in more detail later, but I will state now that, unequivocally, this bill gives the FDA the authority to set standards for tobacco products, whether or not the technology actually exists today to meet those changing standards.

If we are, one, asking the FDA to set standards in the interest of public health and, two, we are giving them the authority to require the removal of harmful components from tobacco products—including components that are native to the tobacco leaf itself—and, three, if we are allowing them to move forward with these regulations even if the technology doesn't exist today, what do we expect the FDA to do? What would any of us do if we were in that position? This legislation puts the FDA in an impossible situation.

I will close by saying that I have many friends in North Carolina who are wonderful tobacco farmers. Many of their families have been growing tobacco for generations. I am very concerned about the impact this bill will have on their livelihood. I think that a reasonable compromise can be found on this bill, and I look forward to discussing some of the ways this legislation can be improved as we move forward in the process.

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.

Ms. STABENOW. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Ms. STABENOW. Mr. President, I rise to speak about an amendment that my friend from Kansas, Senator BROWNBACK, and I will be introducing at the appropriate time, to this very important underlying bill that we have in front of us. I want to particularly thank our majority leader for supporting this effort, given the important timing of this particular legislation to the economy and to those involved in our auto industry—our dealers in communities across the country. I thank him for allowing us to put this forward and hopefully have the support of colleagues to be able to place this on this bill so it can be moved to the President as quickly as possible. Timing is very much of the essence on this amendment.

I also thank Senators DURBIN, VOINOVICH, LEVIN, BROWN, MIKULSKI, LIEBERMAN, and others who are cosponsoring the legislation we have introduced, and those who are cosponsoring this amendment as well.

This is the Drive America Forward Act. It will save jobs in America. It will help our dealers across the country, both those who are going forward as dealers and those who, under Chrysler and GM bankruptcies, have been told that they will have to either liquidate or look for other options as business people. It will help stimulate the economy. This is very much a stimulus. It will save money for consumers. And it will also lower carbon emissions—all of that in one amendment. We are very hopeful that we will have a strong bipartisan vote at the appropriate time when this amendment comes forward.

Under the program that we are outlining in our amendment, consumers may trade in their older vehicles and receive vouchers worth up to $4,500 toward the purchase of a new vehicle that is more fuel efficient, a car or truck that is, in fact, more fuel efficient.

I thank colleagues in the House who have done terrific work on this particular piece of legislation. Chairman WAXMAN and Congressman MARKEY, and Congressman STUPAK and Congressman DINGELL from Michigan, worked together through the Energy and Commerce Committee in the context of the bill that was reported out a couple of weeks ago from Energy and Commerce on energy and climate change. They had this provision in their legislation. I thank them.

We have taken their language, working with them every step of the way. We have addressed some issues to allow dealers to make sure this is operationally going to work best in terms of the administrative side of it. We have combined those efforts into this amendment. It is critical that we pass it at this time.

It goes, really almost without saying, when we look at what happened yesterday with General Motors, when we look at what happened in terms of Chrysler—and we are looking for some very good news either by the end of this week or next week on Chrysler, hopefully to come out of bankruptcy—wouldn't it be a wonder that, as they do, we have in place an incentive program for purchasing new vehicles, turning in older vehicles and purchasing new ones?

We will get people back into these dealerships. We will be able to help communities across the country, neighborhoods, large and small, where the local dealership is, where, because of the economy, because of the lack of financing for too long—and we appreciate President Obama and the auto team in helping create the financing mechanisms for people to finance the purchasing of a vehicle and for dealers to finance their floor plans—for too long everyone was hit by the global credit crisis, the economy and the economy at large. We found an extremely difficult situation for dealers as well as the automakers and suppliers.

Obviously, there are still many challenges. We know that thousands of dealerships across the country are currently in peril. This is an opportunity to immediately stimulate auto sales, to bring people back into the dealerships, to turn in vehicles that are worth $4,500 or less—and this is a program where you are taking the old vehicle off the road, so we know we are not talking about somebody turning in a vehicle that is worth $10,000 or $15,000 for a $4,500 voucher—older vehicles, vehicles that we know are less fuel efficient, to turn those in, get them off the road, buy a new vehicle and, at the same time, have the other benefits that go with it.

We know that across the country it is not only the automakers about which I care deeply, as do others, and the great suppliers of the industry but the dealers, and from sales to administrative staff, to advertising outlets, to the local suppliers. Many dealerships are being forced to close or cut back because vehicle sales are down. This will help immediately. It couldn't come at a more important time.

The Drive America Forward Act will send buyers back to showrooms, keep people working in cities and towns across America.

President Obama called on us yesterday to pass a fleet modernization bill, to increase demand and get buyers back into the showrooms. Our bill does exactly that. Sometimes it is called cash for clunkers. Sometimes it is called fleet modernization. We call it a good old-fashioned jobs bill. This is Drive America Forward. That is exactly what we want to do with this amendment. It will stimulate the economy.

New vehicle sales are down nearly 40 percent compared to last year due, in large part, to the credit crisis, to job losses, and dwindling consumer confidence. It has affected every automaker, not only GM, Ford, and Chrysler, which I am very proud to have as part of Michigan's economy, but every single automaker has been affected which is why other countries have responded with similar plans.

If we look right now, auto sales are down 40 percent from last year. If we look at January to May of this year and January to May of last year, there is a 40-percent reduction. Imagine a dealer, an automaker or supplier trying to keep the doors open and 40 percent of their business is down. GM is down 41.8 percent; Toyota, 39 percent; Ford, 36.8 percent; Chrysler, 46.3 percent; Honda, 34.4 percent. We could keep right on going across the board as we look at auto companies and what is happening. This would be available to all the dealers, all the auto companies.

At this point, we want to make sure we are providing stimulus across the board in the economy. The average dealership employs 53 people, so we are talking truly about small businesses. That is almost 160,000 people nationwide, more than the combined workforce of GM and Chrysler. That is how many people work for dealerships. This is about getting people into the dealership, getting people back into a position to buy automobiles and to keep those folks working and keep the economy going in communities across the country. Moreover, local dealerships have cut spending on advertising, as companies have, which hurts newspapers and radio and television revenue at a time when local businesses are suffering. We know the stories. We have heard of the ripple effect. We have heard from those dealerships that are being given notice about closing, the impact of that.

I have said before, I grew up in one of those dealerships. My dad and grandfather, in a community of about 2,500 people in Clare, MI, had the Olds dealership. We were very proud of that. One of the side benefits for me is I always had an automobile to drive. That made me pretty popular among my friends, although they only let me drive the old ones. But the reality is, this is a part of the fabric of America. When we talk about my dad and grandpa's dealership, they were the ones sponsoring the Little League team and buying the ads in the newspapers and the nonprofits that were doing fundraising drives and so on. This bill, the Drive America Forward Act, will help places such as my dad's and grandpa's. That is what this is all about.

It is going to save money for consumers. The Department of Energy estimates that a consumer who drives a vehicle that gets 30 miles per gallon will save approximately $780 a year compared to a vehicle that gets 18 miles per gallon. We are saying under this program that if you have a car that gets 18 miles per gallon or less, you qualify. You turn it in, you can get a higher mileage vehicle and get from $3,500 to $4,500. We are saving consumers money by that.

In Michigan right now, everybody I know who is in Michigan could find a lot of ways to use $780 more as a result of that savings.

In addition to saving jobs, the program will save fuel. As buyers turn in their older, less-efficient cars, more fuel-efficient vehicles will take their place, and the fuel savings could exceed 1 billion gallons per year.

Finally, the bill helps lower carbon emissions. If the program removes 10 percent of the V–8 engines from the road, carbon dioxide emissions will be reduced by tens of millions of metric tons annually. It can take up to 20 years to replace most cars on the road today with new, more efficient cars. That could take longer because of the economic downturn. People are waiting to buy a new car. Automotive purchases are way down, about 40 percent. This will turn that around. This will help incentivize turning that around.

The oldest cars on the road are also the ones that pollute the most. The dirtiest 10 percent of the cars account for more than 50 percent of the smog and carbon monoxide. The dirtiest one-third of the fleet accounts for more than 80 percent of the pollution. The dirtiest one-third of the automobiles account for 80 percent of the pollution. I talk about these issues because they are very important. I also go back to the beginning. This is about a stimulus. This is a terrific thing, that we are adding cost savings and fuel economy savings and getting rid of carbon pollution. This is all very good. There will be others who talk about other ways to do this that would have more savings on that end. Unfortunately, it would sacrifice our ability to help the auto industry.

Right now what we have is the ability to do both. It is critically important that whatever we do, we make sure our American automakers can benefit. We have to make sure we are not putting in place something where the fuel efficiency standards, the goals are so high or written in a way that creates an incentive for foreign automakers, while curbing those folks right now who need our help the most.

This is a balanced bill. This gives us the ability to benefit from increased fuel efficiency. It gives us the ability to deal with cost, to deal with carbon pollution. But it does so in a way that, at the end of the day, treats American automakers fairly and gives them the opportunity fully to participate, so the Chrysler dealers we have been hearing from, the GM dealers, as well as the great Ford Motor Company will be able to benefit as much as the other companies. That is what this does. That is why there has been a tremendous effort put into this. It doesn't seem like it would take that much to put this together, but in order to make sure we are complying with our trade laws, so we were allowing any company to participate under our trade laws but making sure we were being fair to our own companies that have been here and created the middle class of this country and are going through so much right now, every single line has been reviewed and discussed and reviewed again.

The House did terrific work, putting together language that is fair for everybody. That is what this bill is all about.

In the context of talking about all the hard work, I thank my key staff person, Colleen Briggs, who has lived and breathed this issue for several months. I told her I would name this after her, at least in my office, because there has been so much work that has had to go into this effort. I thank her for her hard work. I thank also the White House auto task force that has been so committed to doing whatever we can to support jobs here, manufacturing jobs, auto jobs, and every way we can to incentivize, whether it is being able to get the financing one needs, supporting the industries as they go through the bankruptcy process or this incentive. I thank them for their support in doing that.

I also, once again, thank my friend from Kansas who has been a stalwart on this issue. We have had a true partnership on this which I appreciate very much. I very much appreciate that both of us are leading this effort, as well as other colleagues on both sides of the aisle who are cosponsoring this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I am delighted to join my colleague from Michigan in support of this bill. This is the right way forward. She has outlined most of the provisions, and I will add a few points, if I may.

It is a humbling time for auto manufacturers globally. She went through the figures for all auto manufacturers, and there has been a huge falloff in the market. As the global credit crisis has impacted the world, maybe the industry hit the most has been automobile manufacturing on a global basis. We saw the numbers in the United States. One of the ways other countries have responded is with what they call scrappage programs. We have heard it referred to in different terms but several countries have looked at doing a type of scrappage program. It has been very successful. I was looking at the numbers. In March, Germany, France, and China saw increases in car sales—all three did scrappage programs—of 40 percent, 8 percent, and 8 percent, respectively.

During the same period of time, the United States and the United Kingdom did not have scrappage programs, and we saw declines in car sales of 37 percent here and 30 percent in Great Britain. That is the difference these programs are making on a global basis because the credit crisis has hit this industry the most. A lot of things one has to buy on a regular basis. We have to buy gasoline, food, shoes for the kids. But often, for a lot of people, they look at their car or pickup, and they say: I am not sure what is going to take place. I will hold off on this one. So they hold off and the sales tank. That is what has taken place. People say: I am not sure what is going to take place; therefore, I am going to hold off.

I have a brother who is a veterinarian who was saying to me the other day—he has an old pickup in his business. He is doing just fine in his business. He said: I am just going to wait a while. I said: No. This is the time we need you in the marketplace. This gets him back to the marketplace. It has been proven effective in other countries to get people back in the marketplace. It has worked in other places. We now see that the United Kingdom—that did not do the scrappage program—has enacted their own scrappage program. That is another reason why I think we should do that one here.

There is another point, and I think it is an important one to make. It is often very difficult to find ways to support manufacturing without breaking international trade rules because we have a number of international trade rules that restrict what governments can do to help a particular industry.

As to the World Trade Organization, this is a legal and consistent way for us to help automobile manufacturing without breaking any trade rules. That is important because we cannot be getting into some sort of trade sanctioning or there being offsets to it. This one is consistent with that.

Another thing I think is very important—and my colleague from Michigan was very good to talk about this—this is a balanced approach that helps the environment, helps the economy, and helps our energy sector as well with us being more efficient with energy.

I think as we move forward with concerns about CO_2, concerns about the environment, concerns about the economy, concerns about domestic energy production and the need for domestic energy production, we have to balance the three Es: energy, the environment, and the economy. This bill does that. So here you are stimulating the economy, reducing your energy demand, and improving your environment—all at the same time.

And this bill—and this, to me, as a fiscal conservative, is the key point—also uses funds that have already been appropriated. There is no new money on this bill. These funds have been appropriated. They are going to be reprogrammed. I believe they will be reprogrammed. We are being told by the Obama administration that if this passes, this will be implemented with reprogrammed funds. So those funds—having already been approved by the Congress—would be used in a more effective way for a consumer-driven economic stimulus that helps the local dealerships, that helps the car manufacturers, that helps the environment, that helps our energy dependency in a very positive way.

It has worked around the world. It will work in the United States. It will get people such as my brother back in the showroom, I hope. I am certainly going to push him to do that, as all of us will. We have seen an unprecedented falloff in car sales. It helps in a State such as mine where there are a lot of work trucks being used. This voucher program is targeted for use and utility by businesses that use trucks, and they can use that on this one as well. It works, and it helps out there.

For all those reasons, I urge my colleagues to support this bill. It is balanced. We have worked a long time on it.

Senator STABENOW recognized her staff member. I have had Landon Fulmer in my office working for some period of time on this issue to get it to where it would work. It would be simple, it would be direct, it would hit, and it would hit quickly. He has

worked to do that, as her staff has. I think we have got a good product here, and it is not any new appropriated money.

I would say particularly to my colleagues on my side that I am very concerned about where our deficit and debt is going. This is no new appropriated money to do this, which I think is key.

For those reasons, I urge the backing of this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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. CHAMBLISS. Mr. President, I rise today to discuss the Family Smoking Prevention and Tobacco Control Act.

Let me be clear from the outset. Thanks to public information campaigns that have been waged for decades, the 45 million Americans who smoke already know that cigarettes are dangerous. If you smoke, chances are you could die from smoking.

This legislation does little, if anything, to change that. The proponents of the bill say it is public health legislation that will lower the cost of medical care. That is a very noble goal. Everyone is in favor of saving lives and bringing down health care costs.

But this bill will not accomplish that. Instead, it engages in overregulation with no practical effect on smoking rates. The Congressional Budget Office says it would only result in a 2-percent reduction in smoking rates over 10 years and would have a minimal impact on health care savings.

Meanwhile, according to the Centers for Disease Control and Prevention, smoking rates are already declining an average of 2 to 4 percent over that same period of time. So according to the CDC, if we do nothing, we will still have a decline in smoking rates equal to or greater than what CBO says this bill will do.

The goal of any Federal tobacco regulation should be to keep children from smoking or using tobacco products and to help adult users stop or, at a very minimum, to use a less harmful product. But the bill does just the opposite. If this bill passes, cigarette manufacturers such as Philip Morris and Reynolds America will be prevented from using the terms ''light'' and ''low tar.'' That means their cigarettes will still be on the market but under different names, not leading to fewer smokers, but leading to consumer confusion.

Just as bad is the overregulation that this bill will put on the already beleaguered tobacco farmer, in effect, helping put those who are left out of business. It would allow the FDA to enter just about any tobacco farm in the country. And it would indirectly require tobacco manufacturers to dictate production methods to farmers. It would also require the development of a new, unnecessary regulatory process at the FDA to set pesticide residue tolerances. This would duplicate a process that already exists at the Environmental Protection Agency. It makes no sense to pile these new responsibilities onto the FDA since the agency is barely able to keep up with its present duties.

Oddly, under this bill, the FDA—an agency that is designed with ensuring the safety of drugs—would be given regulatory authority over an inherently dangerous product.

Again, cigarettes will kill you. We have known that for decades. Even if the FDA managed to cut smoking-related deaths in half, it would still be vested with regulating a product that kills 200,000 people each year.

The American Association of Public Health Physicians has said that even if the FDA has the authority to remove some harmful ingredients in cigarettes, changing the chemical nature of tobacco itself or lowering nicotine levels will not measurably reduce tobacco-related illness and death.

This bill is slated to spend $5.4 billion taxpayer dollars to provide even more Federal regulation which will have no real effect. About a quarter of that money will be raised off the backs of our men and women in uniform, who will be forced into a mandatory thrift savings plan program to pay for yet another Government program that simply does not work.

This legislation mandates TSP participation for new Government and military personnel. This may sound good in theory, but even with an opt-out provision—which the legislation does call for—it is bad policy for our soldiers, our sailors, our airmen, and marines, who, at junior ranks, frankly, earn very little money and are often under 20 years of age. That is why the Chairman of the Joint Chiefs of Staff opposes this provision and says if you are going to have any revenue-raising money, it should be an opt-in provision with respect to TSP for our military men and women.

Mr. President, I ask unanimous consent that the letter from Admiral Mullen, Chairman of the Joint Chiefs of Staff, be printed in the RECORD.

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

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Washington, DC, May 29, 2009.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your letter of concern regarding H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

I have reviewed the legislative language and the Services' views on the pending legislation. I disagree with the language contained in H.R. 1256, Division B, Title I, Section 102(a)(2)(E)(ii). While this language allows for Services to suspend automatic enrollment, which is the preference of the Navy, Air Force, and Marine Corps, I disagree with placing the onus on the Service Secretaries to ''opt-out'' of automatic enrollment.

My recommendation is that the language should be written to reflect that the Service Secretaries must ''opt-in'' if they desire to make enrollment in TSP automatic for Service members.

Thank you for your concern regarding the financial well being of our Service members. I am sure you will agree with me that financial education by our senior leaders is paramount, and I have every confidence in their abilities.

Sincerely,

M. G. MULLEN,
Admiral, U.S. Navy.

Mr. CHAMBLISS. Mr. President, we may not like smoking, and we should do everything we can to keep cigarettes away from children. But adults in this country have a choice, and many of them, aware of the inherent dangers, still choose to smoke. Spending billions of taxpayer dollars on an ineffective program to convince them otherwise, while regulating our farmers out of business, and taking away more of our troops' paychecks, is not good policy. It is more shortsighted government.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COBURN. Madam President, I wish to speak for a few minutes on the bill we are proceeding toward and to ask a few questions of the American public.

We have a bill that is going to regulate tobacco, and I am OK with us regulating tobacco. I do not have any problems with it. I think we should do it. What we should be doing is banning tobacco. Nobody up here has the courage to do that. It is a big business. There are millions of Americans who are addicted to nicotine. And even if they are not addicted to the nicotine, they are addicted to the habit.

But we have a bill, we are trying to do something positive, and we find ourselves constrained by our own shortsighted vision. We have an agency called the Food and Drug Administration. I have had a lot of experience with them. I manufactured medical devices in the 1970s and had several investigational new drug permits under them. I know the rigors under which INDs are managed and the care that is put forth by the employees of the Food and Drug Administration, as well as their advisory councils, as we go through that.

But if we go back and look at the charge of what the Food and Drug Administration is, the Food and Drug Administration is about safety and efficacy—''safety,'' meaning they are responsible to make the judgment that if we are going to approve this medicine or this device that is within an acceptable risk—there is always going to be down sides to anything they approve, but within an acceptable risk, in total, it is going to be better for the country.

In this bill, we allow existing tobacco products not ever to be eliminated. So we are going to take products that we know are not safe and we know are not efficacious and we are going to apply the resources of an agency that is having trouble meeting its demands right now, as well as meeting the demands of food safety right now, and we are going to take resources and put them there.

The first problem with that is we send a totally mixed message to the Food and Drug Administration: Your job is no longer about safety and efficacy; your job now is to warn everybody about the downside of tobacco.

We know that. What we have to do is stop new addiction. We know that. If we really want to make a difference in health and we want to eliminate dependence on tobacco, what we have to do is to stop the addiction. We have had all of these lawsuits through the years where billions of dollars have gone into attorneys' coffers, and about 40 percent of it has gone into, supposedly, stop-tobacco-use programs, and we are going to say to the Food and Drug Administration: Your job is about safety and efficacy, making sure that what it says it does, it does, and we are going to turn them into a different kind of agency. I believe that is where this bill is misdirected.

We ought to have an agency that does control tobacco, that does heavily regulate its advertising in terms of the warnings on the packages, in terms of limiting what young people can get to, so we can actually stop this trend toward addiction. But to do it in the Food and Drug Administration sends a mixed message: No longer is our job efficacy, no longer is our job safety; our job is to control advertising, we are going to control packaging, we are going to control and have them report to us on the contents of all of these thousands of bad products that are associated with tobacco, that are in tobacco—not just nicotine and not just the effects of the tobacco, whether it be inhaled or chewed or sucked on. The fact is, we are going to change the direction of the agency.

So what should we do? We should regulate tobacco. We should set up a way for us to do that which will effectively stop new addiction, especially among young people because that is where it starts. It starts with the young, and there are certain personality types as well as certain genotypes that, even with some of the medicines we have today, cannot wean themselves from the addiction to nicotine.

So why wouldn't we go another way? We have the Department of Health and Human Services, of which FDA is a part. Why wouldn't we create a smaller agency that is just about tobacco, just about regulating tobacco, so that we can see clearly—and we can also do it, by the way, for about a fourth of the cost of what it is going to cost to do it under the FDA. So for one-fourth of the cost, we can create a new agency within HHS that will be solely focused on this and this only, that will have one primary objective, and we will force and guide and direct and measure whether they are accomplishing their purpose. Instead, we are going to hide it in another agency that is struggling today.

We are at $400 million to get a new drug through the FDA right now. That is the cost of processing. That doesn't even talk about the research costs, but the new drug. That is just the cost to get it through the trials and get it through the FDA. We have all of these drugs today that aren't approved, that could be saving people's lives, because we can't get it through the FDA. And now, what are we going to place on the FDA? We are going to place the regulation of tobacco on the FDA.

Tobacco is not safe. In no way is it efficacious for any individual. Yet we are going to put a segment within the FDA and say: Run it the way you are running the rest of the business. It makes absolutely no sense to me. It doesn't mean that the goal behind this legislation isn't a good goal. It is. It is a good goal, but how we are doing it and where we put the control of this is totally counterintuitive.

I think if you would ask anybody in America, you want the people who are approving the drugs that are good for you to also control—why don't we put alcohol under them? Why don't we put the DEA under them, under the FDA? If, in fact, we want a controlling agency, then let's move it to the DEA—the Drug Enforcement Agency—or Alcohol, Tobacco and Firearms, right? Why don't we put it in ATF? We already have other agencies. But to put it in the FDA, when the total goal of the FDA is to approve new products for our benefit, our safety, and to cure health needs—tobacco creates health needs; it doesn't cure them. The only thing I know that it cures is if you get a wasp or a red hornet sting and you take some chewing tobacco and put it on the sting, it takes the pain away. I experienced that a lot as a young boy. My grand dad would pull it out and put that plug right there, and the pain would go away very quickly. That is the only efficacious thing I know about tobacco.

So I would just ask my colleagues to think again about what we are doing. Let's do the intent of the bill, but let's do it in a way that makes sense, that doesn't send a cross signal, and either put it into one of the other organizations we already have that is handling products that are bad for Americans—not products that are good for Americans—or let's put it into a separate agency where we can see it transparently and clearly.

I wish to make one other point. Inside this bill is the banning of any new nicotine products. I wish to tell my colleagues that is totally shortsighted. If you are a smoker today and we could get you off of smoking even though we still give you nicotine and we can do that through a new product, such as a dissolvable flavored lozenge, where we supply the nicotine addiction to your body but you are no longer creating lung disease, chronic obstructive pulmonary disease, bolus emphysema, or increasing your chances for heart disease and hypertension, markedly increasing your chances for lung cancer, if we could convert that to something that would satisfy the demand yet wouldn't harm the rest of your body—we ban that in this bill. We stop all positive movement through commercial products to create a nicotine source that is other than chewing tobacco or cigarettes or cigars.

So why would we want to do that, especially if, in fact, we could take these millions of smokers today who, most of them, their habit is—there are two addictions they have. One is the nicotine craving that actually hits at the intercellular level. It is called a nicotinergic interface in terms of receptors on certain parts of the body. If we could do that in a way that would allow us to put nicotine in there to solve it but not cause all of the other disease, why would we say with this piece of legislation that we are never going to let that happen? Yet we are. I don't understand it. We could do that in a way where that could be highly restricted to only people who had a prescription, where they were already nicotine addicted.

So there are things we are missing in here from a general health standpoint that are going to be very harmful because what we are saying is: You can use the nicotine patch, you can take some of the new drugs that work in the brain to relieve the nicotine addiction, but rather than supply something in a harmless way that has no other ill health effects—I don't understand why we would not do that.

So I would appreciate my colleagues considering my comments. I believe the FDA is the last place we ought to put this. I think we ought to do it. We ought to change some of the things on how we are going to do it. We ought to create a capability to have nicotine supplied other than through chewing tobacco or cigars or cigarettes so that we can take the effects of it that we know are very harmful today and lessen them for the citizens who are addicted to nicotine.

My hope is that we wake up before we pass this bill because what we are really going to do is we are kind of shooting ourselves in the foot. If we really want to stop and help those people who are already addicted and really want to prevent new addictions, then

we have to allow for some of these new products, and we ought to do it at an agency that doesn't have purposes counter to what the charge of that agency is.

With that, I yield the floor to my friend from Oregon. I also thank him for being so kind to allow me to go first.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves the floor, let me tell the distinguished Senator from Oklahoma that I very much appreciate working with him on health care legislation. We did it in the House, and we are going to do it again. I think this time the Senate is going to make history and have comprehensive health reform, and I look forward to working with my colleague on it.

I come here today to express my strong support for the Family Smoking Prevention and Tobacco Control Act. The lead sponsor of this legislation is, of course, Senator KENNEDY. I say ''of course'' because the fact is, for four decades Senator KENNEDY, often against great odds, has consistently come back again and again to lead the fight to improve health care for the people of our country. Sometimes it was for children. Sometimes it was for seniors. Sometimes it was for the disabled. Sometimes it was for those who have suffered mental illness. I could go on and on, and we would be here until breakfast time if I were to try to itemize all of the major pieces of health reform legislation Senator KENNEDY has authored over the last four decades. It is very appropriate that he is the lead sponsor of this legislation. The fact is, after Congress passes this important bill and takes steps to improve public health, we will be very fortunate that Senator KENNEDY is going to lead the Senate once more on comprehensive health reform. I wish to make clear as a member of the Senate Finance Committee that I am very much looking forward to Senator KENNEDY's involvement in this issue and his championing of the cause of fixing American health care. He has been the leader on this issue for four decades.

I come to this topic with I think a personal perspective that also affects my role as a policymaker. In 1994, when I was a Member of the House, I served on the Health and Environment Subcommittee. It was chaired by HENRY WAXMAN, a great champion of trying to protect children against the dangers of tobacco. Chairman WAXMAN had the CEOs of major tobacco companies before his subcommittee. He put all of the CEOs under oath, and as expected, Chairman WAXMAN did a tremendous job in terms of laying out the case for public health. In fact, he was so effective, that by the time it came to my turn, I was hard-pressed to find a question he hadn't already asked the tobacco CEOs. Just as I was thinking about packing up, I turned to some of Chairman WAXMAN's staff, who are wonderful public servants, and I asked whether any of the members of our committee had asked the tobacco executives if they thought nicotine was addictive. The staff all told me nobody had. They said: You ought to ask them. I wish to take a minute to lay out that historical record of what happened.

I asked each one of the tobacco executives that day back in April of 1994 whether they thought nicotine was addictive. The president of Philip Morris spoke first and said:

> I believe nicotine is not addictive, Yes.

Then the chairman and CEO of Reynolds Tobacco Company spoke and said:

> Mr. Congressman, cigarettes and nicotine clearly do not meet the classic definition of addiction. There is no intoxication.

Then the president of U.S. Tobacco spoke. He said:

> I don't believe that nicotine or our products are addictive.

The chairman and CEO of Lorillard said:

> I believe that nicotine is not addictive.

The chairman and CEO of the Liggett Group said:

> I believe nicotine is not addictive.

The chairman and CEO of Brown & Williamson said:

> I believe nicotine is not addictive.

Finally, the president and CEO of American Tobacco said:

> I, too, believe that nicotine is not addictive.

I made a vow after I had asked that question that during the time I would have the honor of serving in the House and later the Senate, to make an effort to do everything I could to hold tobacco companies and other companies that mislead the American people accountable. Today, we are able to do that because of the outstanding leadership of Chairman KENNEDY. He is giving us the opportunity to hold accountable the tobacco companies that mislead the public with respect to their marketing practices and with respect to advertising. The Kennedy legislation is, in my view, very much needed to protect the public health—particularly the health of our young people—because it will give us the authority to hold the tobacco companies accountable for their actions.

This is also relevant to the next major health bill that we will be dealing with in the Senate which will take the form of comprehensive health reform—health reform that ensures all Americans have good, quality, affordable coverage and, particularly, does so in a way that holds costs down.

I, gratefully, had a chance to meet with the President today at the White House. The President, who has clearly signaled this will be a top priority for him, has now sent the message that history, to a great extent, is going to judge us on our ability to hold down runaway health costs and cut costs for American families.

In my home State alone, $1.1 billion in health care costs are directly attributed to smoking per year, and it costs the Oregon Medicaid Program nearly $287 million per year. Nationwide, $96 billion in health care costs are directly attributed to smoking. This includes $24.7 billion in smoking-caused Medicare expenditures.

There are enormous financial costs specifically associated with people at an early age getting addicted to tobacco use. Then, of course, there is the extraordinary loss of life that comes about as a result of tobacco. According to the Centers for Disease Control, in the United States, over 400,000 deaths each year are directly attributable to tobacco use. The FDA has given the authority to regulate food and prescription drugs, and it certainly makes sense that the FDA regulates tobacco, which is responsible for the death of over 400,000 Americans per year.

The Senate, because of the leadership of Senator KENNEDY, has the unique opportunity to reduce the financial and human toll of tobacco. I wished to recount, briefly, that hearing in 1994, because ever since that time, when the tobacco executives said under oath that nicotine wasn't addictive, I have wished to be part of an effort to hold the tobacco companies accountable when they mislead the American people. As a result of the outstanding leadership of Chairman KENNEDY, it is possible for the Senate to finally hold these companies accountable by passing this legislation. I hope that Senators on both sides of the aisle will join me and Chairman KENNEDY in supporting this long overdue bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Madam President, this week the Senate takes up a bill that is long overdue. It is a historic opportunity for us to finally protect our children in this country from tobacco addiction. I didn't realize, when I was elected to the House of Representatives, in 1982, that the issue of tobacco would be a major part of my congressional activity. My family, similar to virtually every family in America, has been touched with tobacco death. My father died when he was 53 years old of lung cancer. I was 14 years old. He smoked two packs of Camels a day back in the 1950s, when even doctors were saying in magazines how safe it was to smoke. His cough was a sound I will carry to the grave in my memory. When I hear that smoker's cough, I can pick it out of a crowd. As a kid, I heard it over and over, night after night, day after day, until he passed away on November 13, 1959. That is my story on tobacco. Every family in America has a story to tell.

Tobacco products are some of the deadliest products sold in America but, unfortunately, the least regulated.

The tobacco industry has been successful in keeping tobacco products outside the regulatory authority of the FDA. They said it is not food and it is not a drug; therefore, we are exempt. That specious argument continues until this day, when we are finally facing reality. Tobacco is, in fact, a carrier of a drug—nicotine—which is addictive. That addiction is what leads to more smoking, more tobacco exposure, and more death.

The Family Smoking Prevention and Tobacco Control Act is a strong bill that will protect the public health and reduce tobacco use, especially among kids.

Forty-three million American adults currently smoke. That is one in five. Ninety percent of them started smoking in their teenage years, before they were adults. You wonder why. Well, I remember, when I was a kid, the first time my cousin, Mike Peterson, and I decided to sneak out behind the garage with cigarettes and try them out. It was an adventure. We were being like the grownups whom we wanted to be like someday. Luckily, for me, I stopped. Mike didn't. Mike passed away 10 days ago. He was a year younger than I, but, unfortunately, the ravages of tobacco and the addiction lead to cancer, COPD, and ultimately cost him his life at the age of 63. That happens a lot. Some kids quit, some kids don't quit; those who don't quit get addicted. Their addiction can lead to death, as it did for my cousin and childhood friend, Michael Peterson.

Every day in the United States more than 3,500 kids try smoking for the first time. A thousand of them become regular daily smokers.

In Illinois, almost 20 percent of the kids smoke, and together they consume about 34 million packs of cigarettes a year. We know tobacco is the largest preventable cause of death in America. For the longest time, the tobacco lobby held Congress in the grip of its hands. It would not allow the passage of any significant legislation. It was too powerful.

We knew their power meant they would be able to continue to sell their products, leading to devastating results. A few years back, I decided to take them on. It wasn't to get even for my own family circumstance, but I thought there was an unfair and unjust situation. It resulted in a change in the law, which changed a lot of things in this country. Mine was the first bill to pass the ban smoking on airplanes. At the time, it was considered a fool's errand to try to defeat the tobacco lobby. When I offered the bill in the House of Representatives, it was opposed by the leadership on both sides of the aisle, Democrats and Republicans. Somehow or another, through faith and good luck and the help of people such as former Senator and Congressman Claude Pepper of Florida, I was able to bring this matter to the floor for a vote, and I won, to my great amazement. We banned smoking on airplanes for flights of 2 hours or less.

Eventually, Senator LAUTENBERG picked up the issue in the Senate, and he showed amazing leadership in passing it in the Senate. The two of us managed to make this the law of the land. I don't want to take too much credit, but once people started thinking: If secondhand smoke is unsafe in an airplane, why is it safe in a train or in a bus or in an office or in a school or in a hospital or in a hallway? Pretty soon, the dominoes started falling across America. Laws were passed—local, State, and Federal laws—which have made smoking the exception in closed quarters and have changed the way we look at smoking today, from the time just 15 or 16 years ago, when it was considered to be the normal thing to do and objecting to it was considered out of normal.

That has changed, but still there is a lot to do. The tobacco industry hasn't stopped. They are still selling and marketing their product. As they do, more and more people become addicted, get sick, and many of them die. Tobacco companies, it was found in 2006 by Judge Kessler in the U.S. Court of Appeals in the District of Columbia, issued a final opinion finding that the tobacco companies had engaged in a decades-long scheme to deceive and defraud the American public.

Last month, a three-judge panel of the U.S. Court of Appeals for the District of Columbia issued a unanimous opinion upholding Judge Kessler's finding of liability. Let's review some of Judge Kessler's findings. He found the tobacco industry falsely denied, distorted, and minimized the significant adverse health consequences of smoking for decades. The tobacco companies were aware that smoking and nicotine are addictive, but they publicly denied it.

Just 15 years ago, the CEOs from seven major tobacco companies stood before a committee of the House of Representatives, raised their hands, and swore under oath that nicotine was not addictive. That was the death knell of their credibility. People knew better. I knew better. My dad died from lung cancer. He couldn't stop smoking. My friend Mike Peterson died of COPD. He smoked a cigarette the night before he died. He just couldn't stop. It is a terrible addiction.

The tobacco industry falsely denied that they can and do control the level of nicotine delivered in order to create and sustain addiction. They knew they were piling that chemical into their product, and they knew that as long as they could, they had you hooked and it would be darn tough to quit.

Tobacco companies falsely marketed so-called light and low-tar cigarettes. They turned out to be just as harmful as the others.

From the 1950s to the present day, tobacco companies have intentionally marketed to kids. Of course you want to convince kids to smoke because they are not mature enough to make the right judgment. If a kid waits until he becomes an adult to decide to smoke, he is not going to do it. He will be a lot smarter. He will not be addicted. Tobacco companies track youth behavior and preferences and use marketing themes that resonate with kids.

The list goes on and on and clearly demonstrates that this industry cannot be trusted to do the right thing. That is why we need the bill that is on the floor of the Senate.

The tobacco industry has a long and disturbing history of marketing its products to kids and young people. The financial reasons are obvious. Ninety percent of adult smokers began smoking cigarettes when they were teenagers or younger.

In the 1980s, R.J. Reynolds was looking for a way to revitalize its Camel brand, which was primarily popular with older smokers. To increase Camel's appeal to younger smokers, it created the Joe Camel cartoon character. Joe Camel became as recognizable as Mickey Mouse with a lot of kids—just what the folks who made Camel cigarettes wanted. While Joe Camel is no longer around, the problem of marketing to young people still remains.

Tobacco companies doubled their marketing expenses between 1998 and 2005. They now spend over $13 billion a year on marketing. They claim they don't market to kids, but just look at this ad. How about this one: Great Camel cigarettes. They are offering a back-to-school special. That certainly is marketing to kids. We know as parents and adults exactly what they are trying to do. This picture was taken from a shop in Camden Wyoming, DE. They knew what they were trying to do—lure these kids into tobacco at an early age—and their advertising did its best to draw them in. These companies are not going to waste a penny advertising on groups they don't think they can win over. So they go after the kids.

This bill recognizes the importance of curbing marketing to kids. It would empower the Food and Drug Administration for the first time to establish reasonable marketing restrictions that adhere to our first amendment guarantees under the Constitution. For example, the bill bans outdoor advertising near schools and playgrounds, prohibits colorful and alluring images used to appeal to young people. It limits ads to only black-and-white text in newspapers and magazines with significant teen readership. It ends incentives to buy cigarettes by prohibiting free giveaways with the purchase of tobacco products. Remember all the stuff they used to peddle in the name of cigarettes? Backpacks and caps—you name it. That kind of stuff is going to end. It gives the FDA the authority to respond to the inevitable innovative attempts by tobacco companies to get around these restrictions. It strengthens restrictions on youth access to tobacco

products by requiring retailers to verify the age of all over-the-counter sales of tobacco products and prohibits vending machines and self-service displays unless they are in adult-only facilities.

In addition to restricting marketing and youth access, the bill lifts the shroud of secrecy the tobacco industry has used to hide the contents of its products for decades. For virtually all other consumer products, manufacturers are required to disclose what is in their product. Walk into any grocery store, take a product off the shelf, and you will see a list of ingredients. But cigarettes and other tobacco products, some of the most dangerous products American consumers can buy, do not have to follow the same rules as other consumer products. The tobacco industry does not want you to know what is in its products, and for good reason.

Cigarettes are not just tobacco leaves rolled up in paper; they are sophisticated, highly engineered products. In addition to tobacco leaf, cigarettes contain additives and chemicals that increase the kick of nicotine and mask the harshness of tobacco smoke. The act of lighting a cigarette creates a toxic soup of more than 4,000 known chemical compounds, all carefully added to that little cigarette in the hope that you will enjoy it so darn much you will become addicted for life. According to the National Cancer Institute, there are 69 known and probable carcinogens in cigarette smoke. Is it any wonder people develop cancer from smoking?

Researchers at Harvard University School of Public Health have also discovered that tobacco companies increased nicotine levels in cigarettes by nearly 12 percent between 1997 and 2005. They were pumping nicotine into these cigarettes knowing it was more addictive, knowing they had these folks hooked for life.

This bill ends the special treatment of the tobacco industry by requiring manufacturers to disclose to the FDA the ingredients, including substances in the smoke, of each brand of tobacco product. It requires the Secretary of Health and Human Services to publish a list of harmful and potentially harmful constituents in each brand of tobacco products and requires tobacco companies to provide information they have on the health effects of existing and future tobacco products. Why did it take us so long to do this? We knew for decades what was going on here. But the tobacco companies were just too powerful. They stopped us. Now we have a chance to change that. This bill on the floor will finally give consumers across America the information they need, the information which researchers need to stop this insidious addiction.

For a product as deadly as tobacco, public disclosure of ingredients is not enough. The FDA should be able to require the industry to reduce or eliminate harmful ingredients or additives to protect the public health. For decades, the industry has manipulated its products at the expense of American consumers. No other industry in America is allowed to freely choose the types and amounts of toxic substances that are in their products—only tobacco companies, and that is going to end with this bill. This bill gives the Food and Drug Administration the authority to set standards to reduce these harmful ingredients, to reduce nicotine levels, and to ban those candy and fruit-flavored cigarettes popular with kids.

Another long overdue reform is to establish a credible process for ensuring that health claims about tobacco products are scientifically proven. Almost as soon as cigarettes became a widely used product, companies started making false claims.

In the 1920s, Lorillard came up with a slogan: ''Not a Cough in a Carload.''

In the 1930s, Philip Morris said smoking their cigarettes was less irritating than other brands and ran ads advising the public to ''Ask Your Doctor About a Light Smoke.''

In the 1940s, R.J. Reynolds ran an ad campaign for Camel cigarettes with the slogan ''More Doctors Smoke Camels than Any Other Cigarette.''

In the 1950s and 1960s, tobacco companies introduced ''light'' and ''low tar'' cigarettes to ease the growing concern about the harmful effects of smoking. The marketing of these light and low-tar cigarettes was so successful that they quickly dominated the market. Some advertisements explicitly encouraged smokers to switch to these new products instead of quitting. But the tobacco companies never had to demonstrate these new products would actually reduce harm. In fact, scientific evidence has shown light and low-tar cigarettes have not lowered health risks.

Tobacco companies continue to develop new products and make health claims that cannot be validated. This bill will prohibit tobacco companies from using misleading descriptors such as ''light,'' ''mild,'' and ''low'' to describe their products. It gives the FDA authority to review a product before it can be marketed as a ''reduced harm'' product to ensure sound science is behind that claim. These are reasonable requirements for any product in America and certainly for a deadly product such as cigarettes and tobacco.

The warnings currently displayed on cigarettes and smokeless tobacco products are more than 20 years old. Let's be honest about this. The warnings on cigarette packages are widely ignored. They have been virtually the same for decades. People don't even read them or pay attention to them. But that is going to change. This legislation requires large, clearly visible warning labels on 50 percent of the front and back of a pack of cigarettes, with graphic and textual messages such as ''Warning: Cigarettes Cause Cancer.'' You will not be able to miss it. You may miss some of the advertising and colorful photographs, but the message is going to be clear for anyone who can read. Warning messages are to comprise at least 20 percent of an advertisement. That is a big change.

This is something we introduced 20 years ago to finally change these warning labels. Congressman HENRY WAXMAN has been a great champion and advocate on this subject. We just could not pull it off. The tobacco companies were too powerful. Now we have a chance to beat them with this bill on the floor. These reforms will start to reduce the terrible toll tobacco has taken on families across the Nation.

I used to say from time to time when I would reflect on this and people would say: You are going too far, DURBIN, just too much regulation, I have yet to meet the first parent who has said to me: I have great news. I just learned last night that my daughter started smoking. I never heard that said. We know intuitively as adults it is a terrible thing when a child takes up smoking and use of tobacco. It can lead to an addiction that can harm them.

The FDA is the right agency to do this. It is the only agency with the science, the regulatory experience, and the public health mission to get this job done. Through a user fee on the industry, the bill gives the agency the funding it needs to get this job done.

This is a strong public health bill and a bipartisan bill. After more than 10 years and, in my case, more than 20 years, we have never been so close to giving the FDA the authority to regulate tobacco products. I urge my colleagues to resist efforts to weaken this bill or to add provisions that jeopardize its enactment. FDA regulation of tobacco products is long overdue. The time for Congress to act is now.

I would like to say in closing that it is a shame that my colleague and friend, TEDDY KENNEDY, is not here. He is recovering, as we know, from his own battle with a brain tumor. I talked with him a couple weeks ago, and he sounded just great. I wish he could be on the floor with us because I know how much this bill means to him personally. TEDDY KENNEDY, on this issue and so many others, stood there and fought that lonely battle, faced rollcall after rollcall when he could never get enough votes. And now the moment is at hand to come up with the votes necessary. In his name and in the name of all the people over the years who have fought so valiantly for tobacco regulation, people such as Congressman Mike Synar of Oklahoma and TEDDY KENNEDY—all of them dreamed of the day when this would pass. We now have a chance, this Senate in this Congress this year, to finally do something to start saving lives across America and bring the kind of sensible regulation of tobacco that has been long overdue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

COMMENDING THOMAS O. SUGAR

Mr. BAYH. Mr. President, I rise today to honor Mr. Thomas O. Sugar, who has served as one of my most valued and trusted aides in the U.S. Senate and in the Indiana Governor's office. I am proud to have this opportunity to recognize Tom for the remarkable service he has rendered on behalf of the people of Indiana.

Tom is a native of Kokomo, IN, an auto town in the heart of our proud manufacturing State. Tom never forgot where he came from, and he has been a faithful and passionate emissary of the hard-working, middle-class Hoosiers who inspired him to enter public service in the first place.

Tom's career in government and politics began when he served as a campaign field organizer for Jim Jontz, who represented Indiana's fifth Congressional District. Throughout his 7 years of service for Congressman Jontz, Tom held a variety of positions, culminating in his ascension to chief of staff in 1991.

I was fortunate to have Tom join my staff as director of communication and planning during my second term as Indiana Governor. Among his many achievements, Tom orchestrated a successful conference on promoting responsible fatherhood that brought together leaders of the most successful fatherhood programs in the country. He also helped plan the Governor's adoption initiative, heralding needed reforms in Indiana's adoption system.

Tom served as my campaign manager for my first Senate race in 1998 and then took over as my chief of staff, a position he has held for over a decade. Tom has carried out this demanding role with unceasing skill, diplomacy, and determination. His portfolio has been considerable. Tom has been a top adviser on a range of significant policy issues, helping to improve our Nation's educational system, supporting working families, strengthening national security, and expanding volunteer opportunities for Americans to serve their country.

In addition to playing a crucial role on policy issues, Tom has served as a leader and a mentor to members of my staff in both my Indiana and Washington offices. Tom had a knack for discovering new talent, and he helped hone the professional development of countless public servants.

Most importantly, Tom is a devoted father to his sons, Jackson and Carter, and a loving husband to his wife Nancy. Tom cares about the people he works with and treats his colleagues like extended family. Tom was always ready with a kind word during times of plenty and an understanding ear during periods of personal difficulty and loss.

This week, Tom leaves my office to pursue a new opportunity helping lower income students finish their college and postsecondary education. The newly formed National Consortium for College Completion is extraordinarily lucky to have Tom as a part of their organization. While I will deeply miss having Tom on my Senate staff, I look forward to hearing about the work he will do on behalf of students in need across our country.

Tom is a trusted aide, a dear friend, and a true-blue Hoosier whose contributions to the State of Indiana are immeasurable.

Mr. President, I am pleased to recognize Tom's extraordinary contributions to this body, and I wish him the best of luck in his future pursuits.

ADDITIONAL STATEMENTS

REMEMBERING ERNEST P. KLINE

• Mr. CASEY. Madam President, the Commonwealth of Pennsylvania recently lost a distinguished former lieutenant governor and a life-long Pittsburgh sports fan, Ernest P. Kline. Ernie passed away of congestive heart failure after a life that tells the story of a Pennsylvanian with the determination to reach his goals, a love of public service, and a devoted father and grandfather. Today I honor his memory.

Ernest P. Kline was lieutenant governor of the Commonwealth of Pennsylvania from 1971 to 1979. During his 8 years of public service, he worked to advance the causes of women and older citizens. After his career in public service, Ernie was president of Kline Associates in Palmyra, PA. His story is a Pennsylvania story of hard work and deep abiding commitment to help people.

Ernie and his two brothers were raised by a single mother in Webster, just outside of Pittsburgh. It was the love and support of his extended Italian-American family, his teachers, and his devout Catholic faith that would shape him into the statesman he came to be. Ernie was the starting quarterback of his Rostraver high school football team. He attended Duquesne University but had to drop out early due to financial constraints. He became a radio-news broadcaster. While working with the radio station in Charleroi, he met his beloved wife Josephine. They would have celebrated their 60th wedding anniversary June 25th.

When covering a Beaver Falls city council meeting for WBVP-AM, Ernie realized that he wanted to enter public service. He went home, told his family, and was elected to the city council of Beaver Falls, PA, in 1955. Nine years later, Ernie was elected to the senate of Pennsylvania, later becoming the youngest Democratic floor leader ever. After 7 years in the State senate, he was elected lieutenant governor of the Commonwealth.

His life of public service continued after he left elected office through volunteering with different nonprofit organizations such as the Ronald McDonald House and the United Way. He continued supporting Democratic politics his entire life. Ernie also loved to fish and root for the Pittsburgh Steelers.

He and Josephine raised 7 children and they were blessed with 12 grandchildren. Ernie was a loving father and devoted grandfather who instilled in his family a love of Pennsylvania and the value of a life in public service. More importantly, he was a dad who made sure the kids did all of their homework and all of their chores.

Ernie Kline was a person of integrity and compassion. He never forgot where he came from and the values that guided his life. I extend my sincere condolences to Josephine and the Kline family for their loss. His life story will continue to inspire his family and many others to devote their lives to public service and to the poor and the powerless.•

JUDGE COLLEEN KOLLAR-KOTELLY

• Mrs. FEINSTEIN. Madam President, shortly before the recess, U.S. District Judge Colleen Kollar-Kotelly completed her service as presiding judge of the Foreign Intelligence Surveillance Court. By law, after serving for a maximum of 7 years, judges of the FISA Court, who are designated from the U.S. districts courts by the Chief Justice of the United States to serve on the FISA Court in addition to their regular judicial responsibilities, are not eligible for redesignation.

Now that Judge Kollar-Kotelly has completed her distinguished service on the FISA Court, it is fitting to take note of the admirable service she has rendered as the presiding judge of an institution that is central to our Nation's commitment to conduct foreign intelligence within the rule of law.

Judge Kollar-Kotelly was appointed in 1984 to serve as an associate judge of the Superior Court of the District of Columbia. In 1997, she was appointed by President Clinton to serve on the U.S. District Court for the District of Columbia. In 2002, Chief Justice William H. Rehnquist designated her to be presiding judge of the FISA Court. Her ability to earn the trust of two Presidents and a Chief Justice is noteworthy in itself.

The period of Judge Kollar-Kotelly's service as presiding judge, from 2002 to 2009, has been, of course, a period of enormous challenge for the FISA Court. The work of the court, apart from limited releases of statistical information and the rare case in which a redacted opinion has been released publicly, occurs in secrecy. But while little is publicly known about her service as presiding judge, from the vantage point of the Senate Intelligence Committee I can say with confidence that the American people should be very grateful for her leadership of this most important court.

Congratulations, Judge Kollar-Kotelly, and thanks for a job well done.●

CONGRATULATING THE GEORGE WASHINGTON HIGH SCHOOL CLASS OF 2009

● Mr. LUGAR. Madam President, I take the opportunity today to congratulate the class of 2009 at George Washington Community High School in Indianapolis, IN. This class has achieved the notable result of having all 89 spring and summer graduates accepted to college—a rare feat for any high school in America. Many of these students will be the first members of their families to attend college. Only about 5 percent of the adults in the surrounding community have attended college.

I am especially proud of what the students, teachers, and families of Washington High School are achieving because the school and community have played a big role in my early career and in the life of my family. My grandfather, Thomas L. Green, lived on the West Side of Indianapolis near Washington High School. Although he had only a fifth-grade education, he established Thomas L. Green and Company, a food machinery manufacturing firm, in a factory near the high school.

When I returned to Indianapolis in 1960 after my Navy service, I joined my brother, Thomas R. Lugar, in managing the food machinery business. Many of our employees and interns came from the neighborhood surrounding George Washington High School. Thanks to the leadership of Principal Cloyd Julian and others, we joined the George Washington Business club, through which we met frequently with the students and teachers.

In late 1963, a delegation from the West Side came to my office at the factory to encourage me to run for the Indianapolis Board of School Commissioners. They felt that schools on the West Side were being neglected, and they wanted to ensure that the perspective of our community was heard. I accepted their challenge and won a seat on the board in May of 1964. This responsibility deepened my involvement in the affairs of George Washington and other schools in our neighborhood.

I was elected mayor of Indianapolis in 1967 and continued to stay closely involved with the school. During this period, George Washington had developed a legendary basketball program that was followed closely on the West Side. The school won the Indiana High School Basketball State Championship in 1965 and 1969. We attended every tournament game and any pep rallies. It was wonderful to see the high school as a leader politically, academically, and athletically.

I take a moment to recount this cherished history because George Washington is a prime example of how a school can succeed through the hard work of its students and teachers, the support of the community, and the expectation of achievement. These students have dedicated themselves to setting an example for their younger siblings and the classes that will follow them at George Washington. The teachers never stop preaching about the advantages of going to college and never let the students assume that their education ends with high school. And parents have supported these students, even if the experience of college is a new one for their families.

The most fundamental element of American competitiveness and progress is the quality of education that our children receive. We must make sure that all of our young people are educated 100 percent of them. We cannot afford to be satisfied with less. George Washington High School clearly has embraced this challenge.

I am privileged to recognize this marvelous school and the students who are graduating and going to college, for this signal achievement. It is clear that the students at George Washington have the vision and inspiration to move ahead, which is so important to their lives but also to the success of our great country. I look forward to following their achievements and supporting their dreams in the years ahead.

Below is a complete list of the remarkable George Washington High School Class of 2009:

Edgardo Aboytes, Megan Adams, Armando Alejo, Mauricio Arreola, Salvador Arteaga, Jose Arteaga, Louis Aumann, Imelda Benitez-Vasquez, Sarah Boles, Devon Brogan, Dawn Caffery, Sebastiana Campos, Aloric Carson, Ariel Casillas, Katherine Cook, Erik Cook, Cheris Drotz-Smith, Joyce East, Luis Escatel, Petra Felder.

Edith Flores, Anthony Fuller, Manuel Gil, Dorthea Glenn, Noe Gonzalez, John Graves, Christopher Hall, Katey Hicks, Kaela Hunt, Kathryn Hunter, Tiffany Ingalls, Alma Jimenez, Dujuan Johnson, Cleveland Johnson, Charles Lile, James Locke, Adelmer Lopez, Rubi Lopez, Daniel Luckett, Karina Magallanes.

Jessica Martinez, Joshua Masters, Angela McClure, Ashley McClure, Patrick McDonald, Frederick McKnight, Keith McLemore, Adem Meftah, Shantina Moore, Fernando Mora, James Morris, Felicia Moy, Nohemi Ocampo, Rick Owens, Andrew Parsley, Julian Peters, Kiara Ragland, Miguel Ramirez, Tisha Ramirez, Daniel Rangel.

Matthew Reeves, Jeffery Riley, Tiffany Riley, Brittney Ritchie, Marcos Rivera, Marvin Rodriguez, Maria Rodriguez, Fernando Rojas, Marcus Ross, Emanuel Ruiz, Loniqua Smith, Erica Snyder, Gregorio Soto, Brittany Spears, Jason Stark-Jines, DeVaughn Stokes.

India Tinsley, Samantha Turner, Maria Valdez, Kenneth Valentine, Cassandra Vest, Sherry Whitescarver, Brandy Whitescarver, Victoria Wilcox, Calvin Williams, Rodshied Williams, William Wilson, Cassandra Wilson, Jose Zelaya.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES DISCHARGED

The following bill was discharged from the Committee on Banking, Housing, and Urban Affairs by unanimous consent, and referred as indicated:

S. 1007. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for excessive compensation of any employee of an employer; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1740. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Etoxazole; Pesticide Tolerances'' (FRL-8413-5) received in the Office of the President of the Senate on May 27, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1741. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Exemptions from the Requirement of a Tolerance; Technical Amendments'' (FRL-8417-9) received in the Office of the President of the Senate on May 27, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1742. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was declared in Executive Order 12938 with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC–1743. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–1744. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Real Estate Settlement Procedures Act (RESPA): Rule To Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs; Withdrawal of Revised Definition of 'Required Use''' ((RIN2502-AI61)(FR-5180-F-06)) received in the Office of the President of the Senate on May 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1745. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Establishing U.S. Ports of Entry in the Commonwealth of the Northern Mariana Islands (CNMI) and Implementing the Guam-CNMI Visa Waiver Program; Change of Implementation Date'' (RIN1651-AA77) received in the Office of the President of the Senate on May 22, 2009; to the Committee on Energy and Natural Resources.

EC–1746. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Western Electricity Coordinating Council Regional Reliability Standard Regarding Automatic Time Error Correction'' (Docket No. RM08-12-000) as received during adjournment of the Senate in the Office of the President of the Senate on May 16, 2009; to the Committee on Energy and Natural Resources.

EC–1747. A communication from the Director, Office of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, (4) reports relative to vacancy announcements within the Agency; to the Committee on Environment and Public Works.

EC–1748. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for Cherokee County'' (FRL-8911-5) received in the Office of the President of the Senate on May 27, 2009; to the Committee on Environment and Public Works.

EC–1749. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Update of Continuous Instrumental Test Methods; Correction'' (FRL-8910-5) received in the Office of the President of the Senate on May 27, 2009; to the Committee on Environment and Public Works.

EC–1750. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the New Source Review Program for Particulate Matter Less Than w.5 Micrometers (PM2.5)'' (FRL-8910-6) received in the Office of the President of the Senate on May 27, 2009; to the Committee on Environment and Public Works.

EC–1751. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Wintering Population of the Piping Plover (Charadrius melodus) in Texas'' (RIN1018-AV46) received in the Office of the President of the Senate on May 27, 2009; to the Committee on Environment and Public Works.

EC–1752. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Peninsular Bighorn Sheep and Determination of a Distinct Population Segment of Desert Bighorn Sheep (Ovis canadensis nelsoni)'' (RIN1018-AV09) received in the Office of the President of the Senate on May 27, 2009; to the Committee on Environment and Public Works.

EC–1753. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Florida; Removal of Gasoline Vapor Recovery from the Southeast Florida Area'' (FRL-8911-6) received in the Office of the President of the Senate on May 27, 2009; to the Committee on Environment and Public Works.

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. BINGAMAN (for himself and Mrs. LINCOLN):

S. 1161. A bill to amend the Public Health Service Act to authorize programs to increase the number of nurse faculty and to increase the domestic nursing and physical therapy workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1162. A bill to require notification of the Federal Aviation Administration with respect to wildlife strikes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 1163. A bill to add 1 member with aviation safety expertise to the Federal Aviation Administration Management Advisory Council; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 1164. A bill to amend the Public Health Service Act to reauthorize the Automated Defibrillation in Adam's Memory Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 1165. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Mr. BURR, Mr. BAYH, Ms. SNOWE, and Mr. MCCAIN):

S. Res. 164. A resolution amending Senate Resolution 400, 94th Congress, and Senate Resolution 445, 108th Congress, to improve congressional oversight of the intelligence activities of the United States, to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership, and to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States; to the Committee on Rules and Administration.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. NELSON of Nebraska, and Mr. GRAHAM):

S. Res. 165. A resolution to encourage recognition of 2009 as the ''Year of the Military Family''; considered and agreed to.

By Mr. SCHUMER:

S. Res. 166. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 148

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 148, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. BROWNBACK), the Senator from Idaho (Mr. RISCH) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 456

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S.

456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 570

At the request of Mr. VITTER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 570, a bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 572

At the request of Mr. THUNE, his name was added as a cosponsor of S. 572, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 590

At the request of Ms. SNOWE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 590, a bill to assist local communities with closed and active military bases, and for other purposes.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 730

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 779

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 779, a bill to amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 788

At the request of Ms. SNOWE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 788, a bill to prohibit unsolicited mobile text message spam.

S. 823

At the request of Ms. SNOWE, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of nonregular service retired pay.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 908

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 924

At the request of Ms. MIKULSKI, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 924, a bill to ensure efficient performance of agency functions.

S. 981

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1012

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1012, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 1013

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1013, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

S. 1044

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1044, a bill to preserve the ability of the United States to project power globally.

S. 1048

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1048, a bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants.

S. 1057

At the request of Mr. TESTER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1057, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral

efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1090

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1090, a bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mrs. LINCOLN):

S. 1161. A bill to amend the Public Health Service Act to authorize programs to increase the number of nurse faculty and to increase the domestic nursing and physical therapy workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator LINCOLN to introduce the Nurse Faculty and Physical Therapist Education Act of 2009. This legislation will help to address the critical shortage of nurse faculty and physical therapists that is facing our Nation. The nationwide nursing shortage is growing rapidly, because the average age of the nursing workforce is near retirement and because the aging population has increased health care needs. The shortage is one that affects the entire Nation. A 2006 Health Resources and Services Administration, HRSA, report estimated that the national nursing shortage would more than triple, to more than one million nurses, by the year 2020. The report also predicts that all 50 States will experience nursing shortages by 2015. Quite simply, we need to educate more nurses, or we, as a Nation, will not have enough trained nurses to meet the needs of our aging society.

One of the biggest constraints to educating more nurses is a shortage of nursing faculty. Almost three-quarters of nursing programs surveyed by the American Association of Colleges of Nursing cited faculty shortages as a reason for turning away qualified applicants. Although applications to nursing programs have surged 59 percent over the past decade, the National League for Nursing estimates that 147,000 qualified applications were turned away in 2004. This represents a 27 percent decrease in admissions over the previous year, indicating the need to scale up capacity in nursing programs is more critical than ever.

I know that in my home State of New Mexico, nursing programs turned down almost half of qualified applicants, even though HRSA predicts that New Mexico will only be able to meet 64 percent of its demand for nurses by 2020. With a national nurse faculty workforce that averages 53.5 years of age, and an average nurse faculty retirement age of 62.5 years, we cannot and must not wait any longer to address nurse faculty shortages.

Nursing faculty are not the only segment of the population that is aging. As the baby boom generation ages, there will be an increased need for nurses to care for the elderly. However, less than one percent of practicing nurses have a certification in geriatrics.

The Nurse Faculty and Physical Therapist Education Act will amend the Public Health Service Act, to help alleviate the faculty shortage by providing funds to help nursing schools increase enrollment and graduation from nursing doctoral programs. The act will increase partnering opportunities between academic institutions and medical practices, enhance cooperative education, support marketing outreach, and strengthen mentoring programs. The bill will increase the number of nurses who complete nursing doctoral programs and seek employment as faculty members and nursing leaders in academic institutions. In addition, the bill authorizes awards to train nursing faculty in clinical geriatrics, so that more nursing students will be equipped for our aging population.

By addressing the faculty shortage, we are addressing the nursing shortage.

The aging population will also require additional health workers in other fields. Physical therapy was listed as one of the fastest growing occupations by the U.S. Department of Labor, with a projected job growth of greater than 36 percent between 2004 and 2014. The need for physical therapists is particularly acute in rural and urban underserved areas, which have three to four times fewer physical therapists per capita than suburban areas. To address this need, the bill also authorizes a distance education pilot program to improve access to educational opportunity for both nursing and physical therapy students. Finally, the bill calls for a study by the Institute of Medicine at the National Academy of Sciences which will recommend how to balance education, labor, and immigration policies to meet the demand for qualified nurses and physical therapists.

The provisions of the Nurse Faculty and Physical Therapist Education Act are vital to overcoming workforce challenges. By addressing nurse faculty and physical therapist shortages, we will enhance both access to care and the quality of care.

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. 1161

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Nurse Faculty and Physical Therapist Education Act of 2009''.

(b) FINDINGS.—Congress makes the following findings:

(1) The Nurse Reinvestment Act (Public Law 107–205) has helped to support students preparing to be nurse educators. Yet, nursing schools nationwide are forced to deny admission to individuals seeking to become nurses and nurse educators due to the lack of qualified nurse faculty.

(2) The American Association of Colleges of Nursing reported that 42,866 qualified applicants were denied admission to nursing baccalaureate and graduate programs in 2006, with faculty shortages identified as a major reason for turning away students.

(3) Seventy-one percent of schools have reported insufficient faculty as the primary reason for not accepting qualified applicants. The primary reasons for lack of faculty are lack of funds to hire new faculty, inability to identify, recruit and hire faculty in the competitive job market as of May 2007, and lack of nursing faculty available in different geographic areas.

(4) Despite the fact that in 2006, 52.4 percent of graduates of doctoral nursing programs enter education roles, the 103 doctoral programs nationwide produced only 437 graduates, which is only an additional 6 graduates from 2005. This annual graduation rate is insufficient to meet the needs for nurse faculty. In keeping with other professional academic disciplines, nurse faculty at colleges and universities are typically doctorally prepared.

(5) The nursing faculty workforce is aging and will be retiring.

(6) With the average retirement age of nurse faculty at 62.5 years of age, and the average age of doctorally prepared faculty, as of May 2007, that hold the rank of professor, associate professor, and assistant professor is 58.6, 55.8, and 51.6 years, respectively, the health care system faces unprecedented workforce and health access challenges with current and future shortages of deans, nurse educators, and nurses.

(7) Research by the National League of Nursing indicates that by 2019 approximately 75 percent of the nursing faculty population (as of May 2007) is expected to retire.

(8) A wave of nurses will be retiring from the profession in the near future. As of May 2007, the average age of a nurse in the United States is 46.8 years old. The Bureau of Labor Statistics estimates that more than 1,200,000 new and replacement registered nurses will be needed by 2014.

(9) By 2030, the number of adults age 65 and older is expected to double to 70,000,000, accounting for 20 percent of the population. As the population ages, the demand for nurses and nursing faculty will increase.

(10) Despite the need for nurses to treat an aging population, few registered nurses in the United States are trained in geriatrics. Less than 1 percent of practicing nurses have a certification in geriatrics and 3 percent of advanced practice nurses specialize in geriatrics.

(11) Specialized training in geriatrics is needed to treat older adults with multiple health conditions and improve health outcomes. Approximately 80 percent of Medicare beneficiaries have 1 chronic condition, more than 60 percent have 2 or more chronic conditions, and at least 10 percent have coexisting Alzheimer's disease or other dementias that complicate their care and worsen health outcomes. Two-thirds of Medicare spending is attributed to 20 percent of beneficiaries who have 5 or more chronic conditions. Research indicates that older persons receiving care from nurses trained in geriatrics are less frequently readmitted to hospitals or transferred from nursing facilities to hospitals than those who did not receive care from a nurse trained in geriatrics.

(12) The Department of Labor projected that the need for physical therapists would increase by 36.7 percent between 2004 and 2014.

(13) The need for physical therapists is particularly acute rural and urban underserved areas, which have 3 to 4 times fewer physical therapists per capita than suburban areas.

TITLE I—GRANTS FOR NURSING EDUCATION

SEC. 101. NURSE FACULTY EDUCATION.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

"SEC. 832. NURSE FACULTY EDUCATION.

''(a) ESTABLISHMENT.—The Secretary, acting through the Health Resources and Services Administration, shall establish a Nurse Faculty Education Program to ensure an adequate supply of nurse faculty through the awarding of grants to eligible entities to—

''(1) provide support for the hiring of new faculty, the retaining of existing faculty, and the purchase of educational resources;

''(2) provide for increasing enrollment and graduation rates for students from doctoral programs; and

''(3) assist graduates from the entity in serving as nurse faculty in schools of nursing;

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be an accredited school of nursing that offers a doctoral degree in nursing in a State or territory;

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(3) develop and implement a plan in accordance with subsection (c);

''(4) agree to submit an annual report to the Secretary that includes updated information on the doctoral program involved, including information with respect to—

''(A) student enrollment;

''(B) student retention;

''(C) graduation rates;

''(D) the number of graduates employed part-time or full-time in a nursing faculty position; and

''(E) retention in nursing faculty positions within 1 year and 2 years of employment;

''(5) agree to permit the Secretary to make on-site inspections, and to comply with the requests of the Secretary for information, to determine the extent to which the school is complying with the requirements of this section; and

''(6) meet such other requirements as determined appropriate by the Secretary.

''(c) USE OF FUNDS.—Not later than 1 year after the receipt of a grant under this section, an entity shall develop and implement a plan for using amounts received under this grant in a manner that establishes not less than 2 of the following:

''(1) Partnering opportunities with practice and academic institutions to facilitate doctoral education and research experiences that are mutually beneficial.

''(2) Partnering opportunities with educational institutions to facilitate the hiring of graduates from the entity into nurse faculty, prior to, and upon completion of the program.

''(3) Partnering opportunities with nursing schools to place students into internship programs which provide hands-on opportunity to learn about the nurse faculty role.

''(4) Cooperative education programs among schools of nursing to share use of technological resources and distance learning technologies that serve rural students and underserved areas.

''(5) Opportunities for minority and diverse student populations (including aging nurses in clinical roles) interested in pursuing doctoral education.

''(6) Pre-entry preparation opportunities including programs that assist returning students in standardized test preparation, use of information technology, and the statistical tools necessary for program enrollment.

''(7) A nurse faculty mentoring program.

''(8) A Registered Nurse baccalaureate to Ph.D. program to expedite the completion of a doctoral degree and entry to nurse faculty role.

''(9) Career path opportunities for 2nd degree students to become nurse faculty.

''(10) Marketing outreach activities to attract students committed to becoming nurse faculty.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to entities from States and territories that have a lower number of employed nurses per 100,000 population.

''(e) NUMBER AND AMOUNT OF GRANTS.—Grants under this section shall be awarded as follows:

''(1) In fiscal year 2010, the Secretary shall award 10 grants of $100,000 each.

''(2) In fiscal year 2011, the Secretary shall award an additional 10 grants of $100,000 each and provide continued funding for the existing grantees under paragraph (1) in the amount of $100,000 each.

''(3) In fiscal year 2012, the Secretary shall award an additional 10 grants of $100,000 each and provide continued funding for the existing grantees under paragraphs (1) and (2) in the amount of $100,000 each.

''(4) In fiscal year 2013, the Secretary shall provide continued funding for each of the existing grantees under paragraphs (1) through (3) in the amount of $100,000 each.

''(5) In fiscal year 2014, the Secretary shall provide continued funding for each of the existing grantees under paragraphs (1) through (3) in the amount of $100,000 each.

''(f) LIMITATIONS.—

''(1) PAYMENT.—Payments to an entity under a grant under this section shall be for a period of not to exceed 5 years.

''(2) IMPROPER USE OF FUNDS.—An entity that fails to use amounts received under a grant under this section as provided for in subsection (c) shall, at the discretion of the Secretary, be required to remit to the Federal Government not less than 80 percent of the amounts received under the grant.

''(g) REPORTS.—

''(1) EVALUATION.—The Secretary shall conduct an evaluation of the results of the activities carried out under grants under this section.

''(2) REPORTS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to Congress an interim report on the results of the evaluation conducted under paragraph (1). Not later than 6 months after the end of the program under this section, the Secretary shall submit to Congress a final report on the results of such evaluation.

''(h) STUDY.—

''(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this section, the Comptroller General of the United States shall conduct a study and submit a report to Congress concerning activities to increase participation in the nurse educator program under the section.

''(2) CONTENTS.—The report under paragraph (1) shall include the following:

''(A) An examination of the capacity of nursing schools to meet workforce needs on a nationwide basis.

''(B) An analysis and discussion of sustainability options for continuing programs beyond the initial funding period.

''(C) An examination and understanding of the doctoral degree programs that are successful in placing graduates as faculty in schools of nursing.

''(D) An analysis of program design under this section and the impact of such design on nurse faculty retention and workforce shortages.

''(E) An analysis of compensation disparities between nursing clinical practitioners and nurse faculty and between higher education nurse faculty and higher education faculty overall.

''(F) Recommendations to enhance faculty retention and the nursing workforce.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the costs of carrying out this section (except the costs described in paragraph (2), there are authorized to be appropriated $1,000,000 for fiscal year 2010, $2,000,000 for fiscal year 2011, and $3,000,000 for each of fiscal years 2012 through 2014.

''(2) ADMINISTRATIVE COSTS.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014.''.

SEC. 102. GERIATRIC ACADEMIC CAREER AWARDS FOR NURSES.

Part I of title VIII of the Public Health Service Act (42 U.S.C. 298 et seq.) is amended by adding at the end the following:

"SEC. 856. GERIATRIC FACULTY FELLOWSHIPS.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide Geriatric Academic Career Awards to eligible individuals to promote the career development of such individuals as geriatric nurse faculty.

''(b) ELIGIBLE INDIVIDUALS.—To be eligible to receive an Award under subsection (a), an individual shall—

''(1) be a registered nurse with a doctorate degree in nursing;

''(2)(A) have completed an approved advanced education nursing program in geriatric nursing or geropsychiatric nursing; or

''(B) have a State or professional nursing certification in geriatric nursing or geropsychiatric nursing; and

''(3) have a faculty appointment at an accredited school of nursing, school of public health, or school of medicine.

''(c) APPLICATION.—An eligible individual desiring to receive an Award under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which shall include an assurance that the individual will meet the service requirement described in subsection (d).

''(d) SERVICE REQUIREMENT.—An individual who receives an Award under this section shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 50 percent of the obligations of such individual under the Award.

''(e) AMOUNT AND NUMBER.—

''(1) AMOUNT.—The amount of an Award under this section shall equal $75,000 annually, adjusted for inflation on the basis of the Consumer Price Index. The Secretary may increase the amount of an Award by not more than 25 percent, taking into account the fringe benefits and other research expenses, at the recipient's institutional rate.

''(2) NUMBER.—The Secretary shall award up to 125 Awards under this section from 2008 through 2016.

''(3) REGIONAL DISTRIBUTION.—

''(A) IN GENERAL.—The Secretary shall provide Awards to individuals from 5 regions in the United States, of which—

''(i) 2 regions shall be an urban area;

''(ii) 2 regions shall be a rural area; and

''(iii) 1 region shall include a State with—

''(I) a medical school that has a department of geriatrics that manages rural outreach sites and is capable of managing patients with multiple chronic conditions, 1 of which is dementia; and

''(II) a college of nursing that has a required course in geriatric nursing in the baccalaureate program.

''(B) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that the 5 regions established under subparagraph (A) are located in different geographic areas of the United States.

''(f) TERM OF AWARD.—The term of an Award made under this section shall be 5 years.

''(g) REPORTS.—

''(1) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall conduct an evaluation of the results of the activities carried out under the Awards established under this section.

''(B) REPORTS TO CONGRESS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to Congress an interim report on the results of the evaluation conducted under this paragraph. Not later than 180 days after the expiration of the program under this section, the Secretary shall submit to Congress a final report on the results of such evaluation.

''(2) CONTENT.—The evaluation under paragraph (1) shall examine—

''(A) the program design under this section and the impact of the design on nurse faculty retention; and

''(B) options for continuing the program beyond fiscal year 2018.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—To fund Awards under subsection (e), there are authorized to be appropriated $1,875,000 for each of fiscal years 2010 through 2018.

''(2) ADMINISTRATIVE COSTS.—To carry out this section (except to fund Awards under subsection (e)), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2016.

''(3) SEPARATION OF FUNDS.—The Secretary shall ensure that the amounts appropriated pursuant to paragraph (1) are held in a separate account from the amounts appropriated pursuant to paragraph (2).''.

TITLE II—DISTANCE EDUCATION PILOT PROGRAM AND OTHER PROVISIONS TO INCREASE THE NURSING AND PHYSICAL THERAPY WORKFORCE

SEC. 201. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) ESTABLISHMENT OF NURSE AND PHYSICAL THERAPISTS DISTANCE EDUCATION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in conjunction with the Secretary of Education, shall establish a Nurse and Physical Therapist Distance Education Pilot Program through which grants may be awarded for the conduct of activities to increase accessibility to nursing and physical therapy education.

(2) PURPOSE.—The purpose of the Nurse and Physical Therapist Distance Education Pilot Program established under paragraph (1) shall be to increase accessibility to nursing and physical therapy education to—

(A) provide assistance to individuals in rural areas who want to study nursing or physical therapy to enable such individuals to receive appropriate nursing education and physical therapy education;

(B) promote the study of nursing and physical therapy at all educational levels;

(C) establish additional slots for nursing and physical therapy students at existing accredited schools of nursing and physical therapy education programs; and

(D) establish new nursing and physical therapy education programs at institutions of higher education.

(3) APPLICATION.—To be eligible to receive a grant under the Pilot Program under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—

(1) IN GENERAL.—Not later than January 1, 2010, the Secretary, in conjunction with the Secretary of Education, shall—

(A) submit to Congress a report concerning the country of origin or professional school of origin of newly licensed nurses and physical therapists in each State, that shall include—

(i) for the most recent 3-year period for which data is available—

(I) separate data relating to teachers at institutions of higher education for each related occupation who have been teaching for not more than 5 years; and

(II) separate data relating to all teachers at institutions of higher education for each related occupation regardless of length of service;

(ii) for the most recent 3-year period for which data is available, separate data for each related occupation and for each State;

(iii) a separate identification of those individuals receiving their initial professional license and those individuals licensed by endorsement from another State;

(iv) with respect to those individuals receiving their initial professional license in each year, a description of the number of individuals who received their professional education in the United States and the number of individuals who received such education outside the United States; and

(v) to the extent practicable, a description, by State of residence and country of education, of the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(B) in consultation with the Department of Labor, enter into a contract with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and submission of a report that includes—

(i) a description of how the United States can balance health, education, labor, and immigration policies to meet the respective policy goals and ensure an adequate and well-trained nursing and physical therapy workforce;

(ii) a description of the barriers to increasing the supply of nursing and physical therapy faculty, domestically trained nurses, and domestically trained physical therapists;

(iii) recommendations of strategies to be utilized by Federal and State governments that would be effective in removing the barriers described in clause (ii), including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(iv) recommendations for amendments to Federal laws that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(v) recommendations for Federal grants, loans, and other incentives that would provide increases in nurse and physical therapist educators and training facilities, and other measures to increase the domestic education of new nurses and physical therapists;

(vi) an identification of the effects of nurse and physical therapist emigration on the health care systems in their countries of origin; and

(vii) recommendations for amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived; and

(C) collaborate with the heads of other Federal agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived into the United States, to—

(i) address health worker shortages caused by emigration; and

(ii) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

(2) ACCESS TO DATA.—The Secretary shall grant the Institute of Medicine access to the data described under paragraph (1)(A), as such data becomes available to the Secretary for use by the Institute in carrying out the activities under paragraph (1)(B).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,400,000 to carry out paragraph (1)(B).

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 1164. A bill to amend the Public Health Service Act to reauthorize the Automated Defibrillation in Adam's Memory Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing the reauthorization of

the Automated Defibrillators in Adam's Memory Act, or the ADAM Act. This bill is modeled after the successful Project ADAM that originally began in Wisconsin, and will reauthorize a program to establish a national clearing house to provide schools with the ''how-to'' and technical advice to set up a public access defibrillation program.

Every 2 minutes, someone in America falls into sudden cardiac arrest. By improving access to AEDs, we can improve the survival rates of cardiac arrest in our communities.

In my home State of Wisconsin, as in many other states, heart disease is the number one killer. Nationwide, heart disease is the cause of one out of every 2.8 deaths. Overall, heart disease kills more Americans than breast cancer, lung cancer, and HIV/AIDS combined.

Cardiac arrest can strike anyone. Cardiac victims are in a race against time, and unfortunately, for too many of those in rural areas, Emergency Medical Services are unable to reach people in need, and time runs out for victims of cardiac arrest. It's simply not possible to have EMS units next to every farm and small town across the nation.

Fortunately, recent technological advances have made the newest generation of AEDs inexpensive and simple to operate. Because of these advancements in AED technology, it is now practical to train and equip police officers, teachers, and members of other community organizations.

Over 163,000 Americans experience out-of-hospital sudden cardiac arrests each year. Immediate CPR and early defibrillation using an automated external defibrillator, AED, can more than double a victim's chance of survival. By taking some relatively simple steps, we can give victims of cardiac arrest a better chance of survival.

Over the past 9 years, I have worked with Senator SUSAN COLLINS, a Republican from Maine, on a number of initiatives to empower communities to improve cardiac arrest survival rates. We have pushed Congress to support rural first responders—local police and fire and rescue services—in their efforts to provide early defibrillation. Congress heard our call, and responded by enacting two of our bills, the Rural Access to Emergency Devices Act and the ADAM Act.

The Rural Access to Emergency Devices program allows community partnerships across the country to receive a grant enabling them to purchase defibrillators, and receive the training needed to use these devices. This program is entering its ninth year of helping rural communities purchase defibrillators and train first responders, and I am pleased to say that grants have already put defibrillators in rural communities all over the country, helping those communities be better prepared when cardiac arrest strikes.

Approximately ninety-five percent of sudden cardiac arrest victims die before reaching the hospital. Every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as 10 percent. After only eight minutes, the victim's survival rate drops by 60 percent. This is why early intervention is essential—a combination of CPR and use of AEDs can save lives.

Heart disease is not only a problem among adults. A few years ago I learned the story of Adam Lemel, a 17-year-old high school student and a star basketball and tennis player in Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest, and died before the paramedics arrived.

This story is incredibly tragic. Adam had his whole life ahead of him, and could quite possibly have been saved with appropriate early intervention. In fact, we have seen a number of examples in Wisconsin where early CPR and access to defibrillation have saved lives.

Seventy miles away from Milwaukee, a 14-year-old boy collapsed while playing basketball. Within three minutes, the emergency team arrived and began CPR. Within five minutes of his collapse, the paramedics used an AED to jump start his heart. Not only has this young man survived, doctors have identified his father and brother as having the same heart condition and have begun preventative treatments.

These stories help to underscore some important issues. First, although cardiac arrest is most common among adults, it can occur at any age—even in apparently healthy children and adolescents. Second, early intervention is essential—a combination of CPR and the use of AEDs can save lives. Third, some individuals who are at risk for sudden cardiac arrest can be identified.

After Adam Lemel suffered his cardiac arrest, his friend David Ellis joined forces with Children's Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillation into schools, educate communities about preventing sudden cardiac deaths and save lives.

Today, Project ADAM has introduced AEDs into several Wisconsin schools, and has been a model for programs in Washington, Florida, Michigan and elsewhere. Project ADAM provides a model for the nation, and now, with the enactment of this new law, more schools will have access to the information they seek to launch similar programs.

The ADAM Act was passed into law in 2003, but has yet to be funded. I have been very proud to play a part in having this bill signed into law, and it is my hope that the reauthorization of the Act will quickly pass through the Congress and into law, and that funding will follow. It would not take much money to fund this program and save lives across the country.

The ADAM Act is one way we can honor the life of children like Adam Lemel, and give tomorrow's pediatric cardiac arrest victims a fighting chance at life.

This act exists because a family experienced the tragic loss of their son, but they were determined to spare other families that same loss. I thank Adam's parents, Joe and Patty, for their courageous efforts and I thank them for everything they have done to help the ADAM Act become law. Their actions take incredible bravery, and I commend them for their efforts.

By making sure that AEDs are available in our nation's rural areas, schools and throughout our communities we can help those in a race against time have a fighting chance of survival when they fall victim to cardiac arrest. I urge Congress to pass this reauthorization, and to fund the ADAM Act and the Rural AED program at their full levels. We have the power to prevent death—all we must do is act.

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. 1164

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 ''Automated Defibrillation in Adam's Memory Reauthorization Act''.

SEC. 2. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 312 of the Public Health Service Act (42 U.S.C. 244) is amended—

(1) in subsection (c)(6), after ''clearinghouse'' insert '', that shall be administered by an organization that has substantial expertise in pediatric education, pediatric medicine, and electrophysiology and sudden death,''; and

(2) in the first sentence of subsection (e), by striking ''fiscal year 2003'' and all that follows through ''2006'' and inserting ''for each of fiscal years 2003 through 2014''.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 1165. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today, along with my colleague Senator COLLINS from Maine, I am reintroducing legislation to help businesses form group-purchasing cooperatives to obtain enhanced benefits, to reduce health care rates, and to improve quality for their employees' health care.

High health care costs are burdening businesses and employees across the nation. These costs are digging into profits and preventing access to affordable health care. Too many patients feel trapped by the system, with decisions about their health dictated by costs rather than by what they need.

Nationally, the annual average cost to an employer for an individual employee's health care is $3,983. For a

family, the employer contribution is $9,325. We must curb these rapidly increasing health care costs. I strongly support initiatives to ensure that everyone has access to health care. It is crucial that we support successful local initiatives to reduce health care premiums and to improve the quality of employees' health care.

By using group purchasing to obtain rate discounts, some employers have been able to reduce the cost of health care premiums for their employees. According to the National Business Coalition on Health, there are nearly 60 employer-led coalitions across the U.S. that collectively purchase health care. Through these pools, businesses are able to proactively challenge high costs and inefficient delivery of health care and share information on quality. These coalitions represent over 7,000 employers nationwide.

Improving the quality of health care will also lower the cost of care. By investing in the delivery of high-quality health care, we will be able to lower long term health care costs. Effective care, such as high-quality preventive services, can reduce overall health care expenditures. Health purchasing coalitions help promote these services and act as an employer forum for networking and education on health care cost containment strategies. They can help foster a dialogue with health care providers, insurers, and local HMOs.

Health care markets are local. Problems with cost, quality, and access to health care are felt most intensely in the local markets. Health care coalitions can function best when they are formed and implemented locally. Local employers of large and small businesses have formed health care coalitions to track health care trends, create a demand for quality and safety, and encourage group purchasing.

In Wisconsin, there have been various successful initiatives that have formed health care purchasing cooperatives to improve quality of care and to reduce cost. For example, the Employer Health Care Alliance Cooperative, an employer-owned and employer-directed not-for-profit cooperative, has developed a network of health care providers in Dane County and 13 surrounding counties on behalf of more than 160 member employers. Through this pooling effort, employers are able to obtain affordable, high-quality health care for their more than 80,000 employees and dependents.

This legislation seeks to build on successful local initiatives, such as the Alliance, that help businesses to join together to increase access to affordable and high-quality health care.

The Promoting Health Care Purchasing Cooperatives Act would authorize grants to groups of businesses so that they could form group-purchasing cooperatives to obtain enhanced benefits, reduce health care rates, and improve quality.

This legislation offers two separate grant programs to help different types of businesses pool their resources and bargaining power. Both programs would aid businesses to form cooperatives. The first program would help large businesses that sponsor their own health plans, while the second program would help small businesses that purchase their health insurance.

My bill would enable larger businesses to form cost-effective cooperatives that could offer high-quality health care through several ways. First, they could obtain health services through pooled purchasing from physicians, hospitals, home health agencies, and others. By pooling their experience and interests, employers involved in a coalition could better address essential issues, such as rising health insurance rates and the lack of comparable health care quality data. They would be able to share information regarding the quality of these services and to partner with these health care providers to meet the needs of their employees.

For smaller businesses that purchase their health insurance, the formation of cooperatives would allow them to buy health insurance at lower prices through pooled purchasing. Also, the communication within these cooperatives would provide employees of small businesses with better information about the health care options that are available to them. Finally, coalitions would serve to promote quality improvements by facilitating partnerships between their group and the health care providers.

By working together, the group could develop better insurance plans and negotiate better rates.

This legislation also tries to alleviate the burden that our Nation's farmers face when trying to purchase health care for themselves, their families, and their employees. Because the health insurance industry looks upon farming as a high-risk profession, many farmers are priced out of, or simply not offered, health insurance. By helping farmers join cooperatives to purchase health insurance, we will help increase their health insurance options.

Past health purchasing pool initiatives have focused only on cost and have tried to be all things for all people. My legislation creates an incentive to join the pools by giving grants to a group of similar businesses to form group-purchasing cooperatives. The pools are also given flexibility to find innovative ways to lower costs, such as enhancing benefits—for example, more preventive care—and improving quality. Finally, the cooperative structure is a proven model, which creates an incentive for businesses to remain in the pool because they will be invested in the organization.

We must reform health care in America and give employers and employees more options. This legislation, by providing for the formation of cost-effective coalitions that will also improve the quality of care, contributes to this essential reform process. I urge my colleagues to join me in supporting this proposal to improve the quality and costs of health care.

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. 1165

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 ''Promoting Health Care Purchasing Cooperatives Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Health care spending in the United States has reached 16.2 percent of the Gross Domestic Product of the United States, yet over 46,000,000 people remain uninsured.

(2) After nearly a decade of manageable increases in commercial insurance premiums, many employers are now faced with consecutive years of double digit premium increases.

(3) Purchasing cooperatives owned by participating businesses are a proven method of achieving the bargaining power necessary to manage the cost and quality of employer-sponsored health plans and other employee benefits.

(4) The Employer Health Care Alliance Cooperative has provided its members with health care purchasing power through provider contracting, data collection, activities to enhance quality improvements in the health care community, and activities to promote employee health care consumerism.

(5) According to the National Business Coalition on Health, there are nearly 60 employer-led coalitions across the United States that collectively purchase health care, proactively challenge high costs and the inefficient delivery of health care, and share information on quality. These coalitions represent more than 7,000 employers, and approximately 25,000,000 employees and their dependents.

(b) PURPOSE.—It is the purpose of this Act to build off of successful local employer-led health insurance initiatives by improving the value of their employees' health care.

SEC. 3. GRANTS TO SELF INSURED BUSINESSES TO FORM HEALTH CARE COOPERATIVES.

(a) AUTHORIZATION.—The Secretary of Health and Human Services (in this Act referred to as the ''Secretary''), acting through the Director of the Agency for Healthcare Research and Quality, is authorized to award grants to eligible groups that meet the criteria described in subsection (d), for the development of health care purchasing cooperatives. Such grants may be used to provide support for the professional staff of such cooperatives, and to obtain contracted services for planning, development, and implementation activities for establishing such health care purchasing cooperatives.

(b) ELIGIBLE GROUP DEFINED.—

(1) IN GENERAL.—In this section, the term ''eligible group'' means a consortium of 2 or more self-insured employers, including agricultural producers, each of which are responsible for their own health insurance risk pool with respect to their employees.

(2) NO TRANSFER OF RISK.—Individual employers who are members of an eligible group may not transfer insurance risk to such group.

(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible group shall submit to the Secretary an application

at such time, in such manner, and accompanied by such information as the Secretary may require.

(d) CRITERIA.—

(1) FEASIBILITY STUDY GRANTS.—

(A) IN GENERAL.—An eligible group may submit an application under subsection (c) for a grant to conduct a feasibility study concerning the establishment of a health insurance purchasing cooperative. The Secretary shall approve applications submitted under the preceding sentence if the study will consider the criteria described in paragraph (2).

(B) REPORT.—After the completion of a feasibility study under a grant under this section, an eligible group shall submit to the Secretary a report describing the results of such study.

(2) GRANT CRITERIA.—The criteria described in this paragraph include the following with respect to the eligible group involved:

(A) The ability of the group to effectively pool the health care purchasing power of employers.

(B) The ability of the group to provide data to employers to enable such employers to make data-based decisions regarding their health plans.

(C) The ability of the group to drive quality improvement in the health care community.

(D) The ability of the group to promote health care consumerism through employee education, self-care, and comparative provider performance information.

(E) The ability of the group to meet any other criteria determined appropriate by the Secretary.

(e) COOPERATIVE GRANTS.—After the submission of a report by an eligible group under subsection (d)(1)(B), the Secretary shall determine whether to award the group a grant for the establishment of a cooperative under subsection (a). In making a determination under the preceding sentence, the Secretary shall consider the criteria described in subsection (d)(2) with respect to the group.

(f) COOPERATIVES.—

(1) IN GENERAL.—An eligible group awarded a grant under subsection (a) shall establish or expand a health insurance purchasing cooperative that shall—

(A) be a nonprofit organization;

(B) be wholly owned, and democratically governed by its member-employers;

(C) exist solely to serve the membership base;

(D) be governed by a board of directors that is democratically elected by the cooperative membership using a 1-member, 1-vote standard; and

(E) accept any new member in accordance with specific criteria, including a limitation on the number of members, determined by the Secretary.

(2) AUTHORIZED COOPERATIVE ACTIVITIES.—A cooperative established under paragraph (1) shall—

(A) assist the members of the cooperative in pooling their health care insurance purchasing power;

(B) provide data to improve the ability of the members of the cooperative to make data-based decisions regarding their health plans;

(C) conduct activities to enhance quality improvement in the health care community;

(D) work to promote health care consumerism through employee education, self-care, and comparative provider performance information; and

(E) conduct any other activities determined appropriate by the Secretary.

(g) REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date on which grants are awarded under this section, and every 2 years thereafter, the Secretary shall study the programs funded under the grants and submit to the appropriate committees of Congress a report on the progress of such programs in improving the access of employees to quality, affordable health insurance.

(2) SLIDING SCALE FUNDING.—The Secretary shall use the information included in the report submitted under paragraph (1) to establish a schedule for scaling back payments under this section with the goal of ensuring that programs funded with grants under this section are self sufficient within 10 years.

SEC. 4. GRANTS TO SMALL BUSINESSES TO FORM HEALTH CARE COOPERATIVES.

The Secretary shall carry out a grant program that is identical to the grant program provided for in section 3, except that an eligible group for purposes of a grant under this section shall be a consortium of 2 or more employers, including agricultural producers, each of which—

(1) have 99 employees or less; and

(2) are purchasers of health insurance (are not self-insured) for their employees.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

From the administrative funds provided to the Secretary for each fiscal year, the Secretary may use not to exceed a total of $60,000,000 for fiscal years 2009 through 2018 to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 164—AMENDING SENATE RESOLUTION 400, 94TH CONGRESS, AND SENATE RESOLUTION 445, 108TH CONGRESS, TO IMPROVE CONGRESSIONAL OVERSIGHT OF THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES, TO PROVIDE A STRONG, STABLE, AND CAPABLE CONGRESSIONAL COMMITTEE STRUCTURE TO PROVIDE THE INTELLIGENCE COMMUNITY APPROPRIATE OVERSIGHT, SUPPORT, AND LEADERSHIP, AND TO IMPLEMENT A KEY RECOMMENDATION OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

Mr. FEINGOLD (for himself, Mr. BURR, Mr. BAYH, Ms. SNOWE, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 164

Whereas the National Commission on Terrorist Attacks Upon the United States (hereinafter referred to as the ''9/11 Commission'') conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation;

Whereas in its final report, the 9/11 Commission found that congressional oversight of the intelligence activities of the United States is dysfunctional;

Whereas in its final report, the 9/11 Commission further found that under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

Whereas in its final report, the 9/11 Commission further found that as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

Whereas in its final report, the 9/11 Commission further found that a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership;

Whereas in its final report, the 9/11 Commission further found that the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed;

Whereas in its final report, the 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities;

Whereas in its final report, the 9/11 Commission further recommended that the authorizing authorities and appropriating authorities with respect to intelligence activities in each house of Congress be combined into a single committee in each house of Congress;

Whereas Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission; and

Whereas the Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented: Now, therefore, be it

Resolved,

SECTION 1. PURPOSES.

The purposes of this resolution are—

(1) to improve congressional oversight of the intelligence activities of the United States;

(2) to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership;

(3) to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States (the ''9/11 Commission'') that structural changes be made to Congress to improve the oversight of intelligence activities; and

(4) to provide vigilant legislative oversight over the intelligence activities of the United States to ensure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. INTELLIGENCE OVERSIGHT.

(a) AUTHORITY OF THE SELECT COMMITTEE ON INTELLIGENCE.—Paragraph (5) of section 3(a) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended in that matter preceding subparagraph (A) by striking the comma following ''authorizations for appropriations'' and inserting ''and appropriations,''.

(b) ABOLISHMENT OF THE SUBCOMMITTEE ON INTELLIGENCE.—Senate Resolution 445, agreed to October 9, 2004, (108th Congress), is amended by striking section 402.

Mr. FEINGOLD. Mr. President, I am introducing today, along with Senators BURR, BAYH, SNOWE and MCCAIN, a resolution that will implement a key recommendation of the 9/11 Commission—

the granting of appropriations authority to the Senate Intelligence Committee. This effort to reform and improve congressional oversight has a long bipartisan history. It began as an amendment offered by Senator MCCAIN to the 2004 reorganizing resolution that accompanied the intelligence reform bill. And, in the last Congress, this resolution was introduced by Senator BURR. It should also be noted that it has the same bipartisan set of cosponsors as it did last year, despite the change of administration. This underscores the principle that effective congressional oversight is neither a partisan nor political issue and that it has nothing to do with who the President is. It is about ensuring that the Intelligence Community is keeping America safe, complying with the Constitution and laws of our country, and using taxpayer dollars in an appropriate manner.

Next month will mark the 5th anniversary of the release of the 9/11 Commission's report. The country is by now familiar with the many recommendations of the Commission that have been implemented, including the establishment of the DNI and the National Counterterrorism Center. Yet, the Commission stressed that, ''Of all our recommendations, strengthening congressional oversight may be among the most difficult and important.''

In November 2007, Lee Hamilton, the former Vice Chairman of the Commission testified to the Senate Intelligence Committee on behalf of himself and former Chairman Tom Kean and again emphasized what needs to be done. He testified that:

> The single most important step to strengthen the power of the intelligence committees is to give them the power of the purse. Without it, they will be marginalized. The intelligence community will not ignore you, but they will work around you. In a crunch, they will go to the Appropriations Committee. Within the Congress, the two bodies with the jurisdiction, time and expertise to carry out a careful review of the budget and activities of the Intelligence Community are the Senate and House intelligence committees. Yet all of us have to live by the Gold Rule: That is, he who controls the Gold makes the Rules.

The testimony of the former Chairman and Vice Chairman highlighted three practical examples of why this particular reform is so critical. First, if and when the U.S. goes to war, the decision will ride largely on intelligence—and oversight is critical to ensuring that the intelligence community gets it right. Second, oversight is necessary to safeguard the privacy and civil liberties of Americans in an age of enhanced collection capabilities and data mining. Third, the success of intelligence reform requires sustained congressional oversight.

Vigorous, effective, independent congressional oversight is fundamental to the checks and balances of our constitutional system. In recent years, we have seen outright contempt for this oversight, particularly as the previous administration sought to hide the CIA's detention and interrogation and the NSA's warrantless wiretapping programs from Congress. But the inauguration of a new president has not removed all impediments to effective oversight, nor is it a guarantee that serious abuses won't occur in the future. That is why the implementation of this reform is just as important as ever and why this resolution has bipartisan support.

In the end, this reform is not just about our constitutional system, as important as that is. It is about how best to protect the American people. As Lee Hamilton testified, ''the strong point simply is that the Senate of the U.S. and the House of the U.S. is not doing its job. And because you are not doing the job, the country is not as safe as it ought to be, because one of my premises is that robust oversight is necessary for a stronger intelligence community.''

The implementation of this reform is long overdue. It has been more than seven and a half years since the attacks of 9/11, almost 5years since the 9/11 Commission made this recommendation, and a year and a half since the Senate Intelligence Committee heard directly from former Chairman Hamilton and former Vice Chairman Kean. There should be no more excuses, or delays.

SENATE RESOLUTION 165—TO ENCOURAGE RECOGNITION OF 2009 AS THE ''YEAR OF THE MILITARY FAMILY''

Mr. LEVIN (for himself, Mr. MCCAIN, Mr. NELSON of Nebraska, and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 165

Whereas there are more than 1.8 million family members of regular component members of the Armed Forces and an additional 1.1 million family members of reserve component members;

Whereas slightly more than half of all members of the regular and reserve components are married, and just over 40 percent of military spouses are 30 years or younger and 60 percent of military spouses are under 36 years of age;

Whereas there are nearly 1.2 million children between the ages of birth and 23 years who are dependents of regular component members, and there are over 713,000 children between such ages who are dependents of reserve component members;

Whereas the largest group of minor children of regular component members consist of children between the ages of birth and 5 years, while the largest group of minor children of reserve component members consist of children between the ages of 6 and 14 years;

Whereas the needs, resources, and challenges confronting a military family, particularly when a member of the family has been deployed, vastly differ between younger age children and children who are older;

Whereas the United States recognizes that military families are also serving their country, and the United States must ensure that all the needs of military dependent children are being met, for children of members of both the regular and reserve components;

Whereas military families often face unique challenges and difficulties that are inherent to military life, including long separations from loved ones, the repetitive demands of frequent deployments, and frequent uprooting of community ties resulting from moves to bases across the country and overseas;

Whereas thousands of military family members have taken on volunteer responsibilities to assist units and members of the Armed Forces who have been deployed by supporting family readiness groups, helping military spouses meet the demands of a single parent during a deployment, or providing a shoulder to cry on or the comfort of understanding;

Whereas military families provide members of the Armed Forces with the strength and emotional support that is needed from the home front for members preparing to deploy, who are deployed, or who are returning from deployment;

Whereas some military families have given the ultimate sacrifice in the loss of a principal family member in defense of the United States; and

Whereas 2009 would be an appropriate year to designate as the ''Year of the Military Family'': Now, therefore be it

Resolved by the Senate, That the Senate—

(1) expresses its deepest appreciation to the families of members of the Armed Forces who serve, or have served, in defense of the United States;

(2) recognizes the contributions that military families make, and encourages the people of the United States to share their appreciation for the sacrifices military families give on behalf of the United States; and

(3) encourages the people of the United States and the Department of Defense to observe the ''Year of Military Family'' with appropriate ceremonies and activities.

SENATE RESOLUTION 166—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 166

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 300 additional copies of such document for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1225. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table.

SA 1226. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1227. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1228. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

SA 1229. Mr. DORGAN (for himself, Ms. SNOWE, Mr. MCCAIN, Ms. STABENOW, Mr. SANDERS, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1256, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1225. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. MARIJUANA.

(a) IN GENERAL.—The Secretary of Health and Human Services shall—

(1) require that if a State permits the use of marijuana without adhering to the established legal processes associated with the Federal Food, Drug, and Cosmetic Act, the State-permitted marijuana shall be subject to the full regulatory requirements of the Food and Drug Administration, including a risk evaluation and mitigation strategy and all other requirements and penalties of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) regarding safe and effective reviews, approval, sale, marketing, and use of pharmaceuticals; and

(2) require that any State-permitted marijuana likely to be offered to, or purchased by, consumers as marijuana intended to be consumed as a cigarette will be subject to section 900 of the Federal Food Drug and Cosmetic Act (as amended by section 101).

(b) MODIFICATION OF STATE LAWS.—

(1) IN GENERAL.—Section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) is amended—

(A) in the section heading, by inserting "**AND MARIJUANA**" after "**TOBACCO**";

(B) in subsection (a)(1), by inserting "or marijuana" after "tobacco"; and

(C) in subsection (b)—

(i) in paragraph (1), by inserting "and marijuana" after "tobacco"; and

(ii) in paragraph (2)(B)(ii), by inserting "and marijuana" after "tobacco".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to State laws beginning in fiscal year 2010, except that in the case of a State whose legislature does not convene a regular session in fiscal year 2009, such amendments shall apply beginning in fiscal year 2011.

SA 1226. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A insert the following:

SEC. ___. INDEPENDENT STUDY OF FEDERAL TOBACCO REGULATORY ACTIVITIES EFFECTIVENESS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) develop performance measures for the Food and Drug Administration's regulatory activities with respect to tobacco; and

(2) recommend program evaluations that should be conducted for programs and activities related to tobacco regulation that are administered by the Food and Drug Administration.

(b) CONTENTS.—The performance measures developed under subsection (a) shall—

(1) to the maximum extent practicable draw on research-based, quantitative data;

(2) take into account program and activity purpose and design;

(3) include criteria to evaluate the cost effectiveness of programs and activities conducted by the Food and Drug Administration related to tobacco;

(4) include criteria to evaluate the administration and management of programs and activities conducted by the Food and Drug Administration related to tobacco;

(5) include criteria to evaluate harm-reduction strategies approved by the Food and Drug Administration;

(6) include criteria to evaluate whether consumers are better informed relating to health and dependency effects or safety of tobacco;

(7) include criteria to evaluate if the Food and Drug Administration's programs make tobacco less accessible to minors; and

(8) include criteria to evaluate whether the Food and Drug Administration's programs have encouraged smoking cessation and reduced tobacco-related disease

(c) REPORT.—Not later than 2 years after the development of the performance measures under subsection (a), and every 5 years thereafter, the Comptroller General of the United States shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report containing an assessment of each such program and activity with respect to the performance measures and program evaluations developed under subsection (a).

SA 1227. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

Beginning in section 102(a) of division A, strike paragraph (5) and all that follows through section 103(g) of such division and insert the following:

(5) ENFORCEMENT.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the provisions of this Act, the amendments made by this Act, and the implementing regulations (including such provisions, amendments, and regulations relating to the retail sale of tobacco products) are enforced with respect to the United States.

(B) INDIAN TRIBES.—The Secretary of Health and Human Services shall ensure that the provisions of this Act, the amendments made by this Act, and the implementing regulations (including such provisions, amendments, and regulations relating to the retail sale of tobacco products) apply to, and are enforced with respect to, Indian tribes.

(6) QUALIFIED ADULT-ONLY FACILITY.—A qualified adult-only facility (as such term is defined in section 897.16(d) of the final rule published under paragraph (1)) that is also a retailer and that commits a violation as a retailer shall not be subject to the limitations in section 103(q) and shall be subject to penalties applicable to a qualified adult-only facility.

(7) CONGRESSIONAL REVIEW PROVISIONS.—Section 801 of title 5, United States Code, shall not apply to the final rule published under paragraph (1).

(b) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document titled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents" (60 Fed. Reg. 41314–41372 (August 11, 1995)).

(2) The document titled "Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act" (60 Fed. Reg. 41453–41787 (August 11, 1995)).

(3) The preamble to the final rule in the document titled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (61 Fed. Reg. 44396–44615 (August 28, 1996)).

(4) The document titled "Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination" (61 Fed. Reg. 44619–45318 (August 28, 1996)).

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.

(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting "tobacco product," after "device,";

(2) in subsection (b), by inserting "tobacco product," after "device,";

(3) in subsection (c), by inserting "tobacco product," after "device,";

(4) in subsection (e)—

(A) by striking the period after "572(i)"; and

(B) by striking "or 761 or the refusal to permit access to" and inserting "761, 909, or 920 or the refusal to permit access to";

(5) in subsection (g), by inserting "tobacco product," after "device,";

(6) in subsection (h), by inserting "tobacco product," after "device,";

(7) in subsection (j)—

(A) by striking the period after "573"; and

(B) by striking "708, or 721" and inserting "708, 721, 904, 905, 906, 907, 908, 909, or 920(b)";

(8) in subsection (k), by inserting "tobacco product," after "device,";

(9) by striking subsection (p) and inserting the following:

''(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j), 510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(j)(2) or 905(i)(3).'';

(10) by striking subsection (q)(1) and inserting the following:

''(q)(1) The failure or refusal—

''(A) to comply with any requirement prescribed under section 518, 520(g), 903(b), 907, 908, or 915;

''(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 909, or 920; or

''(C) to comply with a requirement under section 522 or 913.'';

(11) in subsection (q)(2), by striking ''device,'' and inserting ''device or tobacco product,'';

(12) in subsection (r), by inserting ''or tobacco product'' after the term ''device'' each time that such term appears; and

(13) by adding at the end the following:

''(oo) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).

''(pp) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

''(qq)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (including tax stamp), tag, label, or other identification device upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

''(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other item that is designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

''(3) The doing of any act that causes a tobacco product to be a counterfeit tobacco product, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit tobacco product.

''(rr) The charitable distribution of tobacco products.

''(ss) The failure of a manufacturer or distributor to notify the Attorney General and the Secretary of the Treasury of their knowledge of tobacco products used in illicit trade.

''(tt) Making any express or implied statement or representation directed to consumers with respect to a tobacco product, in a label or labeling or through the media or advertising, that either conveys, or misleads or would mislead consumers into believing, that—

''(1) the product is approved by the Food and Drug Administration;

''(2) the Food and Drug Administration deems the product to be safe for use by consumers;

''(3) the product is endorsed by the Food and Drug Administration for use by consumers; or

''(4) the product is safe or less harmful by virtue of—

''(A) its regulation or inspection by the Food and Drug Administration; or

''(B) its compliance with regulatory requirements set by the Food and Drug Administration;

including any such statement or representation rendering the product misbranded under section 903.''.

(c) SECTION 303.—Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) in paragraph (1)(A), by inserting ''or tobacco products'' after the term ''devices'' each place such term appears;

(2) in paragraph (5)—

(A) in subparagraph (A)—

(i) by striking ''assessed'' the first time it appears and inserting ''assessed, or a no-tobacco-sale order may be imposed,''; and

(ii) by striking ''penalty'' the second time it appears and inserting ''penalty, or upon whom a no-tobacco-sale order is to be imposed,'';

(B) in subparagraph (B)—

(i) by inserting after ''penalty,'' the following: ''or the period to be covered by a no-tobacco-sale order,''; and

(ii) by adding at the end the following: ''A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order.''; and

(C) by adding at the end the following:

''(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.'';

(3) in paragraph (6)—

(A) by inserting ''or the imposition of a no-tobacco-sale order'' after the term ''penalty'' each place such term appears; and

(B) by striking ''issued.'' and inserting ''issued, or on which the no-tobacco-sale order was imposed, as the case may be.''; and

(4) by adding at the end the following:

''(8) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1). Prior to the entry of a no-sale order under this paragraph, a person shall be entitled to a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer's request a hearing by telephone, or at the nearest regional or field office of the Food and Drug Administration, or at a Federal, State, or county facility within 100 miles from the location of the retail outlet, if such a facility is available.''.

(d) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking ''and'' before ''(D)''; and

(B) by striking ''device.'' and inserting the following: ''device, and (E) Any adulterated or misbranded tobacco product.'';

(2) in subsection (d)(1), by inserting ''tobacco product,'' after ''device,'';

(3) in subsection (g)(1), by inserting ''or tobacco product'' after the term ''device'' each place such term appears; and

(4) in subsection (g)(2)(A), by inserting ''or tobacco product'' after ''device''.

(e) SECTION 505.—Section 505(n)(2) (21 U.S.C. 355(n)(2)) is amended by striking ''section 904'' and inserting ''section 1004''.

(f) SECTION 523.—Section 523(b)(2)(D) (21 U.S.C. 360m(b)(2)(D)) is amended by striking ''section 903(g)'' and inserting ''section 1003(g)''.

(g) SECTION 702.—Section 702(a)(1) (U.S.C. 372(a)(1)) is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)(1)(A)''; and

(2) by adding at the end the following:

''(B) For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with this paragraph to carry out inspections of retailers within that State in connection with the enforcement of this Act.''.

SA 1228. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY CONCERNING THE IMPACT ON PUBLIC HEALTH PROGRAMS.

The Comptroller General of the United States shall conduct a study of the impact that this Act (and the amendments made by this Act) may have on Federal public health programs (including the State Children's Health Insurance Program under title XXI of the Social Security Act). Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress, a report on the findings made in study conducted under this section.

SA 1229. Mr. DORGAN (for himself, Ms. SNOWE, Mr. MCCAIN, Ms. STABENOW, Mr. SANDERS, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ___—IMPORTATION OF PRESCRIPTION DRUGS

SEC. 1. SHORT TITLE.

This division may be cited as the ''Pharmaceutical Market Access and Drug Safety Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Americans unjustly pay up to 5 times more to fill their prescriptions than consumers in other countries;

(2) the United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

(3) a prescription drug is neither safe nor effective to an individual who cannot afford it;

(4) allowing and structuring the importation of prescription drugs to ensure access to safe and affordable drugs approved by the Food and Drug Administration will provide a level of safety to American consumers that they do not currently enjoy;

(5) American spend more than $200,000,000,000 on prescription drugs every year;

(6) the Congressional Budget Office has found that the cost of prescription drugs are between 35 to 55 percent less in other highly-developed countries than in the United States; and

(7) promoting competitive market pricing would both contribute to health care savings

and allow greater access to therapy, improving health and saving lives.

SEC. 3. REPEAL OF CERTAIN SECTION REGARDING IMPORTATION OF PRESCRIPTION DRUGS.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804.

SEC. 4. IMPORTATION OF PRESCRIPTION DRUGS; WAIVER OF CERTAIN IMPORT RESTRICTIONS.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 3, is further amended by inserting after section 803 the following:

"SEC. 804. COMMERCIAL AND PERSONAL IMPORTATION OF PRESCRIPTION DRUGS.

''(a) IMPORTATION OF PRESCRIPTION DRUGS.—

''(1) IN GENERAL.—In the case of qualifying drugs imported or offered for import into the United States from registered exporters or by registered importers—

''(A) the limitation on importation that is established in section 801(d)(1) is waived; and

''(B) the standards referred to in section 801(a) regarding admission of the drugs are subject to subsection (g) of this section (including with respect to qualifying drugs to which section 801(d)(1) does not apply).

''(2) IMPORTERS.—A qualifying drug may not be imported under paragraph (1) unless—

''(A) the drug is imported by a pharmacy, group of pharmacies, or a wholesaler that is a registered importer; or

''(B) the drug is imported by an individual for personal use or for the use of a family member of the individual (not for resale) from a registered exporter.

''(3) RULE OF CONSTRUCTION.—This section shall apply only with respect to a drug that is imported or offered for import into the United States—

''(A) by a registered importer; or

''(B) from a registered exporter to an individual.

''(4) DEFINITIONS.—

''(A) REGISTERED EXPORTER; REGISTERED IMPORTER.—For purposes of this section:

''(i) The term 'registered exporter' means an exporter for which a registration under subsection (b) has been approved and is in effect.

''(ii) The term 'registered importer' means a pharmacy, group of pharmacies, or a wholesaler for which a registration under subsection (b) has been approved and is in effect.

''(iii) The term 'registration condition' means a condition that must exist for a registration under subsection (b) to be approved.

''(B) QUALIFYING DRUG.—For purposes of this section, the term 'qualifying drug' means a drug for which there is a corresponding U.S. label drug.

''(C) U.S. LABEL DRUG.—For purposes of this section, the term 'U.S. label drug' means a prescription drug that—

''(i) with respect to a qualifying drug, has the same active ingredient or ingredients, route of administration, dosage form, and strength as the qualifying drug;

''(ii) with respect to the qualifying drug, is manufactured by or for the person that manufactures the qualifying drug;

''(iii) is approved under section 505(c); and

''(iv) is not—

''(I) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

''(II) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262), including—

''(aa) a therapeutic DNA plasmid product;

''(bb) a therapeutic synthetic peptide product;

''(cc) a monoclonal antibody product for in vivo use; and

''(dd) a therapeutic recombinant DNA-derived product;

''(III) an infused drug, including a peritoneal dialysis solution;

''(IV) an injected drug;

''(V) a drug that is inhaled during surgery;

''(VI) a drug that is the listed drug referred to in 2 or more abbreviated new drug applications under which the drug is commercially marketed; or

''(VII) a sterile opthlamic drug intended for topical use on or in the eye.

''(D) OTHER DEFINITIONS.—For purposes of this section:

''(i)(I) The term 'exporter' means a person that is in the business of exporting a drug to individuals in the United States from Canada or from a permitted country designated by the Secretary under subclause (II), or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

''(II) The Secretary shall designate a permitted country under subparagraph (E) (other than Canada) as a country from which an exporter may export a drug to individuals in the United States if the Secretary determines that—

''(aa) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to—

''(AA) the training of pharmacists;

''(BB) the practice of pharmacy; and

''(CC) the protection of the privacy of personal medical information; and

''(bb) the importation of drugs to individuals in the United States from the country will not adversely affect public health.

''(ii) The term 'importer' means a pharmacy, a group of pharmacies, or a wholesaler that is in the business of importing a drug into the United States or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

''(iii) The term 'pharmacist' means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

''(iv) The term 'pharmacy' means a person that—

''(I) is licensed by a State to engage in the business of selling prescription drugs at retail; and

''(II) employs 1 or more pharmacists.

''(v) The term 'prescription drug' means a drug that is described in section 503(b)(1).

''(vi) The term 'wholesaler'—

''(I) means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A); and

''(II) does not include a person authorized to import drugs under section 801(d)(1).

''(E) PERMITTED COUNTRY.—The term 'permitted country' means—

''(i) Australia;

''(ii) Canada;

''(iii) a member country of the European Union, but does not include a member country with respect to which—

''(I) the country's Annex to the Treaty of Accession to the European Union 2003 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

''(II) the Secretary determines that the requirements described in subclauses (I) and (II) of clause (vii) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

''(iv) Japan;

''(v) New Zealand;

''(vi) Switzerland; and

''(vii) a country in which the Secretary determines the following requirements are met:

''(I) The country has statutory or regulatory requirements—

''(aa) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

''(bb) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs;

''(cc) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, and strength;

''(dd) for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective; and

''(ee) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

''(II) The valid marketing authorization system in the country is equivalent to the systems in the countries described in clauses (i) through (vi).

''(III) The importation of drugs to the United States from the country will not adversely affect public health.

''(b) REGISTRATION OF IMPORTERS AND EXPORTERS.—

''(1) REGISTRATION OF IMPORTERS AND EXPORTERS.—A registration condition is that the importer or exporter involved (referred to in this subsection as a 'registrant') submits to the Secretary a registration containing the following:

''(A)(i) In the case of an exporter, the name of the exporter and an identification of all places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter.

''(ii) In the case of an importer, the name of the importer and an identification of the places of business of the importer at which the importer initially receives a qualifying drug after importation (which shall not exceed 3 places of business except by permission of the Secretary).

''(B) Such information as the Secretary determines to be necessary to demonstrate that the registrant is in compliance with registration conditions under—

''(i) in the case of an importer, subsections (c), (d), (e), (g), and (j) (relating to the sources of imported qualifying drugs; the inspection of facilities of the importer; the payment of fees; compliance with the standards referred to in section 801(a); and maintenance of records and samples); or

''(ii) in the case of an exporter, subsections (c), (d), (f), (g), (h), (i), and (j) (relating to the sources of exported qualifying drugs; the inspection of facilities of the exporter and the marking of compliant shipments; the payment of fees; and compliance with the standards referred to in section 801(a); being licensed as a pharmacist; conditions for individual importation; and maintenance of records and samples).

''(C) An agreement by the registrant that the registrant will not under subsection (a) import or export any drug that is not a qualifying drug.

''(D) An agreement by the registrant to—

''(i) notify the Secretary of a recall or withdrawal of a qualifying drug distributed

in a permitted country that the registrant has exported or imported, or intends to export or import, to the United States under subsection (a);

''(ii) provide for the return to the registrant of such drug; and

''(iii) cease, or not begin, the exportation or importation of such drug unless the Secretary has notified the registrant that exportation or importation of such drug may proceed.

''(E) An agreement by the registrant to ensure and monitor compliance with each registration condition, to promptly correct any noncompliance with such a condition, and to promptly report to the Secretary any such noncompliance.

''(F) A plan describing the manner in which the registrant will comply with the agreement under subparagraph (E).

''(G) An agreement by the registrant to enforce a contract under subsection (c)(3)(B) against a party in the chain of custody of a qualifying drug with respect to the authority of the Secretary under clauses (ii) and (iii) of that subsection.

''(H) An agreement by the registrant to notify the Secretary not more than 30 days before the registrant intends to make the change, of—

''(i) any change that the registrant intends to make regarding information provided under subparagraph (A) or (B); and

''(ii) any change that the registrant intends to make in the compliance plan under subparagraph (F).

''(I) In the case of an exporter:

''(i) An agreement by the exporter that a qualifying drug will not under subsection (a) be exported to any individual not authorized pursuant to subsection (a)(2)(B) to be an importer of such drug.

''(ii) An agreement to post a bond, payable to the Treasury of the United States that is equal in value to the lesser of—

''(I) the value of drugs exported by the exporter to the United States in a typical 4-week period over the course of a year under this section; or

''(II) $1,000,000.

''(iii) An agreement by the exporter to comply with applicable provisions of Canadian law, or the law of the permitted country designated under subsection (a)(4)(D)(i)(II) in which the exporter is located, that protect the privacy of personal information with respect to each individual importing a prescription drug from the exporter under subsection (a)(2)(B).

''(iv) An agreement by the exporter to report to the Secretary—

''(I) not later than August 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the 6-month period from January 1 through June 30 of that year; and

''(II) not later than January 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the previous fiscal year.

''(J) In the case of an importer, an agreement by the importer to report to the Secretary—

''(i) not later than August 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the 6-month period from January 1 through June 30 of that fiscal year; and

''(ii) not later than January 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the previous fiscal year.

''(K) Such other provisions as the Secretary may require by regulation to protect the public health while permitting—

''(i) the importation by pharmacies, groups of pharmacies, and wholesalers as registered importers of qualifying drugs under subsection (a); and

''(ii) importation by individuals of qualifying drugs under subsection (a).

''(2) APPROVAL OR DISAPPROVAL OF REGISTRATION.—

''(A) IN GENERAL.—Not later than 90 days after the date on which a registrant submits to the Secretary a registration under paragraph (1), the Secretary shall notify the registrant whether the registration is approved or is disapproved. The Secretary shall disapprove a registration if there is reason to believe that the registrant is not in compliance with one or more registration conditions, and shall notify the registrant of such reason. In the case of a disapproved registration, the Secretary shall subsequently notify the registrant that the registration is approved if the Secretary determines that the registrant is in compliance with such conditions.

''(B) CHANGES IN REGISTRATION INFORMATION.—Not later than 30 days after receiving a notice under paragraph (1)(H) from a registrant, the Secretary shall determine whether the change involved affects the approval of the registration of the registrant under paragraph (1), and shall inform the registrant of the determination.

''(3) PUBLICATION OF CONTACT INFORMATION FOR REGISTERED EXPORTERS.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall make readily available to the public a list of registered exporters, including contact information for the exporters. Promptly after the approval of a registration submitted under paragraph (1), the Secretary shall update the Internet website and the information provided through the toll-free telephone number accordingly.

''(4) SUSPENSION AND TERMINATION.—

''(A) SUSPENSION.—With respect to the effectiveness of a registration submitted under paragraph (1):

''(i) Subject to clause (ii), the Secretary may suspend the registration if the Secretary determines, after notice and opportunity for a hearing, that the registrant has failed to maintain substantial compliance with a registration condition.

''(ii) If the Secretary determines that, under color of the registration, the exporter has exported a drug or the importer has imported a drug that is not a qualifying drug, or a drug that does not comply with subsection (g)(2)(A) or (g)(4), or has exported a qualifying drug to an individual in violation of subsection (i)(2)(F), the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registrant an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

''(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registrant has demonstrated that further violations of registration conditions will not occur.

''(B) TERMINATION.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under paragraph (1) of a registrant if the Secretary determines that the registrant has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registrant. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration is terminated, any registration submitted under paragraph (1) by the registrant, or a person that is a partner in the export or import enterprise, or a principal officer in such enterprise, and any registration prepared with the assistance of the registrant or such a person, has no legal effect under this section.

''(5) DEFAULT OF BOND.—A bond required to be posted by an exporter under paragraph (1)(I)(ii) shall be defaulted and paid to the Treasury of the United States if, after opportunity for an informal hearing, the Secretary determines that the exporter has—

''(A) exported a drug to the United States that is not a qualifying drug or that is not in compliance with subsection (g)(2)(A), (g)(4), or (i); or

''(B) failed to permit the Secretary to conduct an inspection described under subsection (d).

''(c) SOURCES OF QUALIFYING DRUGS.—A registration condition is that the exporter or importer involved agrees that a qualifying drug will under subsection (a) be exported or imported into the United States only if there is compliance with the following:

''(1) The drug was manufactured in an establishment—

''(A) required to register under subsection (h) or (i) of section 510; and

''(B)(i) inspected by the Secretary; or

''(ii) for which the Secretary has elected to rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided for under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

''(2) The establishment is located in any country, and the establishment manufactured the drug for distribution in the United States or for distribution in 1 or more of the permitted countries (without regard to whether in addition the drug is manufactured for distribution in a foreign country that is not a permitted country).

''(3) The exporter or importer obtained the drug—

''(A) directly from the establishment; or

''(B) directly from an entity that, by contract with the exporter or importer—

''(i) provides to the exporter or importer a statement (in such form and containing such information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the date of the transaction and the names and addresses of all parties to the transaction);

''(ii) agrees to permit the Secretary to inspect such statements and related records to determine their accuracy;

''(iii) agrees, with respect to the qualifying drugs involved, to permit the Secretary to inspect warehouses and other facilities, including records, of the entity for purposes of determining whether the facilities are in compliance with any standards under this Act that are applicable to facilities of that type in the United States; and

''(iv) has ensured, through such contractual relationships as may be necessary, that the Secretary has the same authority regarding other parties in the chain of custody from the establishment that the Secretary has under clauses (ii) and (iii) regarding such entity.

''(4)(A) The foreign country from which the importer will import the drug is a permitted country; or

''(B) The foreign country from which the exporter will export the drug is the permitted country in which the exporter is located.

''(5) During any period in which the drug was not in the control of the manufacturer

of the drug, the drug did not enter any country that is not a permitted country.

''(6) The exporter or importer retains a sample of each lot of the drug for testing by the Secretary.

''(d) INSPECTION OF FACILITIES; MARKING OF SHIPMENTS.—

''(1) INSPECTION OF FACILITIES.—A registration condition is that, for the purpose of assisting the Secretary in determining whether the exporter involved is in compliance with all other registration conditions—

''(A) the exporter agrees to permit the Secretary—

''(i) to conduct onsite inspections, including monitoring on a day-to-day basis, of places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter;

''(ii) to have access, including on a day-to-day basis, to—

''(I) records of the exporter that relate to the export of such drugs, including financial records; and

''(II) samples of such drugs;

''(iii) to carry out the duties described in paragraph (3); and

''(iv) to carry out any other functions determined by the Secretary to be necessary regarding the compliance of the exporter; and

''(B) the Secretary has assigned 1 or more employees of the Secretary to carry out the functions described in this subsection for the Secretary randomly, but not less than 12 times annually, on the premises of places of businesses referred to in subparagraph (A)(i), and such an assignment remains in effect on a continuous basis.

''(2) MARKING OF COMPLIANT SHIPMENTS.—A registration condition is that the exporter involved agrees to affix to each shipping container of qualifying drugs exported under subsection (a) such markings as the Secretary determines to be necessary to identify the shipment as being in compliance with all registration conditions. Markings under the preceding sentence shall—

''(A) be designed to prevent affixation of the markings to any shipping container that is not authorized to bear the markings; and

''(B) include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies.

''(3) CERTAIN DUTIES RELATING TO EXPORTERS.—Duties of the Secretary with respect to an exporter include the following:

''(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the exporter at which qualifying drugs are stored and from which qualifying drugs are shipped.

''(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the exporter, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an exporter.

''(C) Randomly reviewing records of exports to individuals for the purpose of determining whether the drugs are being imported by the individuals in accordance with the conditions under subsection (i). Such reviews shall be conducted in a manner that will result in a statistically significant determination of compliance with all such conditions.

''(D) Monitoring the affixing of markings under paragraph (2).

''(E) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records, of other parties in the chain of custody of qualifying drugs.

''(F) Determining whether the exporter is in compliance with all other registration conditions.

''(4) PRIOR NOTICE OF SHIPMENTS.—A registration condition is that, not less than 8 hours and not more than 5 days in advance of the time of the importation of a shipment of qualifying drugs, the importer involved agrees to submit to the Secretary a notice with respect to the shipment of drugs to be imported or offered for import into the United States under subsection (a). A notice under the preceding sentence shall include—

''(A) the name and complete contact information of the person submitting the notice;

''(B) the name and complete contact information of the importer involved;

''(C) the identity of the drug, including the established name of the drug, the quantity of the drug, and the lot number assigned by the manufacturer;

''(D) the identity of the manufacturer of the drug, including the identity of the establishment at which the drug was manufactured;

''(E) the country from which the drug is shipped;

''(F) the name and complete contact information for the shipper of the drug;

''(G) anticipated arrival information, including the port of arrival and crossing location within that port, and the date and time;

''(H) a summary of the chain of custody of the drug from the establishment in which the drug was manufactured to the importer;

''(I) a declaration as to whether the Secretary has ordered that importation of the drug from the permitted country cease under subsection (g)(2)(C) or (D); and

''(J) such other information as the Secretary may require by regulation.

''(5) MARKING OF COMPLIANT SHIPMENTS.—A registration condition is that the importer involved agrees, before wholesale distribution (as defined in section 503(e)) of a qualifying drug that has been imported under subsection (a), to affix to each container of such drug such markings or other technology as the Secretary determines necessary to identify the shipment as being in compliance with all registration conditions, except that the markings or other technology shall not be required on a drug that bears comparable, compatible markings or technology from the manufacturer of the drug. Markings or other technology under the preceding sentence shall—

''(A) be designed to prevent affixation of the markings or other technology to any container that is not authorized to bear the markings; and

''(B) shall include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of such technologies.

''(6) CERTAIN DUTIES RELATING TO IMPORTERS.—Duties of the Secretary with respect to an importer include the following:

''(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the importer at which a qualifying drug is initially received after importation.

''(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the importer, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an importer.

''(C) Reviewing notices under paragraph (4).

''(D) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records of other parties in the chain of custody of qualifying drugs.

''(E) Determining whether the importer is in compliance with all other registration conditions.

''(e) IMPORTER FEES.—

''(1) REGISTRATION FEE.—A registration condition is that the importer involved pays to the Secretary a fee of $10,000 due on the date on which the importer first submits the registration to the Secretary under subsection (b).

''(2) INSPECTION FEE.—A registration condition is that the importer involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

''(3) AMOUNT OF INSPECTION FEE.—

''(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for importers for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered importers, including the costs associated with—

''(i) inspecting the facilities of registered importers, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(6);

''(ii) developing, implementing, and operating under such subsection an electronic system for submission and review of the notices required under subsection (d)(4) with respect to shipments of qualifying drugs under subsection (a) to assess compliance with all registration conditions when such shipments are offered for import into the United States; and

''(iii) inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

''(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered importers under subsection (a).

''(C) TOTAL PRICE OF DRUGS.—

''(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

''(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during that fiscal year, as reported

to the Secretary by each registered importer under subsection (b)(1)(J).

''(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered importers during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered importer on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

''(D) INDIVIDUAL IMPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an importer shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the importer of the volume of qualifying drugs imported by importers under subsection (a).

''(4) USE OF FEES.—

''(A) IN GENERAL.—Subject to appropriations Acts, fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

''(B) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

''(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(f) EXPORTER FEES.—

''(1) REGISTRATION FEE.—A registration condition is that the exporter involved pays to the Secretary a fee of $10,000 due on the date on which the exporter first submits that registration to the Secretary under subsection (b).

''(2) INSPECTION FEE.—A registration condition is that the exporter involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

''(3) AMOUNT OF INSPECTION FEE.—

''(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for exporters for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered exporters, including the costs associated with—

''(i) inspecting the facilities of registered exporters, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(3);

''(ii) developing, implementing, and operating under such subsection a system to screen marks on shipments of qualifying drugs under subsection (a) that indicate compliance with all registration conditions, when such shipments are offered for import into the United States; and

''(iii) screening such markings, and inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

''(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

''(C) TOTAL PRICE OF DRUGS.—

''(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

''(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during that fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

''(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered exporters during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered exporter on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

''(D) INDIVIDUAL EXPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an exporter shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the exporter of the volume of qualifying drugs exported by exporters under subsection (a).

''(4) USE OF FEES.—

''(A) IN GENERAL.—Subject to appropriations Acts, fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

''(B) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

''(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(g) COMPLIANCE WITH SECTION 801(a).—

''(1) IN GENERAL.—A registration condition is that each qualifying drug exported under subsection (a) by the registered exporter involved or imported under subsection (a) by the registered importer involved is in compliance with the standards referred to in section 801(a) regarding admission of the drug into the United States, subject to paragraphs (2), (3), and (4).

''(2) SECTION 505; APPROVAL STATUS.—

''(A) IN GENERAL.—A qualifying drug that is imported or offered for import under subsection (a) shall comply with the conditions established in the approved application under section 505(b) for the U.S. label drug as described under this subsection.

''(B) NOTICE BY MANUFACTURER; GENERAL PROVISIONS.—

''(i) IN GENERAL.—The person that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country shall in accordance with this paragraph submit to the Secretary a notice that—

''(I) includes each difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

''(aa) the variations provided for in the application; and

''(bb) any difference in labeling (except ingredient labeling); or

''(II) states that there is no difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

''(aa) the variations provided for in the application; and

''(bb) any difference in labeling (except ingredient labeling).

''(ii) INFORMATION IN NOTICE.—A notice under clause (i)(I) shall include the information that the Secretary may require under section 506A, any additional information the Secretary may require (which may include data on bioequivalence if such data are not required under section 506A), and, with respect to the permitted country that approved the qualifying drug for commercial distribution, or with respect to which such approval is sought, include the following:

''(I) The date on which the qualifying drug with such difference was, or will be, introduced for commercial distribution in the permitted country.

''(II) Information demonstrating that the person submitting the notice has also notified the government of the permitted country in writing that the person is submitting to the Secretary a notice under clause (i)(I), which notice describes the difference in the qualifying drug from a condition established in the approved application for the U.S. label drug.

''(III) The information that the person submitted or will submit to the government of the permitted country for purposes of obtaining approval for commercial distribution of the drug in the country which, if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation.

''(iii) CERTIFICATIONS.—The chief executive officer and the chief medical officer of the manufacturer involved shall each certify in the notice under clause (i) that—

''(I) the information provided in the notice is complete and true; and

''(II) a copy of the notice has been provided to the Federal Trade Commission and to the State attorneys general.

''(iv) FEE.—If a notice submitted under clause (i) includes a difference that would, under section 506A, require the submission of a supplemental application if made as a

change to the U.S. label drug, the person that submits the notice shall pay to the Secretary a fee in the same amount as would apply if the person were paying a fee pursuant to section 736(a)(1)(A)(ii). Subject to appropriations Acts, fees collected by the Secretary under the preceding sentence are available only to the Secretary and are for the sole purpose of paying the costs of reviewing notices submitted under clause (i).

''(v) TIMING OF SUBMISSION OF NOTICES.—

''(I) PRIOR APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (C) applies shall be submitted to the Secretary not later than 120 days before the qualifying drug with the difference is introduced for commercial distribution in a permitted country, unless the country requires that distribution of the qualifying drug with the difference begin less than 120 days after the country requires the difference.

''(II) OTHER APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (D) applies shall be submitted to the Secretary not later than the day on which the qualifying drug with the difference is introduced for commercial distribution in a permitted country.

''(III) OTHER NOTICES.—A notice under clause (i) to which subparagraph (E) applies shall be submitted to the Secretary on the date that the qualifying drug is first introduced for commercial distribution in a permitted country and annually thereafter.

''(vi) REVIEW BY SECRETARY.—

''(I) IN GENERAL.—In this paragraph, the difference in a qualifying drug that is submitted in a notice under clause (i) from the U.S. label drug shall be treated by the Secretary as if it were a manufacturing change to the U.S. label drug under section 506A.

''(II) STANDARD OF REVIEW.—Except as provided in subclause (III), the Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, using the safe and effective standard for approving or disapproving a manufacturing change under section 506A.

''(III) BIOEQUIVALENCE.—If the Secretary would approve the difference in a notice submitted under clause (i) using the safe and effective standard under section 506A and if the Secretary determines that the qualifying drug is not bioequivalent to the U.S. label drug, the Secretary shall—

''(aa) include in the labeling provided under paragraph (3) a prominent advisory that the qualifying drug is safe and effective but is not bioequivalent to the U.S. label drug if the Secretary determines that such an advisory is necessary for health care practitioners and patients to use the qualifying drug safely and effectively; or

''(bb) decline to approve the difference if the Secretary determines that the availability of both the qualifying drug and the U.S. label drug would pose a threat to the public health.

''(IV) REVIEW BY THE SECRETARY.—The Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, not later than 120 days after the date on which the notice is submitted.

''(V) ESTABLISHMENT INSPECTION.—If review of such difference would require an inspection of the establishment in which the qualifying drug is manufactured—

''(aa) such inspection by the Secretary shall be authorized; and

''(bb) the Secretary may rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

''(vii) PUBLICATION OF INFORMATION ON NOTICES.—

''(I) IN GENERAL.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall readily make available to the public a list of notices submitted under clause (i).

''(II) CONTENTS.—The list under subclause (I) shall include the date on which a notice is submitted and whether—

''(aa) a notice is under review;

''(bb) the Secretary has ordered that importation of the qualifying drug from a permitted country cease; or

''(cc) the importation of the drug is permitted under subsection (a).

''(III) UPDATE.—The Secretary shall promptly update the Internet website with any changes to the list.

''(C) NOTICE; DRUG DIFFERENCE REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under section 506A(c) or (d)(3)(B)(i), require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

''(i) Promptly after the notice is submitted, the Secretary shall notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general that the notice has been submitted with respect to the qualifying drug involved.

''(ii) If the Secretary has not made a determination whether such a supplemental application regarding the U.S. label drug would be approved or disapproved by the date on which the qualifying drug involved is to be introduced for commercial distribution in a permitted country, the Secretary shall—

''(I) order that the importation of the qualifying drug involved from the permitted country not begin until the Secretary completes review of the notice; and

''(II) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the order.

''(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

''(I) order that the importation of the qualifying drug involved from the permitted country cease, or provide that an order under clause (ii), if any, remains in effect;

''(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

''(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

''(iv) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the Secretary shall—

''(I) vacate the order under clause (ii), if any;

''(II) consider the difference to be a variation provided for in the approved application for the U.S. label drug;

''(III) permit importation of the qualifying drug under subsection (a); and

''(IV) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

''(D) NOTICE; DRUG DIFFERENCE NOT REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under section 506A(d)(3)(B)(ii), not require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

''(i) During the period in which the notice is being reviewed by the Secretary, the authority under this subsection to import the qualifying drug involved continues in effect.

''(ii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

''(I) order that the importation of the qualifying drug involved from the permitted country cease;

''(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

''(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

''(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the difference shall be considered to be a variation provided for in the approved application for the U.S. label drug.

''(E) NOTICE; DRUG DIFFERENCE NOT REQUIRING APPROVAL; NO DIFFERENCE.—In the case of a notice under subparagraph (B)(i) that includes a difference for which, under section 506A(d)(1)(A), a supplemental application would not be required for the difference to be made to the U.S. label drug, or that states that there is no difference, the Secretary—

''(i) shall consider such difference to be a variation provided for in the approved application for the U.S. label drug;

''(ii) may not order that the importation of the qualifying drug involved cease; and

''(iii) shall promptly notify registered exporters and registered importers.

''(F) DIFFERENCES IN ACTIVE INGREDIENT, ROUTE OF ADMINISTRATION, DOSAGE FORM, OR STRENGTH.—

''(i) IN GENERAL.—A person who manufactures a drug approved under section 505(b) shall submit an application under section 505(b) for approval of another drug that is manufactured for distribution in a permitted country by or for the person that manufactures the drug approved under section 505(b) if—

''(I) there is no qualifying drug in commercial distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries with the same active ingredient or ingredients, route of administration, dosage form, and strength as the drug approved under section 505(b); and

''(II) each active ingredient of the other drug is related to an active ingredient of the drug approved under section 505(b), as defined in clause (v).

''(ii) APPLICATION UNDER SECTION 505(b).—The application under section 505(b) required under clause (i) shall—

''(I) request approval of the other drug for the indication or indications for which the drug approved under section 505(b) is labeled;

''(II) include the information that the person submitted to the government of the permitted country for purposes of obtaining approval for commercial distribution of the other drug in that country, which if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation;

''(III) include a right of reference to the application for the drug approved under section 505(b); and

''(IV) include such additional information as the Secretary may require.

''(iii) TIMING OF SUBMISSION OF APPLICATION.—An application under section 505(b) required under clause (i) shall be submitted to the Secretary not later than the day on which the information referred to in clause (ii)(II) is submitted to the government of the permitted country.

''(iv) NOTICE OF DECISION ON APPLICATION.—The Secretary shall promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of a determination to approve or to disapprove an application under section 505(b) required under clause (i).

''(v) RELATED ACTIVE INGREDIENTS.—For purposes of clause (i)(II), 2 active ingredients are related if they are—

''(I) the same; or

''(II) different salts, esters, or complexes of the same moiety.

''(3) SECTION 502; LABELING.—

''(A) IMPORTATION BY REGISTERED IMPORTER.—

''(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered importer, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the qualifying drug bears—

''(I) a copy of the labeling approved for the U.S. label drug under section 505, without regard to whether the copy bears any trademark involved;

''(II) the name of the manufacturer and location of the manufacturer;

''(III) the lot number assigned by the manufacturer;

''(IV) the name, location, and registration number of the importer; and

''(V) the National Drug Code number assigned to the qualifying drug by the Secretary.

''(ii) REQUEST FOR COPY OF THE LABELING.—The Secretary shall provide such copy to the registered importer involved, upon request of the importer.

''(iii) REQUESTED LABELING.—The labeling provided by the Secretary under clause (ii) shall—

''(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the qualifying drug;

''(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof;

''(III) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the qualifying drug is safe and effective but not bioequivalent to the U.S. label drug; and

''(IV) if the inactive ingredients of the qualifying drug are different from the inactive ingredients for the U.S. label drug, include—

''(aa) a prominent notice that the ingredients of the qualifying drug differ from the ingredients of the U.S. label drug and that the qualifying drug must be dispensed with an advisory to people with allergies about this difference and a list of ingredients; and

''(bb) a list of the ingredients of the qualifying drug as would be required under section 502(e).

''(B) IMPORTATION BY INDIVIDUAL.—

''(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered exporter to an individual, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the packaging and labeling of the qualifying drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and the labeling of the qualifying drug includes—

''(I) directions for use by the consumer;

''(II) the lot number assigned by the manufacturer;

''(III) the name and registration number of the exporter;

''(IV) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug;

''(V) if the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

''(aa) a prominent advisory that persons with an allergy should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

''(bb) a list of the ingredients of the drug as would be required under section 502(e); and

''(VI) a copy of any special labeling that would be required by the Secretary had the U.S. label drug been dispensed by a pharmacist in the United States, without regard to whether the special labeling bears any trademark involved.

''(ii) PACKAGING.—A qualifying drug offered for import to an individual by an exporter under this section that is packaged in a unit-of-use container (as those items are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

''(I) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

''(II) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the exporter will provide the drug in packaging that is compliant at no additional cost.

''(iii) REQUEST FOR COPY OF SPECIAL LABELING AND INGREDIENT LIST.—The Secretary shall provide to the registered exporter involved a copy of the special labeling, the advisory, and the ingredient list described under clause (i), upon request of the exporter.

''(iv) REQUESTED LABELING AND INGREDIENT LIST.—The labeling and ingredient list provided by the Secretary under clause (iii) shall—

''(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the drug; and

''(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof.

''(4) SECTION 501; ADULTERATION.—A qualifying drug that is imported or offered for import under subsection (a) shall be considered to be in compliance with section 501 if the drug is in compliance with subsection (c).

''(5) STANDARDS FOR REFUSING ADMISSION.—A drug exported under subsection (a) from a registered exporter or imported by a registered importer may be refused admission into the United States if 1 or more of the following applies:

''(A) The drug is not a qualifying drug.

''(B) A notice for the drug required under paragraph (2)(B) has not been submitted to the Secretary.

''(C) The Secretary has ordered that importation of the drug from the permitted country cease under paragraph (2) (C) or (D).

''(D) The drug does not comply with paragraph (3) or (4).

''(E) The shipping container appears damaged in a way that may affect the strength, quality, or purity of the drug.

''(F) The Secretary becomes aware that—

''(i) the drug may be counterfeit;

''(ii) the drug may have been prepared, packed, or held under insanitary conditions; or

''(iii) the methods used in, or the facilities or controls used for, the manufacturing, processing, packing, or holding of the drug do not conform to good manufacturing practice.

''(G) The Secretary has obtained an injunction under section 302 that prohibits the distribution of the drug in interstate commerce.

''(H) The Secretary has under section 505(e) withdrawn approval of the drug.

''(I) The manufacturer of the drug has instituted a recall of the drug.

''(J) If the drug is imported or offered for import by a registered importer without submission of a notice in accordance with subsection (d)(4).

''(K) If the drug is imported or offered for import from a registered exporter to an individual and 1 or more of the following applies:

''(i) The shipping container for such drug does not bear the markings required under subsection (d)(2).

''(ii) The markings on the shipping container appear to be counterfeit.

''(iii) The shipping container or markings appear to have been tampered with.

''(h) EXPORTER LICENSURE IN PERMITTED COUNTRY.—A registration condition is that the exporter involved agrees that a qualifying drug will be exported to an individual only if the Secretary has verified that—

''(1) the exporter is authorized under the law of the permitted country in which the exporter is located to dispense prescription drugs; and

''(2) the exporter employs persons that are licensed under the law of the permitted country in which the exporter is located to dispense prescription drugs in sufficient number to dispense safely the drugs exported by the exporter to individuals, and the exporter assigns to those persons responsibility for dispensing such drugs to individuals.

''(i) INDIVIDUALS; CONDITIONS FOR IMPORTATION.—

''(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the importation of a qualifying drug by an individual is in accordance with this subsection if the following conditions are met:

''(A) The drug is accompanied by a copy of a prescription for the drug, which prescription—

''(i) is valid under applicable Federal and State laws; and

''(ii) was issued by a practitioner who, under the law of a State of which the individual is a resident, or in which the individual receives care from the practitioner who issues the prescription, is authorized to administer prescription drugs.

''(B) The drug is accompanied by a copy of the documentation that was required under the law or regulations of the permitted country in which the exporter is located, as a condition of dispensing the drug to the individual.

''(C) The copies referred to in subparagraphs (A)(i) and (B) are marked in a manner sufficient—

''(i) to indicate that the prescription, and the equivalent document in the permitted country in which the exporter is located, have been filled; and

''(ii) to prevent a duplicative filling by another pharmacist.

''(D) The individual has provided to the registered exporter a complete list of all drugs used by the individual for review by the individuals who dispense the drug.

''(E) The quantity of the drug does not exceed a 90-day supply.

''(F) The drug is not an ineligible subpart H drug. For purposes of this section, a prescription drug is an 'ineligible subpart H drug' if the drug was approved by the Secretary under subpart H of part 314 of title 21,

Code of Federal Regulations (relating to accelerated approval), with restrictions under section 520 of such part to assure safe use, and the Secretary has published in the Federal Register a notice that the Secretary has determined that good cause exists to prohibit the drug from being imported pursuant to this subsection.

''(2) NOTICE REGARDING DRUG REFUSED ADMISSION.—If a registered exporter ships a drug to an individual pursuant to subsection (a)(2)(B) and the drug is refused admission to the United States, a written notice shall be sent to the individual and to the exporter that informs the individual and the exporter of such refusal and the reason for the refusal.

''(j) MAINTENANCE OF RECORDS AND SAMPLES.—

''(1) IN GENERAL.—A registration condition is that the importer or exporter involved shall—

''(A) maintain records required under this section for not less than 2 years; and

''(B) maintain samples of each lot of a qualifying drug required under this section for not more than 2 years.

''(2) PLACE OF RECORD MAINTENANCE.—The records described under paragraph (1) shall be maintained—

''(A) in the case of an importer, at the place of business of the importer at which the importer initially receives the qualifying drug after importation; or

''(B) in the case of an exporter, at the facility from which the exporter ships the qualifying drug to the United States.

''(k) DRUG RECALLS.—

''(1) MANUFACTURERS.—A person that manufactures a qualifying drug imported from a permitted country under this section shall promptly inform the Secretary—

''(A) if the drug is recalled or withdrawn from the market in a permitted country;

''(B) how the drug may be identified, including lot number; and

''(C) the reason for the recall or withdrawal.

''(2) SECRETARY.—With respect to each permitted country, the Secretary shall—

''(A) enter into an agreement with the government of the country to receive information about recalls and withdrawals of qualifying drugs in the country; or

''(B) monitor recalls and withdrawals of qualifying drugs in the country using any information that is available to the public in any media.

''(3) NOTICE.—The Secretary may notify, as appropriate, registered exporters, registered importers, wholesalers, pharmacies, or the public of a recall or withdrawal of a qualifying drug in a permitted country.

''(l) DRUG LABELING AND PACKAGING.—

''(1) IN GENERAL.—When a qualifying drug that is imported into the United States by an importer under subsection (a) is dispensed by a pharmacist to an individual, the pharmacist shall provide that the packaging and labeling of the drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and shall include with any other labeling provided to the individual the following:

''(A) The lot number assigned by the manufacturer.

''(B) The name and registration number of the importer.

''(C) If required under paragraph (2)(B)(vi)(III) of subsection (g), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug.

''(D) If the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

''(i) a prominent advisory that persons with allergies should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

''(ii) a list of the ingredients of the drug as would be required under section 502(e).

''(2) PACKAGING.—A qualifying drug that is packaged in a unit-of-use container (as those terms are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

''(A) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

''(B) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the pharmacist will provide the drug in packaging that is compliant at no additional cost.

''(m) CHARITABLE CONTRIBUTIONS.—Notwithstanding any other provision of this section, this section does not authorize the importation into the United States of a qualifying drug donated or otherwise supplied for free or at nominal cost by the manufacturer of the drug to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country.

''(n) UNFAIR AND DISCRIMINATORY ACTS AND PRACTICES.—

''(1) IN GENERAL.—It is unlawful for a manufacturer, directly or indirectly (including by being a party to a licensing agreement or other agreement), to—

''(A) discriminate by charging a higher price for a prescription drug sold to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section than the price that is charged, inclusive of rebates or other incentives to the permitted country or other person, to another person that is in the same country and that does not export a qualifying drug into the United States under this section;

''(B) discriminate by charging a higher price for a prescription drug sold to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section than the price that is charged to another person in the United States that does not import a qualifying drug under this section, or that does not distribute, sell, or use such a drug;

''(C) discriminate by denying, restricting, or delaying supplies of a prescription drug to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

''(D) discriminate by publicly, privately, or otherwise refusing to do business with a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or with a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

''(E) knowingly fail to submit a notice under subsection (g)(2)(B)(i), knowingly fail to submit such a notice on or before the date specified in subsection (g)(2)(B)(v) or as otherwise required under subsection (e) (3), (4), and (5) of section 4 of the Pharmaceutical Market Access and Drug Safety Act of 2009, knowingly submit such a notice that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such a notice;

''(F) knowingly fail to submit an application required under subsection (g)(2)(F), knowingly fail to submit such an application on or before the date specified in subsection (g)(2)(F)(ii), knowingly submit such an application that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such an application;

''(G) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and the drug for distribution in a permitted country;

''(H) refuse to allow an inspection authorized under this section of an establishment that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country;

''(I) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country to good manufacturing practice under this Act;

''(J) become a party to a licensing agreement or other agreement related to a qualifying drug that fails to provide for compliance with all requirements of this section with respect to such drug;

''(K) enter into a contract that restricts, prohibits, or delays the importation of a qualifying drug under this section;

''(L) engage in any other action to restrict, prohibit, or delay the importation of a qualifying drug under this section; or

''(M) engage in any other action that the Federal Trade Commission determines to discriminate against a person that engages or attempts to engage in the importation of a qualifying drug under this section.

''(2) REFERRAL OF POTENTIAL VIOLATIONS.—The Secretary shall promptly refer to the Federal Trade Commission each potential violation of subparagraph (E), (F), (G), (H), or (I) of paragraph (1) that becomes known to the Secretary.

''(3) AFFIRMATIVE DEFENSE.—

''(A) DISCRIMINATION.—It shall be an affirmative defense to a charge that a manufacturer has discriminated under subparagraph (A), (B), (C), (D), or (M) of paragraph (1) that the higher price charged for a prescription drug sold to a person, the denial, restriction, or delay of supplies of a prescription drug to a person, the refusal to do business with a person, or other discriminatory activity against a person, is not based, in whole or in part, on—

''(i) the person exporting or importing a qualifying drug into the United States under this section; or

''(ii) the person distributing, selling, or using a qualifying drug imported into the United States under this section.

''(B) DRUG DIFFERENCES.—It shall be an affirmative defense to a charge that a manufacturer has caused there to be a difference described in subparagraph (G) of paragraph (1) that—

''(i) the difference was required by the country in which the drug is distributed;

''(ii) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug;

''(iii) the person manufacturing the drug for distribution in the United States has given notice to the Secretary under subsection (g)(2)(B)(i) that the drug for distribution in the United States is not different from a drug for distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries; or

''(iv) the difference was not caused, in whole or in part, for the purpose of restricting importation of the drug into the United States under this section.

''(4) EFFECT OF SUBSECTION.—

''(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to compel the manufacturer of a drug to distribute or sell the drug in a country.

''(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERED ENTITIES.—Nothing in this subsection shall be construed to—

''(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) in return for inclusion of the drug on a formulary;

''(ii) require that such discounts be made available to other purchasers of the prescription drug; or

''(iii) prevent or restrict any other measures taken by an insurer, health plan, or pharmacy benefit manager to encourage consumption of such prescription drug.

''(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

''(i) prevent a manufacturer from donating a prescription drug, or supplying a prescription drug at nominal cost, to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; or

''(ii) apply to such donations or supplying of a prescription drug.

''(5) ENFORCEMENT.—

''(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

''(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

''(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section; and

''(ii) may seek monetary relief threefold the damages sustained, in addition to any other remedy available to the Federal Trade Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

''(6) ACTIONS BY STATES.—

''(A) IN GENERAL.—

''(i) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State have been adversely affected by any manufacturer that violates paragraph (1), the attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in a district court of the United States of appropriate jurisdiction to—

''(I) enjoin that practice;

''(II) enforce compliance with this subsection;

''(III) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

''(IV) obtain such other relief as the court may consider to be appropriate.

''(ii) NOTICE.—

''(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission—

''(aa) written notice of that action; and

''(bb) a copy of the complaint for that action.

''(II) EXEMPTION.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph, if the attorney general determines that it is not feasible to provide the notice described in that subclause before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Federal Trade Commission at the same time as the attorney general files the action.

''(B) INTERVENTION.—

''(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Federal Trade Commission shall have the right to intervene in the action that is the subject of the notice.

''(ii) EFFECT OF INTERVENTION.—If the Federal Trade Commission intervenes in an action under subparagraph (A), it shall have the right—

''(I) to be heard with respect to any matter that arises in that action; and

''(II) to file a petition for appeal.

''(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

''(i) conduct investigations;

''(ii) administer oaths or affirmations; or

''(iii) compel the attendance of witnesses or the production of documentary and other evidence.

''(D) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Federal Trade Commission for a violation of paragraph (1), a State may not, during the pendency of that action, institute an action under subparagraph (A) for the same violation against any defendant named in the complaint in that action.

''(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

''(F) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

''(i) is an inhabitant; or

''(ii) may be found.

''(G) MEASUREMENT OF DAMAGES.—In any action under this paragraph to enforce a cause of action under this subsection in which there has been a determination that a defendant has violated a provision of this subsection, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the computation of illegal overcharges or by such other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

''(H) EXCLUSION ON DUPLICATIVE RELIEF.—The district court shall exclude from the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State any amount of monetary relief which duplicates amounts which have been awarded for the same injury.

''(7) EFFECT ON ANTITRUST LAWS.—Nothing in this subsection shall be construed to modify, impair, or supersede the operation of the antitrust laws. For the purpose of this subsection, the term 'antitrust laws' has the meaning given it in the first section of the Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

''(8) MANUFACTURER.—In this subsection, the term 'manufacturer' means any entity, including any affiliate or licensee of that entity, that is engaged in—

''(A) the production, preparation, propagation, compounding, conversion, or processing of a prescription drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

''(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.''.

(b) PROHIBITED ACTS.—The Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 301 (21 U.S.C. 331), by striking paragraph (aa) and inserting the following:

''(aa)(1) The sale or trade by a pharmacist, or by a business organization of which the pharmacist is a part, of a qualifying drug that under section 804(a)(2)(A) was imported by the pharmacist, other than—

''(A) a sale at retail made pursuant to dispensing the drug to a customer of the pharmacist or organization; or

''(B) a sale or trade of the drug to a pharmacy or a wholesaler registered to import drugs under section 804.

''(2) The sale or trade by an individual of a qualifying drug that under section 804(a)(2)(B) was imported by the individual.

''(3) The making of a materially false, fictitious, or fraudulent statement or representation, or a material omission, in a notice under clause (i) of section 804(g)(2)(B) or in an application required under section 804(g)(2)(F), or the failure to submit such a notice or application.

''(4) The importation of a drug in violation of a registration condition or other requirement under section 804, the falsification of any record required to be maintained, or provided to the Secretary, under such section, or the violation of any registration condition or other requirement under such section.''; and

(2) in section 303(a) (21 U.S.C. 333(a)), by striking paragraph (6) and inserting the following:

''(6) Notwithstanding subsection (a), any person that knowingly violates section 301(i)(2) or (3) or section 301(aa)(4) shall be imprisoned not more than 10 years, or fined in accordance with title 18, United States Code, or both.''.

(c) AMENDMENT OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by striking subsection (g) and inserting the following:

''(g) With respect to a prescription drug that is imported or offered for import into the United States by an individual who is not in the business of such importation, that is not shipped by a registered exporter under section 804, and that is refused admission under subsection (a), the Secretary shall notify the individual that—

''(1) the drug has been refused admission because the drug was not a lawful import under section 804;

''(2) the drug is not otherwise subject to a waiver of the requirements of subsection (a);

''(3) the individual may under section 804 lawfully import certain prescription drugs from exporters registered with the Secretary under section 804; and

''(4) the individual can find information about such importation, including a list of registered exporters, on the Internet website of the Food and Drug Administration or through a toll-free telephone number required under section 804.''.

(2) ESTABLISHMENT REGISTRATION.—Section 510(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(i)) is amended in paragraph (1) by inserting after ''import into the United States'' the following: '', including a drug that is, or may be, imported or offered for import into the United States under section 804,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 90 days after the date of enactment of this division.

(d) EXHAUSTION.—

(1) IN GENERAL.—Section 271 of title 35, United States Code, is amended—

(A) by redesignating subsections (h) and (i) as (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

''(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 of the Federal Food, Drug, and Cosmetic Act that was first sold abroad by or under authority of the owner or licensee of such patent.''.

(2) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed to affect the ability of a patent owner or licensee to enforce their patent, subject to such amendment.

(e) EFFECT OF SECTION 804.—

(1) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall permit the importation of qualifying drugs (as defined in such section 804) into the United States without regard to the status of the issuance of implementing regulations—

(A) from exporters registered under such section 804 on the date that is 90 days after the date of enactment of this division; and

(B) from permitted countries, as defined in such section 804, by importers registered under such section 804 on the date that is 1 year after the date of enactment of this division.

(2) REVIEW OF REGISTRATION BY CERTAIN EXPORTERS.—

(A) REVIEW PRIORITY.—In the review of registrations submitted under subsection (b) of such section 804, registrations submitted by entities in Canada that are significant exporters of prescription drugs to individuals in the United States as of the date of enactment of this division will have priority during the 90 day period that begins on such date of enactment.

(B) PERIOD FOR REVIEW.—During such 90-day period, the reference in subsection (b)(2)(A) of such section 804 to 90 days (relating to approval or disapproval of registrations) is, as applied to such entities, deemed to be 30 days.

(C) LIMITATION.—That an exporter in Canada exports, or has exported, prescription drugs to individuals in the United States on or before the date that is 90 days after the date of enactment of this division shall not serve as a basis, in whole or in part, for disapproving a registration under such section 804 from the exporter.

(D) FIRST YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date of enactment of this division, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') may limit the number of registered exporters under such section 804 to not less than 50, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(E) SECOND YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date that is 1 year after the date of enactment of this division, the Secretary may limit the number of registered exporters under such section 804 to not less than 100, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(F) FURTHER LIMIT ON NUMBER OF EXPORTERS.—During any 1-year period beginning on a date that is 2 or more years after the date of enactment of this division, the Secretary may limit the number of registered exporters under such section 804 to not less than 25 more than the number of such exporters during the previous 1-year period, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(3) LIMITS ON NUMBER OF IMPORTERS.—

(A) FIRST YEAR LIMIT ON NUMBER OF IMPORTERS.—During the 1-year period beginning on the date that is 1 year after the date of enactment of this division, the Secretary may limit the number of registered importers under such section 804 to not less than 100 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs imported into the United States.

(B) SECOND YEAR LIMIT ON NUMBER OF IMPORTERS.—During the 1-year period beginning on the date that is 2 years after the date of enactment of this division, the Secretary may limit the number of registered importers under such section 804 to not less than 200 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs into the United States.

(C) FURTHER LIMIT ON NUMBER OF IMPORTERS.—During any 1-year period beginning on a date that is 3 or more years after the date of enactment of this division, the Secretary may limit the number of registered importers under such section 804 to not less than 50 more (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups) than the number of such importers during the previous 1-year period, so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs to the United States.

(4) NOTICES FOR DRUGS FOR IMPORT FROM CANADA.—The notice with respect to a qualifying drug introduced for commercial distribution in Canada as of the date of enactment of this division that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 30 days after the date of enactment of this division if—

(A) the U.S. label drug (as defined in such section 804) for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period most recently completed before the date of enactment of this division; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(5) NOTICE FOR DRUGS FOR IMPORT FROM OTHER COUNTRIES.—The notice with respect to a qualifying drug introduced for commercial distribution in a permitted country other than Canada as of the date of enactment of this division that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 180 days after the date of enactment of this division if—

(A) the U.S. label drug for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period that is first completed on the date that is 120 days after the date of enactment of this division; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(6) NOTICE FOR OTHER DRUGS FOR IMPORT.—

(A) GUIDANCE ON SUBMISSION DATES.—The Secretary shall by guidance establish a series of submission dates for the notices under subsection (g)(2)(B)(i) of such section 804 with respect to qualifying drugs introduced for commercial distribution as of the date of enactment of this division and that are not required to be submitted under paragraph (4) or (5).

(B) CONSISTENT AND EFFICIENT USE OF RESOURCES.—The Secretary shall establish the dates described under subparagraph (A) so that such notices described under subparagraph (A) are submitted and reviewed at a rate that allows consistent and efficient use of the resources and staff available to the Secretary for such reviews. The Secretary may condition the requirement to submit such a notice, and the review of such a notice, on the submission by a registered exporter or a registered importer to the Secretary of a notice that such exporter or importer intends to import such qualifying drug to the United States under such section 804.

(C) PRIORITY FOR DRUGS WITH HIGHER SALES.—The Secretary shall establish the dates described under subparagraph (A) so that the Secretary reviews the notices described under such subparagraph with respect to qualifying drugs with higher dollar volume of sales in the United States before the notices with respect to drugs with lower sales in the United States.

(7) NOTICES FOR DRUGS APPROVED AFTER EFFECTIVE DATE.—The notice required under subsection (g)(2)(B)(i) of such section 804 for a qualifying drug first introduced for commercial distribution in a permitted country (as defined in such section 804) after the date of enactment of this division shall be submitted to and reviewed by the Secretary as provided under subsection (g)(2)(B) of such section 804, without regard to paragraph (4), (5), or (6).

(8) REPORT.—Beginning with the first full fiscal year after the date of enactment of this division, not later than 90 days after the end of each fiscal year during which the Secretary reviews a notice referred to in paragraph (4), (5), or (6), the Secretary shall submit a report to Congress concerning the progress of the Food and Drug Administration in reviewing the notices referred to in paragraphs (4), (5), and (6).

(9) USER FEES.—

(A) EXPORTERS.—When establishing an aggregate total of fees to be collected from exporters under subsection (f)(2) of such section 804, the Secretary shall, under subsection (f)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered exporters during the first fiscal year in which this division takes effect to be an amount equal to the amount which bears the same ratio to $1,000,000,000 as the number of days in such fiscal year during which this division is effective bears to 365.

(B) IMPORTERS.—When establishing an aggregate total of fees to be collected from importers under subsection (e)(2) of such section 804, the Secretary shall, under subsection (e)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered importers during—

(i) the first fiscal year in which this division takes effect to be an amount equal to the amount which bears the same ratio to $1,000,000,000 as the number of days in such fiscal year during which this division is effective bears to 365; and

(ii) the second fiscal year in which this division is in effect to be $3,000,000,000.

(C) SECOND YEAR ADJUSTMENT.—

(i) REPORTS.—Not later than February 20 of the second fiscal year in which this division is in effect, registered importers shall report to the Secretary the total price and the total volume of drugs imported to the United States by the importer during the 4-month period from October 1 through January 31 of such fiscal year.

(ii) REESTIMATE.—Notwithstanding subsection (e)(3)(C)(ii) of such section 804 or subparagraph (B), the Secretary shall reestimate the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during the second fiscal year in which this division is in effect. Such reestimate shall be equal to—

(I) the total price of qualifying drugs imported by each importer as reported under clause (i); multiplied by

(II) 3.

(iii) ADJUSTMENT.—The Secretary shall adjust the fee due on April 1 of the second fiscal year in which this division is in effect, from each importer so that the aggregate total of fees collected under subsection (e)(2) for such fiscal year does not exceed the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during such fiscal year as reestimated under clause (ii).

(D) FAILURE TO PAY FEES.—Notwithstanding any other provision of this section, the Secretary may prohibit a registered importer or exporter that is required to pay user fees under subsection (e) or (f) of such section 804 and that fails to pay such fees within 30 days after the date on which it is due, from importing or offering for importation a qualifying drug under such section 804 until such fee is paid.

(E) ANNUAL REPORT.—

(i) FOOD AND DRUG ADMINISTRATION.—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e), (f), or (g)(2)(B)(iv) of such section 804, the Secretary shall prepare and submit to the House of Representatives and the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for the fiscal year for which the report is made and credited to the Food and Drug Administration.

(ii) CUSTOMS AND BORDER CONTROL.—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e) or (f) of such section 804, the Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall prepare and submit to the House of Representatives and the Senate a report on the use, by the Bureau of Customs and Border Protection, of the fees, if any, transferred by the Secretary to the Bureau of Customs and Border Protection for the fiscal year for which the report is made.

(10) SPECIAL RULE REGARDING IMPORTATION BY INDIVIDUALS.—

(A) IN GENERAL.—Notwithstanding any provision of this division (or an amendment made by this division), the Secretary shall expedite the designation of any additional countries from which an individual may import a qualifying drug into the United States under such section 804 if any action implemented by the Government of Canada has the effect of limiting or prohibiting the importation of qualifying drugs into the United States from Canada.

(B) TIMING AND CRITERIA.—The Secretary shall designate such additional countries under subparagraph (A)—

(i) not later than 6 months after the date of the action by the Government of Canada described under such subparagraph; and

(ii) using the criteria described under subsection (a)(4)(D)(i)(II) of such section 804.

(f) IMPLEMENTATION OF SECTION 804.—

(1) INTERIM RULE.—The Secretary may promulgate an interim rule for implementing section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section.

(2) NO NOTICE OF PROPOSED RULEMAKING.—The interim rule described under paragraph (1) may be developed and promulgated by the Secretary without providing general notice of proposed rulemaking.

(3) FINAL RULE.—Not later than 1 year after the date on which the Secretary promulgates an interim rule under paragraph (1), the Secretary shall, in accordance with procedures under section 553 of title 5, United States Code, promulgate a final rule for implementing such section 804, which may incorporate by reference provisions of the interim rule provided for under paragraph (1), to the extent that such provisions are not modified.

(g) CONSUMER EDUCATION.—The Secretary shall carry out activities that educate consumers—

(1) with regard to the availability of qualifying drugs for import for personal use from an exporter registered with and approved by the Food and Drug Administration under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by this section, including information on how to verify whether an exporter is registered and approved by use of the Internet website of the Food and Drug Administration and the toll-free telephone number required by this division;

(2) that drugs that consumers attempt to import from an exporter that is not registered with and approved by the Food and Drug Administration can be seized by the United States Customs Service and destroyed, and that such drugs may be counterfeit, unapproved, unsafe, or ineffective;

(3) with regard to the suspension and termination of any registration of a registered importer or exporter under such section 804; and

(4) with regard to the availability at domestic retail pharmacies of qualifying drugs imported under such section 804 by domestic wholesalers and pharmacies registered with and approved by the Food and Drug Administration.

(h) EFFECT ON ADMINISTRATION PRACTICES.—Notwithstanding any provision of this division (and the amendments made by this division), the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect.

(i) REPORT TO CONGRESS.—The Federal Trade Commission shall, on an annual basis, submit to Congress a report that describes any action taken during the period for which the report is being prepared to enforce the provisions of section 804(n) of the Federal Food, Drug, and Cosmetic Act (as added by this division), including any pending investigations or civil actions under such section.

SEC. 5. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION INTO UNITED STATES.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 4, is further amended by adding at the end the following section:

"SEC. 805. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION.

''(a) IN GENERAL.—The Secretary of Homeland Security shall deliver to the Secretary a shipment of drugs that is imported or offered for import into the United States if—

''(1) the shipment has a declared value of less than $10,000; and

''(2)(A) the shipping container for such drugs does not bear the markings required under section 804(d)(2); or

''(B) the Secretary has requested delivery of such shipment of drugs.

''(b) NO BOND OR EXPORT.—Section 801(b) does not authorize the delivery to the owner or consignee of drugs delivered to the Secretary under subsection (a) pursuant to the execution of a bond, and such drugs may not be exported.

''(c) DESTRUCTION OF VIOLATIVE SHIPMENT.—The Secretary shall destroy a shipment of drugs delivered by the Secretary of Homeland Security to the Secretary under subsection (a) if—

''(1) in the case of drugs that are imported or offered for import from a registered exporter under section 804, the drugs are in violation of any standard described in section 804(g)(5); or

''(2) in the case of drugs that are not imported or offered for import from a registered exporter under section 804, the drugs are in violation of a standard referred to in section 801(a) or 801(d)(1).

''(d) CERTAIN PROCEDURES.—

''(1) IN GENERAL.—The delivery and destruction of drugs under this section may be carried out without notice to the importer, owner, or consignee of the drugs except as required by section 801(g) or section 804(i)(2). The issuance of receipts for the drugs, and recordkeeping activities regarding the drugs, may be carried out on a summary basis.

''(2) OBJECTIVE OF PROCEDURES.—Procedures promulgated under paragraph (1) shall be designed toward the objective of ensuring that, with respect to efficiently utilizing Federal resources available for carrying out this section, a substantial majority of shipments of drugs subject to described in subsection (c) are identified and destroyed.

''(e) EVIDENCE EXCEPTION.—Drugs may not be destroyed under subsection (c) to the extent that the Attorney General of the United States determines that the drugs should be preserved as evidence or potential evidence with respect to an offense against the United States.

''(f) RULE OF CONSTRUCTION.—This section may not be construed as having any legal effect on applicable law with respect to a shipment of drugs that is imported or offered for import into the United States and has a declared value equal to or greater than $10,000.''.

(b) PROCEDURES.—Procedures for carrying out section 805 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall be established not later than 90 days after the date of the enactment of this division.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this division.

SEC. 6. WHOLESALE DISTRIBUTION OF DRUGS; STATEMENTS REGARDING PRIOR SALE, PURCHASE, OR TRADE.

(a) STRIKING OF EXEMPTIONS; APPLICABILITY TO REGISTERED EXPORTERS.—Section 503(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(e)) is amended—

(1) in paragraph (1)—

(A) by striking ''and who is not the manufacturer or an authorized distributor of record of such drug'';

(B) by striking ''to an authorized distributor of record or''; and

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

''(B) The fact that a drug subject to subsection (b) is exported from the United States does not with respect to such drug exempt any person that is engaged in the business of the wholesale distribution of the drug from providing the statement described in subparagraph (A) to the person that receives the drug pursuant to the export of the drug.

''(C)(i) The Secretary shall by regulation establish requirements that supersede subparagraph (A) (referred to in this subparagraph as 'alternative requirements') to identify the chain of custody of a drug subject to subsection (b) from the manufacturer of the drug throughout the wholesale distribution of the drug to a pharmacist who intends to sell the drug at retail if the Secretary determines that the alternative requirements, which may include standardized anti-counterfeiting or track-and-trace technologies, will identify such chain of custody or the identity of the discrete package of the drug from which the drug is dispensed with equal or greater certainty to the requirements of subparagraph (A), and that the alternative requirements are economically and technically feasible.

''(ii) When the Secretary promulgates a final rule to establish such alternative requirements, the final rule in addition shall, with respect to the registration condition established in clause (i) of section 804(c)(3)(B), establish a condition equivalent to the alternative requirements, and such equivalent condition may be met in lieu of the registration condition established in such clause (i).'';

(2) in paragraph (2)(A), by adding at the end the following: ''The preceding sentence may not be construed as having any applicability with respect to a registered exporter under section 804.''; and

(3) in paragraph (3), by striking ''and subsection (d)—'' in the matter preceding subparagraph (A) and all that follows through ''the term 'wholesale distribution' means'' in subparagraph (B) and inserting the following: ''and subsection (d), the term 'wholesale distribution' means''.

(b) CONFORMING AMENDMENT.—Section 503(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(d)) is amended by adding at the end the following:

''(4) Each manufacturer of a drug subject to subsection (b) shall maintain at its corporate offices a current list of the authorized distributors of record of such drug.

''(5) For purposes of this subsection, the term 'authorized distributors of record' means those distributors with whom a manufacturer has established an ongoing relationship to distribute such manufacturer's products.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on January 1, 2012.

(2) DRUGS IMPORTED BY REGISTERED IMPORTERS UNDER SECTION 804.—Notwithstanding paragraph (1), the amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on the date that is 90 days after the date of enactment of this division with respect to qualifying drugs imported under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by section 4.

(3) EFFECT WITH RESPECT TO REGISTERED EXPORTERS.—The amendment made by subsection (a)(2) shall take effect on the date that is 90 days after the date of enactment of this division.

(4) ALTERNATIVE REQUIREMENTS.—The Secretary shall issue regulations to establish the alternative requirements, referred to in the amendment made by subsection (a)(1), that take effect not later than January 1, 2012.

(5) INTERMEDIATE REQUIREMENTS.—The Secretary shall by regulation require the use of standardized anti-counterfeiting or track-and-trace technologies on prescription drugs at the case and pallet level effective not later than 1 year after the date of enactment of this division.

(6) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall, not later than 18 months after the date of enactment of this division, require that the packaging of any prescription drug incorporates—

(i) a standardized numerical identifier unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(ii)(I) overt optically variable counterfeit-resistant technologies that—

(aa) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(bb) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(cc) are manufactured and distributed in a highly secure, tightly controlled environment; and

(dd) incorporate additional layers of nonvisible convert security features up to and including forensic capability, as described in subparagraph (B); or

(II) technologies that have a function of security comparable to that described in subclause (I), as determined by the Secretary.

(B) STANDARDS FOR PACKAGING.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to this paragraph, the manufacturers of such drugs shall incorporate the technologies described in subparagraph (A) into at least 1 additional element of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

SEC. 7. INTERNET SALES OF PRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 503B the following:

''SEC. 503C. INTERNET SALES OF PRESCRIPTION DRUGS.

''(a) REQUIREMENTS REGARDING INFORMATION ON INTERNET SITE.—

''(1) IN GENERAL.—A person may not dispense a prescription drug pursuant to a sale of the drug by such person if—

''(A) the purchaser of the drug submitted the purchase order for the drug, or conducted any other part of the sales transaction for the drug, through an Internet site;

''(B) the person dispenses the drug to the purchaser by mailing or shipping the drug to the purchaser; and

''(C) such site, or any other Internet site used by such person for purposes of sales of a prescription drug, fails to meet each of the requirements specified in paragraph (2), other than a site or pages on a site that—

''(i) are not intended to be accessed by purchasers or prospective purchasers; or

''(ii) provide an Internet information location tool within the meaning of section 231(e)(5) of the Communications Act of 1934 (47 U.S.C. 231(e)(5)).

''(2) REQUIREMENTS.—With respect to an Internet site, the requirements referred to in subparagraph (C) of paragraph (1) for a person to whom such paragraph applies are as follows:

''(A) Each page of the site shall include either the following information or a link to a page that provides the following information:

''(i) The name of such person.

''(ii) Each State in which the person is authorized by law to dispense prescription drugs.

''(iii) The address and telephone number of each place of business of the person with respect to sales of prescription drugs through the Internet, other than a place of business that does not mail or ship prescription drugs to purchasers.

''(iv) The name of each individual who serves as a pharmacist for prescription drugs that are mailed or shipped pursuant to the site, and each State in which the individual is authorized by law to dispense prescription drugs.

''(v) If the person provides for medical consultations through the site for purposes of providing prescriptions, the name of each individual who provides such consultations; each State in which the individual is licensed or otherwise authorized by law to provide such consultations or practice medicine; and the type or types of health professions for which the individual holds such licenses or other authorizations.

''(B) A link to which paragraph (1) applies shall be displayed in a clear and prominent place and manner, and shall include in the caption for the link the words 'licensing and contact information'.

''(b) INTERNET SALES WITHOUT APPROPRIATE MEDICAL RELATIONSHIPS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a person may not dispense a prescription drug, or sell such a drug, if—

''(A) for purposes of such dispensing or sale, the purchaser communicated with the person through the Internet;

''(B) the patient for whom the drug was dispensed or purchased did not, when such communications began, have a prescription for the drug that is valid in the United States;

''(C) pursuant to such communications, the person provided for the involvement of a practitioner, or an individual represented by the person as a practitioner, and the practitioner or such individual issued a prescription for the drug that was purchased;

''(D) the person knew, or had reason to know, that the practitioner or the individual referred to in subparagraph (C) did not, when issuing the prescription, have a qualifying medical relationship with the patient; and

''(E) the person received payment for the dispensing or sale of the drug.

For purposes of subparagraph (E), payment is received if money or other valuable consideration is received.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to—

''(A) the dispensing or selling of a prescription drug pursuant to telemedicine practices sponsored by—

''(i) a hospital that has in effect a provider agreement under title XVIII of the Social Security Act (relating to the Medicare program); or

''(ii) a group practice that has not fewer than 100 physicians who have in effect provider agreements under such title; or

''(B) the dispensing or selling of a prescription drug pursuant to practices that promote the public health, as determined by the Secretary by regulation.

''(3) QUALIFYING MEDICAL RELATIONSHIP.—

''(A) IN GENERAL.—With respect to issuing a prescription for a drug for a patient, a practitioner has a qualifying medical relationship with the patient for purposes of this section if—

''(i) at least one in-person medical evaluation of the patient has been conducted by the practitioner; or

''(ii) the practitioner conducts a medical evaluation of the patient as a covering practitioner.

''(B) IN-PERSON MEDICAL EVALUATION.—A medical evaluation by a practitioner is an in-person medical evaluation for purposes of this section if the practitioner is in the physical presence of the patient as part of conducting the evaluation, without regard to whether portions of the evaluation are conducted by other health professionals.

''(C) COVERING PRACTITIONER.—With respect to a patient, a practitioner is a covering practitioner for purposes of this section if the practitioner conducts a medical evaluation of the patient at the request of a practitioner who has conducted at least one in-person medical evaluation of the patient and is temporarily unavailable to conduct the evaluation of the patient. A practitioner is a covering practitioner without regard to whether the practitioner has conducted any in-person medical evaluation of the patient involved.

''(4) RULES OF CONSTRUCTION.—

''(A) INDIVIDUALS REPRESENTED AS PRACTITIONERS.—A person who is not a practitioner (as defined in subsection (e)(1)) lacks legal capacity under this section to have a qualifying medical relationship with any patient.

''(B) STANDARD PRACTICE OF PHARMACY.—Paragraph (1) may not be construed as prohibiting any conduct that is a standard practice in the practice of pharmacy.

''(C) APPLICABILITY OF REQUIREMENTS.—Paragraph (3) may not be construed as having any applicability beyond this section, and does not affect any State law, or interpretation of State law, concerning the practice of medicine.

''(c) ACTIONS BY STATES.—

''(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice that violates section 301(l), the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such practice, to enforce compliance with such section (including a nationwide injunction), to obtain damages, restitution, or other compensation on behalf of residents of such State, to obtain reasonable attorneys fees and costs if the State prevails in the civil action, or to obtain such further and other relief as the court may deem appropriate.

''(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) or (5)(B) upon the Secretary and provide the Secretary with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Secretary shall have the right—

''(A) to intervene in such action;

''(B) upon so intervening, to be heard on all matters arising therein; and

''(C) to file petitions for appeal.

''(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(5) ACTIONS BY OTHER STATE OFFICIALS.—

''(A) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

''(B) In addition to actions brought by an attorney general of a State under paragraph (1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

''(d) EFFECT OF SECTION.—This section shall not apply to a person that is a registered exporter under section 804.

''(e) GENERAL DEFINITIONS.—For purposes of this section:

''(1) The term 'practitioner' means a practitioner referred to in section 503(b)(1) with respect to issuing a written or oral prescription.

''(2) The term 'prescription drug' means a drug that is described in section 503(b)(1).

''(3) The term 'qualifying medical relationship', with respect to a practitioner and a patient, has the meaning indicated for such term in subsection (b).

''(f) INTERNET-RELATED DEFINITIONS.—

''(1) IN GENERAL.—For purposes of this section:

''(A) The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the transmission control protocol/internet protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

''(B) The term 'link', with respect to the Internet, means one or more letters, words, numbers, symbols, or graphic items that appear on a page of an Internet site for the purpose of serving, when activated, as a method for executing an electronic command—

''(i) to move from viewing one portion of a page on such site to another portion of the page;

''(ii) to move from viewing one page on such site to another page on such site; or

''(iii) to move from viewing a page on one Internet site to a page on another Internet site.

''(C) The term 'page', with respect to the Internet, means a document or other file accessed at an Internet site.

''(D)(i) The terms 'site' and 'address', with respect to the Internet, mean a specific location on the Internet that is determined by Internet Protocol numbers. Such term includes the domain name, if any.

''(ii) The term 'domain name' means a method of representing an Internet address without direct reference to the Internet Protocol numbers for the address, including methods that use designations such as '.com', '.edu', '.gov', '.net', or '.org'.

''(iii) The term 'Internet Protocol numbers' includes any successor protocol for determining a specific location on the Internet.

''(2) AUTHORITY OF SECRETARY.—The Secretary may by regulation modify any definition under paragraph (1) to take into account changes in technology.

''(g) INTERACTIVE COMPUTER SERVICE; ADVERTISING.—No provider of an interactive computer service, as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), or of advertising services shall be liable under this section for dispensing or selling prescription drugs in violation of this section on account of another person's selling or dispensing such drugs, provided that the provider of the interactive computer service or of advertising services does not own or exercise corporate control over such person.''.

(b) INCLUSION AS PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by inserting after paragraph (k) the following:

''(l) The dispensing or selling of a prescription drug in violation of section 503C.''.

(c) INTERNET SALES OF PRESCRIPTION DRUGS; CONSIDERATION BY SECRETARY OF PRACTICES AND PROCEDURES FOR CERTIFICATION OF LEGITIMATE BUSINESSES.—In carrying out section 503C of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section), the Secretary of Health and Human Services shall take into consideration the practices and procedures of public or private entities that certify that businesses selling prescription drugs through Internet sites are legitimate businesses, including practices and procedures regarding disclosure formats and verification programs.

(d) REPORTS REGARDING INTERNET-RELATED VIOLATIONS OF FEDERAL AND STATE LAWS ON DISPENSING OF DRUGS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall, pursuant to the submission of an application meeting the criteria of the Secretary, make an award of a grant or contract to the National Clearinghouse on Internet Prescribing (operated by the Federation of State Medical Boards) for the purpose of—

(A) identifying Internet sites that appear to be in violation of Federal or State laws concerning the dispensing of drugs;

(B) reporting such sites to State medical licensing boards and State pharmacy licensing boards, and to the Attorney General and the Secretary, for further investigation; and

(C) submitting, for each fiscal year for which the award under this subsection is made, a report to the Secretary describing investigations undertaken with respect to violations described in subparagraph (A).

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there is authorized to be appropriated $100,000 for each of the first 3 fiscal years in which this section is in effect.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect 90 days after the date of enactment of this division, without regard to whether a final rule to implement such amendments has been promulgated by the Secretary of Health and Human Services under section 701(a) of the Federal Food, Drug, and Cosmetic Act. The preceding sentence may not be construed as affecting the authority of such Secretary to promulgate such a final rule.

SEC. 8. PROHIBITING PAYMENTS TO UNREGISTERED FOREIGN PHARMACIES.

(a) IN GENERAL.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333)

is amended by adding at the end the following:

''(h) RESTRICTED TRANSACTIONS.—

''(1) IN GENERAL.—The introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system is prohibited.

''(2) PAYMENT SYSTEM.—

''(A) IN GENERAL.—The term 'payment system' means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that may be used in connection with, or to facilitate, a restricted transaction, and includes—

''(i) a credit card system;

''(ii) an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service; and

''(iii) any other system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic fund transfers, or money transmitting services.

''(B) PERSONS DESCRIBED.—A person referred to in subparagraph (A) is—

''(i) a creditor;

''(ii) a credit card issuer;

''(iii) a financial institution;

''(iv) an operator of a terminal at which an electronic fund transfer may be initiated;

''(v) a money transmitting business; or

''(vi) a participant in an international, national, regional, or local network used to effect a credit transaction, electronic fund transfer, or money transmitting service.

''(3) RESTRICTED TRANSACTION.—The term 'restricted transaction' means a transaction or transmittal, on behalf of an individual who places an unlawful drug importation request to any person engaged in the operation of an unregistered foreign pharmacy, of—

''(A) credit, or the proceeds of credit, extended to or on behalf of the individual for the purpose of the unlawful drug importation request (including credit extended through the use of a credit card);

''(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the individual for the purpose of the unlawful drug importation request;

''(C) a check, draft, or similar instrument which is drawn by or on behalf of the individual for the purpose of the unlawful drug importation request and is drawn on or payable at or through any financial institution; or

''(D) the proceeds of any other form of financial transaction (identified by the Board by regulation) that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful drug importation request.

''(4) UNLAWFUL DRUG IMPORTATION REQUEST.—The term 'unlawful drug importation request' means the request, or transmittal of a request, made to an unregistered foreign pharmacy for a prescription drug by mail (including a private carrier), facsimile, phone, or electronic mail, or by a means that involves the use, in whole or in part, of the Internet.

''(5) UNREGISTERED FOREIGN PHARMACY.—The term 'unregistered foreign pharmacy' means a person in a country other than the United States that is not a registered exporter under section 804.

''(6) OTHER DEFINITIONS.—

''(A) CREDIT; CREDITOR; CREDIT CARD.—The terms 'credit', 'creditor', and 'credit card' have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

''(B) ACCESS DEVICE; ELECTRONIC FUND TRANSFER.—The terms 'access device' and 'electronic fund transfer'—

''(i) have the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and

''(ii) the term 'electronic fund transfer' also includes any fund transfer covered under Article 4A of the Uniform Commercial Code, as in effect in any State.

''(C) FINANCIAL INSTITUTION.—The term 'financial institution'—

''(i) has the meaning given the term in section 903 of the Electronic Transfer Fund Act (15 U.S.C. 1693a); and

''(ii) includes a financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

''(D) MONEY TRANSMITTING BUSINESS; MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the meaning given the terms in section 5330(d) of title 31, United States Code.

''(E) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(7) POLICIES AND PROCEDURES REQUIRED TO PREVENT RESTRICTED TRANSACTIONS.—

''(A) REGULATIONS.—The Board shall promulgate regulations requiring—

''(i) an operator of a credit card system;

''(ii) an operator of an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service;

''(iii) an operator of any other payment system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic transfers or money transmitting services where at least one party to the transaction or transfer is an individual; and

''(iv) any other person described in paragraph (2)(B) and specified by the Board in such regulations,

to establish policies and procedures that are reasonably designed to prevent the introduction of a restricted transaction into a payment system or the completion of a restricted transaction using a payment system

''(B) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In promulgating regulations under subparagraph (A), the Board shall—

''(i) identify types of policies and procedures, including nonexclusive examples, that shall be considered to be reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system; and

''(ii) to the extent practicable, permit any payment system, or person described in paragraph (2)(B), as applicable, to choose among alternative means of preventing the introduction or completion of restricted transactions.

''(C) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.—

''(i) IN GENERAL.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, and any participant in such payment system that prevents or otherwise refuses to honor transactions in an effort to implement the policies and procedures required under this subsection or to otherwise comply with this subsection shall not be liable to any party for such action.

''(ii) COMPLIANCE.—A person described in paragraph (2)(B) meets the requirements of this subsection if the person relies on and complies with the policies and procedures of a payment system of which the person is a member or in which the person is a participant, and such policies and procedures of the payment system comply with the requirements of the regulations promulgated under subparagraph (A).

''(D) ENFORCEMENT.—

''(i) IN GENERAL.—This section shall be enforced by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

''(ii) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in paragraph (2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

''(I) The extent to which the payment system or person knowingly permits restricted transactions.

''(II) The history of the payment system or person in connection with permitting restricted transactions.

''(III) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

''(8) TRANSACTIONS PERMITTED.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, is authorized to engage in transactions with foreign pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with paragraph (7). A payment system, or such a person, and its agents and employees shall not be found to be in violation of, or liable under, any Federal, State or other law by virtue of engaging in any such transaction.

''(9) RELATION TO STATE LAWS.—No requirement, prohibition, or liability may be imposed on a payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, under the laws of any state with respect to any payment transaction by an individual because the payment transaction involves a payment to a foreign pharmacy.

''(10) TIMING OF REQUIREMENTS.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, must adopt policies and procedures reasonably designed to comply with any regulations required under paragraph (7) within 60 days after such regulations are issued in final form.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day that is 90 days after the date of enactment of this division.

(c) IMPLEMENTATION.—The Board of Governors of the Federal Reserve System shall promulgate regulations as required by subsection (h)(7) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a), not later than 90 days after the date of enactment of this division.

SEC. 9. IMPORTATION EXEMPTION UNDER CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

Section 1006(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)(2)) is amended by striking ''not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance.'' and inserting ''import into the United States not more than 10 dosage units combined of all such controlled substances.''.

SEC. 10. SEVERABILITY.

If any provision of this division, an amendment by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the

amendments made by this division, and the application of the provisions of such to any person or circumstance shall not affected thereby.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, June 17, 2009, at 2:30 p.m. in room SD–366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony on the following bills:

S.409, to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; S. 782, to provide for the establishment of the National Volcano Early Warning and Monitoring System; S.874, to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, and for other purposes; S.1139, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes; and S.1140, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150, or by email to anna_fox@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Anna Fox at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 2, 2009, at 9:30 a.m.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, June 2, 2009, at 2:15 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, June 2, 2009, at 10 a.m., in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, June 2, 2008, at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 2, 2009, at 2:30 p.m.

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

SUPPLEMENTAL APPROPRIATIONS ACT, 2009

On Thursday, May 21, 2009, the Senate passed H.R. 2346, as amended, as follows:

H.R. 2346

Resolved, That the bill from the House of Representatives (H.R. 2346) entitled ''An Act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $700,000,000, to remain available until expended: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISION—THIS TITLE

SEC. 101. Notwithstanding any other provision of law, any amounts made available prior to the date of enactment of this Act to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and 2202) that are unobligated as of the date of enactment of this Act shall be available to carry out any purpose under that program without fiscal year limitation: Provided, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(INCLUDING RESCISSION OF FUNDS)

SEC. 102. (a)(1) For an additional amount for gross obligations for the principal amount of direct farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: direct farm ownership loans, $360,000,000; and direct operating loans, $225,000,000.

(2) For an additional amount for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, $22,860,000; and direct operating loans, $26,530,000.

(b) Of available unobligated discretionary balances from the Rural Development mission area carried forward from fiscal year 2008, $49,390,000 are hereby rescinded: Provided, That none of the amounts may be rescinded other than those from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(c) That the amount under this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for ''Economic Development Assistance Programs'', $40,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading shall be for the Trade Adjustment Assistance for Communities program as authorized by section 1872 of Public Law 111–5: Provided further, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $30,000,000, to remain available until September 30, 2010: Provided, That funds provided in the previous proviso shall only be for carrying out Department of Justice responsibilities required by Executive Orders 13491, 13492, and 13493: Provided further, That the Attorney General shall submit to the Committees on Appropriations of the House and the Senate a detailed plan for expenditure of such funds no later than 30 days after enactment of this Act.

DETENTION TRUSTEE

For an additional amount for ''Detention trustee'', $60,000,000, to remain available until September 30, 2010.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and expenses, general legal activities'', $1,648,000, to remain available until September 30, 2010.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and expenses, United States attorneys'', $5,000,000, to remain available until September 30, 2010.

For an additional amount for ''Salaries and expenses, United States attorneys'', $10,000,000, to remain available until September 30, 2010: Provided, That the amount provided in this paragraph is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

UNITED STATES MARSHALS SERVICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $10,000,000, to remain available until September 30, 2010.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses,'' $1,389,000, to remain available until September 30, 2010.

FEDERAL BUREAU OF INVESTIGATIONS

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $35,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $20,000,000, to remain available until September 30, 2010.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $14,000,000, to remain available until September 30, 2010.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $5,038,000, to remain available until September 30, 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 201. Unless otherwise specified, each amount in this title is designated as being for overseas deployment and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 202. (a)(1) None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to transfer, release, or incarcerate any individual who was detained as of May 19, 2009, at Naval Station, Guantanamo Bay, Cuba, to or within the United States.

(2) In this subsection, the term ''United States'' means the several States and the District of Columbia.

(b) The amount appropriated or otherwise made available by title II for the Department of Justice for general administration under the heading ''SALARIES AND EXPENSES'' is hereby reduced by $30,000,000.

(c) The amount appropriated or otherwise made available by title III under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' under paragraph (3) is hereby reduced by $50,000,000.

TITLE III

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $11,455,777,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,565,227,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,464,353,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,469,173,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $387,155,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $39,478,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $29,179,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $14,943,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,542,333,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $46,860,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $13,933,801,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $2,337,360,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,037,842,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,992,125,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $5,065,783,000, of which:

(1) not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $1,050,000,000, to remain available until expended, for payments to reimburse key cooperating nations, for logistical, military, and other support including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: Provided, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(3) up to $50,000,000 shall be available, 30 days after the Secretary of Defense submits an expenditure plan to the congressional defense committees detailing the specific planned use of these funds, only to support the relocation and disposition of individuals detained at the Guantanamo Bay Naval Base to locations outside of the United States, relocate military and support forces associated with detainee operations, and facilitate the closure of detainee facilities: Provided, That the Secretary of Defense shall certify in writing to the congressional defense committees, prior to transferring prisoners to foreign nations, that he has been assured by the receiving nation that the individual or individuals to be transferred will be retained in that nation's custody as long as they remain a threat to the national security interest of the United States: Provided further, That the funds in this paragraph available to provide assistance to foreign nations to facilitate the relocation and disposition of individuals detained at the Guantanamo Bay Naval Base are in addition to any other authority to provide assistance to foreign nations: Provided further, That these funds are available for transfer to any other appropriations accounts of the Department of Defense or, with the concurrence of the head of the relevant Federal department or agency, to any other Federal appropriations accounts to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $110,017,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $25,569,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $30,775,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $34,599,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $203,399,000.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $3,606,939,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

IRAQ SECURITY FORCES FUND

For an additional amount for the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2011: Provided, That, not later than July 31, 2010, any remaining unobligated funds in this account shall be transferred to the Department of State to be available for the same purposes as provided herein.

PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the ''Pakistan Counterinsurgency Capability Fund''. For the ''Pakistan Counterinsurgency Capability Fund'', $400,000,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Central Command, or the Secretary's designee, to provide assistance to Pakistan's security forces; including program management and the provision of equipment, supplies, services, training, and funds; and facility and infrastructure repair, renovation, and construction to build the counterinsurgency capability of Pakistan's military and Frontier Corps, and of which up to $2,000,000 shall be available to assist the Government of Pakistan in creating a program to respond to urgent humanitarian relief and reconstruction requirements that will immediately assist Pakistani people affected by military operations: Provided further, That the authority to provide assistance under this provision is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such amounts as he may determine from the funds provided herein to appropriations for operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds: Provided further, That funds so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $315,684,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $737,041,000, to remain available until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,434,071,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $230,075,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $7,029,145,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $754,299,000, to remain available until September 30, 2011.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $31,403,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $348,919,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $207,181,000, to remain available until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,658,347,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $2,064,118,000, to remain available for obligation until September 30, 2011.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $49,716,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $138,284,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,910,343,000, to remain available until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $237,868,000, to remain available until September 30, 2011.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $500,000,000, to remain available until September 30, 2011.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Mine Resistant Ambush Protected Vehicle Fund'', $4,243,000,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $71,935,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount of ''Research, Development, Test and Evaluation, Navy'', $141,681,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount of ''Research, Development, Test and Evaluation, Air Force'', $174,159,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount of ''Research, Development, Test and Evaluation, Defense-Wide'', $498,168,000, to remain available until September 30, 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $861,726,000, to remain available until expended.

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $909,297,000, of which $845,508,000 for operation and maintenance; of which $30,185,000, to remain available until September 30, 2011, for procurement; and of which $33,604,000, to remain available until September 30, 2010, for research, development, test and evaluation.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $123,398,000, to remain available until September 30, 2010: Provided, That these funds may be used only for such activities related to Afghanistan, Pakistan, and Central Asia.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $1,116,746,000, to remain available until September 30, 2011.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $9,551,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2009.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2009, (Public Law 110–116) except for the fourth proviso.

SEC. 303. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 304. During fiscal year 2009 and from funds in the ''Defense Cooperation Account'', as established by 10 U.S.C. 2608, the Secretary of Defense may transfer not to exceed $6,500,000 to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 305. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or ''Afghanistan Security Forces Fund'' provided in this title, and executed in direct support of the overseas contingency operations in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 306. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000: Provided further, That the Secretary shall report to the Congress all purchases made pursuant to this authority within 30 days of using the authority.

SEC. 307. From funds made available in this title, the Secretary of Defense may purchase motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan, up to a limit of $75,000 per vehicle, notwithstanding other limitations applicable to passenger carrying motor vehicles.

SEC. 308. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That none of the amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

''Procurement, Marine Corps, 2007/2009'', $54,400,000;

''Other Procurement, Army, 2008/2010'', $29,300,000;

''Procurement, Marine Corps, 2008/2010'', $10,300,000;

''Research, Development, Test and Evaluation, Navy, 2008/2009'', $5,000,000;

''Research, Development, Test and Evaluation, Air Force, 2008/2009'', $36,107,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2008/2009'', $200,000,000;

''Operation and Maintenance, Army, 2009/2009'', $352,359,000;

''Operation and Maintenance, Navy, 2009/2009'', $881,481,000;

''Operation and Maintenance, Marine Corps, 2009/2009'', $54,466,000;

''Operation and Maintenance, Air Force, 2009/2009'', $925,203,000;

''Operation and Maintenance, Defense-Wide, 2009/2009'', $267,635,000;

''Operation and Maintenance, Army Reserve, 2009/2009'', $23,338,000;

''Operation and Maintenance, Navy Reserve, 2009/2009'', $62,910,000;

''Operation and Maintenance, Marine Corps Reserve, 2009/2009'', $1,250,000;

''Operation and Maintenance, Air Force Reserve, 2009/2009'', $163,786,000;

''Operation and Maintenance, Army National Guard, 2009/2009'', $57,819,000;

''Operation and Maintenance, Air National Guard, 2009/2009'', $250,645,000;

''Aircraft Procurement, Army, 2009/2011'', $11,500,000;

''Procurement of Ammunition, Army, 2009/2011'', $107,100,000;

''Other Procurement, Army, 2009/2011'', $195,000,000;

''Procurement, Marine Corps, 2009/2011'', $10,300,000;

''Procurement, Defense-Wide, 2009/2011'', $6,400,000;

''Research, Development, Test and Evaluation, Army, 2009/2010'', $202,710,000;

''Research, Development, Test and Evaluation, Navy, 2009/2010'', $270,260,000; and

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $392,567,000.

SEC. 309. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 310. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2008 or 2009 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 311. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for the purpose of establishing any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 312. (a) REPEAL OF SECRETARY OF DEFENSE REPORTS ON TRANSITION READINESS OF IRAQ AND AFGHAN SECURITY FORCES.—Subsection (a) of section 9205 of Public Law 110–252 (122 Stat. 2412) is repealed.

(b) MODIFICATION OF REPORTS ON USE OF CERTAIN SECURITY FORCES FUNDS.—

(1) PREPARATION IN CONSULTATION WITH COMMANDER OF CENTCOM.—Subsection (b)(1) of such section is amended by inserting ''the Commander of the United States Central Command;'' after ''the Secretary of Defense;''.

(2) PERIOD OF REPORTS.—Such subsection is further amended by striking ''not later than 120 days after the date of the enactment of this Act and every 90 days thereafter'' and inserting ''not later than 45 days after the end of each fiscal year quarter''.

(3) FUNDS COVERED BY REPORTS.—Such subsection is further amended by striking ''and 'Afghanistan Security Forces Fund' '' and inserting '', 'Afghanistan Security Forces Fund', and 'Pakistan Counterinsurgency Capability Fund' ''.

(c) NOTICE NEW PROJECTS AND TRANSFERS OF FUNDS.—Subsection (c) of such section is amended by striking ''the headings'' and all that follows and inserting ''the headings as follows:

''(1) 'Iraq Security Forces Fund'.

''(2) 'Afghanistan Security Forces Fund'.

''(3) 'Pakistan Counterinsurgency Capability Fund'.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 313. (a) Section 1174(h)(1) of title 10, United States Code, is amended to read as follows:

''(1) A member who has received separation pay under this section, or separation pay, severance pay, or readjustment pay under any other provision of law, based on service in the armed forces, and who later qualifies for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay so paid.''.

(b) Section 1175(e)(3)(A) of title 10, United States Code, is amended to read as follows:

''(3)(A) A member who has received the voluntary separation incentive and who later qualifies for retired or retainer pay under this title shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay so paid. If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required under the preceding sentence shall be reduced as the Secretary of Defense shall specify.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any repayments of separation pay, severance pay, readjustment pay, special separation benefit, or voluntary separation incentive, that occur on or after the date of enactment, including any ongoing repayment actions that were initiated prior to this amendment.

SEC. 314. (a) IN GENERAL.—Unless otherwise designated, each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to the amount rescinded in section 308 for ''Operation and Maintenance, Air Force''.

SEC. 315. (a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter, the President shall submit to the members and committees of Congress specified in subsection (b) a report on the prisoner population at the detention facility at Naval Station Guantanamo Bay, Cuba.

(b) SPECIFIED MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress specified in this subsection are the following:

(1) The majority leader and minority leader of the Senate.

(2) The Chairman and Ranking Member on the Committee on Armed Services of the Senate.

(3) The Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.

(4) The Speaker of the House of Representatives.

(5) The minority leader of the House of Representatives.

(6) The Chairman and Ranking Member on the Committee on Armed Services of the House of Representatives.

(7) The Chairman and Vice Chairman of the Permanent Select Committee on Intelligence of the House of Representatives

(c) MATTERS TO BE INCLUDED.—Each report submitted under subsection (a) shall include the following:

(1) The name and country of origin of each detainee at the detention facility at Naval Station Guantanamo Bay, Cuba, as of the date of such report.

(2) A current summary of the evidence, intelligence, and information used to justify the detention of each detainee listed under paragraph (1) at Naval Station Guantanamo Bay.

(3) A current accounting of all the measures taken to transfer each detainee listed under paragraph (1) to the individual's country of citizenship or another country.

(4) A current description of the number of individuals released or transferred from detention at Naval Station Guantanamo Bay who are confirmed or suspected of returning to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(5) An assessment of any efforts by al Qaeda to recruit detainees released from detention at Naval Station Guantanamo Bay.

(6) For each detainee listed under paragraph (1), a threat assessment that includes—

(A) an assessment of the likelihood that such detainee may return to terrorist activity after release or transfer from Naval Station Guantanamo Bay;

(B) an evaluation of the status of any rehabilitation program in such detainee's country of origin, or in the country such detainee is anticipated to be transferred to; and

(C) an assessment of the risk posed to the American people by the release or transfer of such detainee from Naval Station Guantanamo Bay.

(d) ADDITIONAL MATTERS TO BE INCLUDED IN INITIAL REPORT.—The first report submitted

under subsection (a) shall also include the following:

(1) A description of the process that was previously used for screening the detainees described by subsection (c)(4) prior to their release or transfer from detention at Naval Station Guantanamo Bay, Cuba.

(2) An assessment of the adequacy of that screening process for reducing the risk that detainees previously released or transferred from Naval Station Guantanamo Bay would return to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(3) An assessment of lessons learned from previous releases and transfers of individuals who returned to terrorist activities for reducing the risk that detainees released or transferred from Naval Station Guantanamo Bay will return to terrorist activities after their release or transfer.

(e) FORM.—Each report submitted under subsection (a), or parts thereof, may be submitted in classified form.

(f) LIMITATION ON RELEASE OR TRANSFER.—No detainee detained at the detention facility at Naval Station Guantanamo Bay, Cuba, as of the date of the enactment of this Act may be released or transferred to another country until the President—

(1) submits to Congress the first report required by subsection (a); or

(2) certifies to the members and committees of Congress specified in subsection (b) that such action poses no threat to the members of the United States Armed Forces.

(g) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should consult with State and local government officials before making any decision about where detainees at Naval Station Guantanamo Bay, Cuba, might be transferred, housed, or otherwise incarcerated as a result of the implementation of the Executive Order of the President to close the detention facilities at Naval Station Guantanamo Bay.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters, $38,375,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of natural disasters as authorized by law, $804,290,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $315,290,000 of the funds appropriated under this heading to support emergency operations, repair eligible projects nationwide, and for other activities in response to natural disasters: Provided further, That the Secretary of the Army is directed to use $489,000,000 of the amount provided under this heading for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: Provided further, That this work shall be carried out at full Federal expense: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

STRATEGIC PETROLEUM RESERVE

(TRANSFER OF FUNDS)

For an additional amount for the ''Strategic Petroleum Reserve'' account, $21,585,723, to remain available until expended, to be derived by transfer from the ''SPR Petroleum Account'' for site maintenance activities: Provided, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for ''Weapons Activities'', $34,500,000, to remain available until expended, to be divided among the three national security laboratories of Livermore, Sandia and Los Alamos to fund a sustainable capability to analyze nuclear and biological weapons intelligence: Provided, That the Director of National Intelligence shall provide a written report to the Senate Appropriations Committee, the Senate Armed Services Committee and the Senate Select Committee on Intelligence within 90 days of enactment on how the National Nuclear Security Administration will invest these resources in technical and core analytical capabilities: Provided further, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'' in the National Nuclear Security Administration, $55,000,000, to remain available until expended, for the International Nuclear Materials Protection and Cooperation Program to counter emerging threats at nuclear facilities in Russia and other countries of concern through detecting and deterring insider threats through security upgrades: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

LIMITED TRANSFER AUTHORITY

SEC. 401. Section 403 of title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking all of the text and inserting the following:

"SEC. 403. LIMITED TRANSFER AUTHORITY.

''The Secretary of Energy may transfer up to 0.5 percent from each amount appropriated to the Department of Energy in this title to any other appropriate account within the Department of Energy, to be used for management and oversight activities: Provided, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to any transfer: Provided further, That any funds so transferred under this section shall remain available for obligation until September 30, 2012.''.

WAIVER OF FEDERAL EMPLOYMENT REQUIREMENTS

SEC. 402. Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

CORPS OF ENGINEERS TECHNICAL FIX

SEC. 403. (a) IN GENERAL.—Section 3181 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1158) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (4) through (11) as paragraphs (5), (6), (8), (9), (10), (11), (12), and (13), respectively;

(B) by inserting after paragraph (3) the following:

''(4) NORTHEAST HARBOR, MAINE.—The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12).''; and

(C) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

''(7) TENANTS HARBOR, MAINE.—The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275).''; and

(2) in subsection (h)—

(A) by striking paragraphs (15) and (16); and

(B) by redesignating paragraphs (17) through (29) as paragraphs (15) through (27), respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041)

CORPS OF ENGINEERS REPROGRAMMING AUTHORITY

SEC. 404. Unlimited reprogramming authority is granted to the Secretary of the Army for funds provided in title IV—Energy and Water Development of Public Law 111–5 under the heading ''Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil''.

BUREAU OF RECLAMATION REPROGRAMMING AUTHORITY

SEC. 405. Unlimited reprogramming authority is granted to the Secretary of the Interior for funds provided in title IV—Energy and Water Development of Public Law 111–5 under the heading ''Bureau of Reclamation, Water and Related Resources''.

COST ANALYSIS OF TRITIUM PROGRAM CHANGES

SEC. 406. No funds in this Act, or other previous Acts, shall be provided to fund activities related to the mission relocation of either the design authority for the gas transfer systems or tritium research and development facilities during the current fiscal year and until the Department can provide the Senate Appropriations Committee an independent technical mission review and cost analysis by the JASON's as proposed in the Complex Transformation Site-Wide Programmatic Environmental Impact Statement.

CORPS OF ENGINEERS PROJECT COST CEILING INCREASE

SEC. 407. The project for ecosystem restoration, Upper Newport Bay, California, authorized by section 101(b)(9) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $50,659,000, with an estimated Federal cost of $32,928,000 and a non-Federal cost of $17,731,000.

SEC. 408. None of the funds provided in the matter under the heading entitled ''Department of Defense—Civil'' in this Act, or provided by previous appropriations Acts under the heading entitled ''Department of Defense—Civil'' may be used to deconstruct any work (including any partially completed work) completed under the Mississippi River and Tributaries Project authorized by the Act of May 15, 1928 (45 2 Stat.

534; 100 Stat. 4183), during fiscal year 2009, 2010, and 2011.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

SEC. 409. The matter under the heading ''Title 17 Innovative Technology Loan Guarantee Program'' of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 619) is amended in the ninth proviso—

(1) by striking ''or (d)'' and inserting ''(d)''; and

(2) by striking ''the guarantee'' and inserting ''the guarantee; (e) contracts, leases or other agreements entered into prior to May 1, 2009 for front-end nuclear fuel cycle projects, where such project licenses technology from the Department of Energy, and pays royalties to the federal government for such license and the amount of such royalties will exceed the amount of federal spending, if any, under such contracts, leases or agreements; or (f) grants or cooperative agreements, to the extent that obligations of such grants or cooperative agreements have been recorded in accordance with section 1501(a)(5) of title 31, United States Code, on or before May 1, 2009''.

TITLE V

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Offices, Salaries and Expenses'', $4,000,000, to remain available until December 31, 2010: Provided, That, not later than 10 days following enactment of this Act, the Secretary of the Treasury shall transfer funds provided under this heading to an account to be designated for the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $2,936,000, of which $800,000 shall remain available until expended and $2,136,000 shall remain available until September 30, 2010: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PANDEMIC PREPAREDNESS AND RESPONSE

(INCLUDING TRANSFERS OF FUNDS)

For an amount to be deposited into an account for ''Pandemic Preparedness and Response'' to be established within the Executive Office of the President for expenses to prepare for and respond to a potential pandemic disease outbreak and to assist international efforts to control the spread of such an outbreak, including for the 2009–H1N1 influenza outbreak, $1,500,000,000, to remain available until September 30, 2010, and to be transferred by the Director of the Office of Management and Budget as follows: $900,000,000 shall be transferred to and merged with funds made available under the heading ''Department of Health and Human Services, Public Health and Social Services Emergency Fund'' for allocation by the Secretary; $190,000,000 shall be transferred to and merged with funds made available for the United States Department of Homeland Security under the heading ''Departmental Management and Operations, Office of the Secretary and Executive Management'' for allocation by the Secretary; $100,000,000 shall be transferred to and merged with funds made available for the United States Department of Agriculture under the heading ''Agricultural Programs, Production, Processing and Marketing, Office of the Secretary'' for allocation by the Secretary; $50,000,000 shall be transferred to and merged with funds made available under the heading ''Department of Health and Human Services, Food and Drug Administration, Salaries and Expenses''; $110,000,000 shall be transferred to and merged with funds made available under the heading ''Department of Veterans Affairs, Veterans Health Administration, Medical Services''; and $150,000,000 shall be transferred to and merged with funds made available under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Global Health and Child Survival'', to support programs of the United States Agency for International Development: Provided, That such transfers shall be made not more than 10 days after the date of enactment of this Act: Provided further, That none of the funds provided under this heading shall be available for obligation until 15 days following the submittal of a detailed spending plan by each Department receiving funds to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available in this or any other Act: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until September 30, 2010: Provided, That notwithstanding section 302 of division D of Public Law 111–8, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives on the Southwest border: Provided further, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

INDEPENDENT AGENCIES

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for necessary expenses for the Securities and Exchange Commission, $10,000,000, to remain available until September 30, 2010, for investigation of securities fraud: Provided, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. (a) IN GENERAL.—Section 3(c)(2)(A) of Public Law 110–428 is amended—

(1) in the matter before clause (i), by striking ''4-year'' and inserting ''5-year''; and

(2) in clause (i), by striking ''1-year'' and inserting ''2-year''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of Public Law 110–428.

SEC. 502. The fourth proviso under the heading ''District of Columbia Funds'' of title IV of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 655) is amended by striking ''and such title'' and inserting '', as amended by laws enacted pursuant to section 442(c) of the Home Rule Act of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 798), and such title, as amended,''.

SEC. 503. Title V of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended under the heading ''Federal Communications Commission'' by striking the first proviso and inserting the following: ''Provided, That of the funds provided, not less than $3,000,000 shall be available for developing a national broadband plan pursuant to title VI of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and for carrying out any other responsibility pursuant to that title:''.

EXTENSION OF LIMITATIONS

SEC. 504. (a) IN GENERAL.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking ''evidence of debt by any insured'' and inserting the following: ''evidence of debt by—

''(A) any insured''; and

(3) by striking the period at the end and inserting the following: ''; and

''(B) any nondepository institution operating in such State, shall be equal to not more than the greater of the State's maximum lawful annual percentage rate or 17 percent—

''(i) to facilitate the uniform implementation of federally mandated or federally established programs and financings related thereto, including—

''(I) uniform accessibility of student loans, including the issuance of qualified student loan bonds as set forth in section 144(b) of the Internal Revenue Code of 1986;

''(II) the uniform accessibility of mortgage loans, including the issuance of qualified mortgage bonds and qualified veterans' mortgage bonds as set forth in section 143 of such Code;

''(III) the uniform accessibility of safe and affordable housing programs administered or subject to review by the Department of Housing and Urban Development, including—

''(aa) the issuance of exempt facility bonds for qualified residential rental property as set forth in section 142(d) of such Code;

''(bb) the issuance of low income housing tax credits as set forth in section 42 of such Code, to facilitate the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009; and

''(cc) the issuance of bonds and obligations issued under that Act, to facilitate economic development, higher education, and improvements to infrastructure, and the issuance of bonds and obligations issued under any provision of law to further the same; and

''(ii) to facilitate interstate commerce generally, including consumer loans, in the case of any person or governmental entity (other than a depository institution subject to subparagraph (A) and paragraph (2)).''.

(b) EFFECTIVE PERIOD.—The amendments made by subsection (a) shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $46,200,000, to remain available until September 30, 2010, of which $6,200,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which

$40,000,000 shall be for response to border security issues on the Southwest border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Salaries and Expenses'', $5,000,000, to remain available until September 30, 2010, for response to border security issues on the Southwest border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $66,800,000, to remain available until September 30, 2010, of which $11,800,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which $55,000,000 shall be for response to border security issues on the Southwest border of the United States.

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $139,503,000; of which $129,503,000 shall be for Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and of which $10,000,000 shall be available until September 30, 2010, for High Endurance Cutter maintenance, major repairs, and improvements.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $30,000,000 shall be for Operation Stonegarden.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING RESCISSION)

SEC. 601. (a) RESCISSION.—Of amounts previously made available from ''Federal Emergency Management Agency, Disaster Relief'' to the State of Mississippi pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, an additional $100,000,000 are rescinded.

(b) APPROPRIATION.—For ''Federal Emergency Management Agency, State and Local Programs'', there is appropriated an additional $100,000,000, to remain available until expended, for a grant to the State of Mississippi for an interoperable communications system required in the aftermath of Hurricane Katrina: Provided, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 602. The Department of Homeland Security Appropriations Act, 2009 (Public Law 110–329) is amended under the heading ''Federal Emergency Management Agency, Management and Administration'' after ''the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.),'' by adding ''Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583),''.

SEC. 603. Notwithstanding any provision under (a)(1)(A) of 15 U.S.C. 2229a specifying that grants must be used to increase the number of fire fighters in fire departments, the Secretary of Homeland Security may, in making grants described under 15 U.S.C. 2229a for fiscal year 2009 or 2010, grant waivers from the requirements of subsection (a)(1)(B), subsection (c)(1), subsection (c)(2), and subsection (c)(4)(A), and may award grants for the hiring, rehiring, or retention of firefighters.

SEC. 604. The Administrator of the Federal Emergency Management Agency shall extend through March 2010 reimbursement of case management activities conducted by the State of Mississippi under the Disaster Housing Assistance Program to individuals in the program on April 30, 2009.

SEC. 605. Section 552 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110–161) is amended by striking ''local educational agencies'' and inserting ''primary or secondary school sites'' and by inserting ''and section 406(c)(2)'' after ''section 406(c)(1)''.

SEC. 606. (a) IN GENERAL.—Each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to any amount under section 601 of this title.

SEC. 607. For purposes of qualification for loans made under the Disaster Assistance Direct Loan Program as allowed under Public Law 111–5 relating to disaster declaration DR–1791 (issued September 13, 2008) the base period for tax determining loss of revenue may be fiscal year 2009 or 2010.

TITLE VII

DEPARTMENT OF THE INTERIOR

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Department of the Interior, $50,000,000, to remain available until expended: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Forest Service, $200,000,000, to remain available until expended: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That the Secretary of Agriculture may transfer not more than $50,000,000 of these funds to the Secretary of the Interior if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 701. Public Law 111–8, division E, title III, Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxic Substances and Environmental Public Health is amended by inserting ''per eligible employee'' after ''$1,000''.

SEC. 702. (a) Section 1606 of division A, title XVI of Public Law 111–5 shall not be applied to projects carried out by youth conservation organizations under agreement with the Department of the Interior or the Forest Service for which funds were provided in title VII.

(b) For purposes of this provision, the term ''youth conservation organizations'' means not-for-profit organizations that provide conservation service learning opportunities for youth 16 to 25 years of age.

TITLE VIII

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for ''Refugee and Entrant Assistance'' for necessary expenses for unaccompanied alien children as authorized by section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, $82,000,000, to remain available through September 30, 2011: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

(TRANSFER OF FUNDS)

SEC. 801. Section 801(a) of division A of Public Law 111–5 is amended by inserting '', and may be transferred by the Department of Labor to any other account within the Department for such purposes'' before the end period.

(INCLUDING TRANSFER OF FUNDS)

SEC. 802. (a) Notwithstanding any other provision of law, during the period from September 1 through September 30, 2009, the Secretary of Education shall transfer to the Career, Technical, and Adult Education account an amount not to exceed $17,678,270 from amounts that would otherwise lapse at the end of fiscal year 2009 and that were originally made available under the Department of Education Appropriations Act, 2009 or any Department of Education Appropriations Act for a previous fiscal year.

(b) Funds transferred under this section to the Career, Technical, and Adult Education account shall be obligated by September 30, 2009.

(c) Any amounts transferred pursuant to this section shall be for carrying out Adult Education State Grants, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that program for fiscal year 2009 that were at least 9.9 percent less than those States received under that program for fiscal year 2008.

(d) The Secretary shall use these additional funds to increase those States' allocations under that program up to the amount they received under that program for fiscal year 2008.

(e) The Secretary shall notify the Committees on Appropriations of both Houses of Congress of any transfer pursuant to this section.

TITLE IX

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''Capitol Police, General Expenses'', $71,606,000, to purchase and install a new radio system for the U.S. Capitol Police, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $2,000,000, to remain available until September 30, 2010.

GENERAL PROVISION—THIS TITLE

SEC. 901. The amount available to the Committee on the Judiciary for expenses, including salaries, under section 13(b) of Senate Resolution 73, agreed to March 10, 2009, is increased by $500,000.

TITLE X

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For an additional amount for ''Military Construction, Army'', $1,229,731,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That none of the funds provided under this heading for military construction projects in Afghanistan shall be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that a prefinancing statement for each project has been submitted to the North Atlantic Treaty Organization (NATO) for consideration of funding by the NATO Security Investment Program.

For an additional amount for ''Military Construction, Army'', $49,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the preceding amount in this paragraph is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 110–252, $49,000,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $243,083,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $265,470,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That none of the funds provided under this heading for military construction projects in Afghanistan shall be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that a prefinancing statement for each project has been submitted to the North Atlantic Treaty Organization (NATO) for consideration of funding by the NATO Security Investment Program.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $181,500,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That $1,781,500,000 is hereby authorized for fiscal years 2009 through 2013 for the purposes of this appropriation.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For an additional amount for ''North Atlantic Treaty Organization Security Investment Program'', $100,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, such funds are authorized for the North Atlantic Treaty Security Investment Program for purposes of section 2806 of title 10, United States Code, and section 2502 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417).

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $230,900,000, to remain available until expended: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out operation and maintenance, planning and design and military construction projects not otherwise authorized by law.

GENERAL PROVISIONS—THIS TITLE

SEC. 1001. None of the funds appropriated in this or any other Act may be used to disestablish, reorganize, or relocate the Armed Forces Institute of Pathology, except for the Armed Forces Medical Examiner, until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center, and the Joint Pathology Center is demonstrably performing the minimum requirements set forth in section 722 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 1002. (a) IN GENERAL.—Unless otherwise designated, each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to any amount under the heading ''Military Construction, Defense-Wide''.

TITLE XI

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $645,444,000, to remain available until September 30, 2010, of which $117,983,000 is for World Wide Security Protection and shall remain available until expended: Provided, That the Secretary of State may transfer up to $135,629,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That of the funds appropriated under this heading, not more than $10,000,000 for public diplomacy activities may be transferred to, and merged with, funds made available under the heading ''International Broadcasting Operations'' for broadcasting activities to the Pakistan-Afghanistan border region: Provided further, That of the funds appropriated under this heading, $57,000,000 shall be made available for aircraft acquisition, maintenance, operations and leases in Afghanistan for the Department of State and the United States Agency for International Development (USAID), and the uses and oversight of such aircraft shall be the responsibility of the United States Chief of Mission in Afghanistan: Provided further, That of the funds made available pursuant to the previous proviso, $40,000,000 shall be transferred to, and merged with, funds made available under the heading ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'' for the purpose of USAID's air services: Provided further, That such aircraft utilized by USAID may be used to transport Federal and non-Federal personnel supporting USAID programs and activities: Provided further, That official travel of other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $22,200,000, to remain available until September 30, 2010, of which $7,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $7,200,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: Provided, That the Special Inspector General for Afghanistan Reconstruction may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section) for funds made available for fiscal years 2009 and 2010.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $820,500,000, to remain available until expended, for worldwide security upgrades, acquisition, and construction as authorized, and shall be made available for secure diplomatic facilities and housing for United States mission staff in Afghanistan and Pakistan, and for mobile mail screening units.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $721,000,000, to remain available until September 30, 2010.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $112,600,000, to remain available until September 30, 2010.

CAPITAL INVESTMENT FUND

For an additional amount for ''Capital Investment Fund'', $48,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $3,500,000, to remain available until September 30, 2010, for oversight of programs in Afghanistan and Pakistan.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $50,000,000, to remain available until September 30, 2010, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $38,000,000, to remain available until September 30, 2010, for assistance for Kenya.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $245,000,000, to remain available until expended.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $2,828,000,000, to remain available until September 30, 2010: Provided, That of the funds appropriated under this heading, not less than $866,000,000 may be made available for assistance for Afghanistan, of which not less than $100,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nongovernmental organizations: Provided further, That of the funds appropriated under this heading, not less than $115,000,000 shall be made available for the Afghan Reconstruction Trust Fund, of which not less than $70,000,000 shall be made available for the National Solidarity Program: Provided further, That of the funds appropriated under this heading, not less than $11,000,000 shall be made available for the Afghan Civilian Assistance Program: Provided further, That of the funds appropriated under this heading, not less than $439,000,000 shall be made available for assistance for Pakistan, of which not more than $215,000,000 shall be made available for economic growth programs, including basic education to counter the influence of madrassas; not less than $50,000,000 shall be made available for assistance for internally displaced persons; and not less than $10,000,000 shall be made available for democracy programs, including to strengthen democratic political parties: Provided further, That of the funds appropriated under this heading that are available for assistance for Afghanistan and Pakistan, not less than $20,000,000 shall be made available for a cross border development program to be administered by the Special Representative for Afghanistan and Pakistan at the Department of State: Provided further, That of the funds appropriated under this heading, not less than $439,000,000 shall be made available for assistance for Iraq, of which not less than $50,000,000 shall be for the Community Action Program and not less than $10,000,000 shall be for the Marla Ruzicka Iraqi War Victims Fund: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for assistance for Jordan to mitigate the impact of the global economic crisis, including for health, education, water and sanitation, and other assistance for Iraqi and other refugees in Jordan: Provided further, That of the funds appropriated under this heading, not less than $15,000,000 shall be made available for assistance for Yemen; not less than $10,000,000 shall be made available for assistance for Somalia; and not less than $10,000,000 shall be made available for programs and activities to assist victims of gender-based violence in the Democratic Republic of the Congo: Provided further, That funds made available pursuant to the previous proviso shall be administered by the United States Agency for International Development: Provided further, That none of the funds appropriated in this title for democracy and civil society programs may be made available for the construction of facilities in the United States.

ASSISTANCE FOR EUROPE, EURASIA, AND CENTRAL ASIA

For an additional amount for ''Assistance for Europe, Eurasia and Central Asia'', $230,000,000, to remain available until September 30, 2010, of which $200,000,000 may be made available for assistance for Georgia and other Eurasian countries: Provided, That of the funds appropriated under this heading, $30,000,000 may be made available for assistance for the Kyrgyz Republic to provide a long-range air traffic control and safety system to support air operations in the Kyrgyz Republic, including at Manas International Airport, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $393,500,000, to remain available until September 30, 2010: Provided, That of the funds appropriated under this heading, not more than $109,000,000 may be made available for assistance for the West Bank and not more than $66,000,000 may be made available for assistance for Mexico.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $102,000,000, to remain available until September 30, 2010: Provided, That of this amount, not more than $77,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, of which not more than $50,000,000 may be made available to enhance security along the Gaza border: Provided further, That the Secretary of State shall work assiduously to facilitate the regular flow of people and licit goods in and out of Gaza at established border crossings and shall submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, and every 45 days thereafter until September 30, 2010, detailing progress in this effort.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $345,000,000, to remain available until expended.

INTERNATIONAL SECURITY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Peacekeeping Operations'', $172,900,000, to remain available until September 30, 2010, of which $155,900,000 may be made available to support the African Union Mission to Somalia and which may be transferred to, and merged with, funds appropriated under the heading ''Contributions for International Peacekeeping Activities'' for peacekeeping in Somalia: Provided, That of the funds appropriated under this heading, $15,000,000 shall be made available for assistance for the Democratic Republic of the Congo and $2,000,000 shall be made available for the Multinational Force and Observer mission in the Sinai.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For an additional amount for ''International Military Education and Training'', $2,000,000, to remain available until September 30, 2010, for assistance for Iraq.

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $98,000,000, to remain available until September 30, 2009, for assistance for Lebanon.

GENERAL PROVISIONS—THIS TITLE

AFGHANISTAN

SEC. 1101. (a) IN GENERAL.—Funds appropriated under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, in a manner that utilizes Afghan entities and emphasizes the participation of Afghan women and directly improves the security, economic and social well-being, and political status, of Afghan women and girls.

(b) LIMITATION ON CONTRACTS AND GRANTS.—Funds appropriated under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall not be used to initiate or make an amendment to any contract, grant or cooperative agreement in an amount exceeding $10,000,000.

(c) ASSISTANCE FOR WOMEN AND GIRLS.—

(1) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available to train and support Afghan women investigators, police officers, prosecutors and judges with responsibility for investigating, prosecuting, and punishing crimes of violence against women and girls.

(2) Of the funds appropriated under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $5,000,000 shall be made available for capacity building for Afghan women-led nongovernmental organizations, and not less than $25,000,000 shall be made available to support programs and activities of such organizations, including to provide legal assistance and training for Afghan women and girls about their rights, and to promote women's health (including mental health), education, and leadership.

(d) ANTICORRUPTION.—Ten percent of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for the Government of Afghanistan shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan is implementing a policy to promptly remove from office any government official who is credibly alleged to have engaged in narcotics trafficking, gross violations of human rights, or other major crimes.

(e) ACQUISITION OF PROPERTY.—Not more than $10,000,000 of the funds appropriated in this title may be made available to pay for the acquisition of property for diplomatic facilities in Afghanistan.

(f) UNITED NATIONS DEVELOPMENT PROGRAM.—None of the funds appropriated in this title may be made available for programs and activities of the United Nations Development Program (UNDP) in Afghanistan unless the Secretary of State reports to the Committees on Appropriations that UNDP is fully cooperating with efforts of the United States Agency for International Development (USAID) to investigate expenditures by UNDP of USAID funds associated with the Quick Impact Program in Afghanistan, and has agreed to reimburse USAID, if appropriate.

(g) TRAINING IN CIVILIAN-MILITARY COORDINATION.—The Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall seek to ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations, and shall submit a report to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives not later than 90 days after the date of the enactment of this Act detailing how such training addresses current and future civilian-military coordination requirements.

ALLOCATIONS

SEC. 1102. (a) Funds appropriated in this title for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

(1) ''Diplomatic and Consular Programs''.

(2) ''Embassy Security, Construction, and Maintenance''.

(3) ''Economic Support Fund''.

(4) ''International Narcotics Control and Law Enforcement''.

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the

Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

BURMA

SEC. 1103. (a) Funds appropriated under the heading ''Economic Support Fund'' for humanitarian assistance for Burma may be made available notwithstanding any other provision of law.

(b) Not later than 30 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report that details the findings and recommendations of the Department of State's review of United States policy toward Burma.

EXTENSION OF AUTHORITIES

SEC. 1104. Funds appropriated in this title may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

GLOBAL FINANCIAL CRISIS

SEC. 1105. (a) IN GENERAL.—Of the funds appropriated under the heading ''Economic Support Fund'', not more than $285,000,000 may be made available for assistance for vulnerable populations in developing countries severely affected by the global financial crisis: Provided, That funds made available pursuant to this section may be obligated only after the Administrator of the United States Agency for International Development (USAID) submits a report to the Committees on Appropriations detailing a spending plan for each such country including criteria for eligibility, proposed amounts and purposes of assistance, and mechanisms for monitoring the uses of such assistance, and indicating that USAID has reviewed its existing programs in such country to determine reprogramming opportunities to increase assistance for vulnerable populations: Provided further, That funds made available pursuant to this section shall be transferred to, and merged with, the following accounts:

(1) Not less than $12,000,000 for the ''Development Credit Authority'', for the cost of direct loans and loan guarantees notwithstanding the dollar limitations in such account on transfers to the account and the principal amount of loans made or guaranteed with respect to any single country or borrower: Provided, That such transferred funds may be made available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $3,300,000,000: Provided further, That the authority provided in this subsection is in addition to authority provided under the heading ''Development Credit Authority'' in Public Law 111–8: Provided further, That and up to $1,500,000 may be made available for administrative expenses to carry out credit programs administered by the United States Agency for International Development; and

(2) Not more than $20,000,000 for the ''Overseas Private Investment Corporation Program Account'', notwithstanding section 708(b) of Public Law 111–8: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation.

(b) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law and in addition to funds otherwise available for such purposes, funds appropriated under the heading ''Millennium Challenge Corporation'' (MCC) in prior Acts making appropriations for the Department of State, foreign operations, export financing, and related programs may be transferred to, and merged with, funds appropriated under the heading ''Economic Support Fund'' that are made available pursuant to this section.

(1) The authority contained in subsection (b) may only be exercised for a country that has signed a compact with the MCC or has been designated by the MCC as a threshold country, and such a reprogramming of funds should be made, if practicable, prior to making available additional assistance for such purposes.

(2) The MCC shall consult with the Committees on Appropriations prior to exercising the authority of this subsection.

IRAQ

SEC. 1106. (a) IN GENERAL.—Funds appropriated in this title that are available for assistance for Iraq shall be made available, to the maximum extent practicable, in a manner that utilizes Iraqi entities.

(b) MATCHING REQUIREMENT.—Funds appropriated in this title for assistance for Iraq shall be made available in accordance with the Department of State's April 9, 2009, ''Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects''.

(c) OTHER ASSISTANCE.—Of the funds appropriated in this title under the heading ''Economic Support Fund'', not less than $20,000,000 shall be made available for targeted development programs and activities in areas of conflict in Iraq, and the responsibility for policy decisions and justifications for the use of such funds shall be the responsibility of the United States Chief of Mission in Iraq.

PROHIBITION ON ASSISTANCE FOR HAMAS

SEC. 1107. (a) None of the funds appropriated in this title may be made available for assistance to Hamas, or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(b) Notwithstanding the limitation of subsection (a), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(c) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(d) Whenever the certification pursuant to subsection (b) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent, are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B). The report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

MEXICO

SEC. 1108. (a) Not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by the Government of Mexico since June 30, 2008, to investigate and prosecute violations of internationally recognized human rights by members of the Mexican Federal police and military forces, and to support a thorough, independent, and credible investigation of the murder of American citizen Bradley Roland Will.

(b) None of the funds appropriated in this title may be made available for the cost of fuel for helicopters provided to Mexico, or for logistical support, including operations and maintenance, of aircraft purchased by the Government of Mexico.

(c) In order to enhance border security and cooperation in law enforcement efforts between Mexico and the United States, funds appropriated in this title that are available for assistance for Mexico may be made available for the procurement of law enforcement communications equipment only if such equipment utilizes open standards and is compatible with, and capable of operating with, radio communications systems and related equipment utilized by Federal law enforcement agencies in the United States to enhance border security and cooperation in law enforcement efforts between Mexico and the United States.

MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS

SEC. 1109. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following:

''SEC. 24. FIFTEENTH REPLENISHMENT.

''(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $3,705,000,000 to the fifteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $3,705,000,000 for payment by the Secretary of the Treasury.

''SEC. 25. MULTILATERAL DEBT RELIEF.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $356,000,000 to the International Development Association for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the fifteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $356,000,000 for payment by the Secretary of the Treasury.

''(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communique entitled 'Conclusions on Development,' done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.''.

(b) AFRICAN DEVELOPMENT FUND.—The African Development Fund Act (22 U.S.C. 290 et seq.) is amended by adding at the end thereof the following:

''SEC. 219. ELEVENTH REPLENISHMENT.

''(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $468,165,000 to the eleventh replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $468,165,000 for payment by the Secretary of the Treasury.

''SEC. 220. MULTILATERAL DEBT RELIEF INITIATIVE.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $26,000,000 to the African Development Fund for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the eleventh replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $26,000,000 for payment by the Secretary of the Treasury.''.

PROMOTION OF POLICY GOALS AT THE WORLD BANK GROUP

SEC. 1110. Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by adding at the end thereof the following:

''SEC. 1626. REFORM OF THE 'DOING BUSINESS' REPORT OF THE WORLD BANK.

''(a) The Secretary of the Treasury shall instruct the United States Executive Directors at the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation of the following United States policy goals, and to use the voice and vote of the United States to actively promote and work to achieve these goals:

''(1) Suspension of the use of the 'Employing Workers' Indicator for the purpose of ranking or scoring country performance in the annual Doing Business Report of the World Bank until a set of indicators can be devised that fairly represent the value of internationally recognized workers' rights, including core labor standards, in creating a stable and favorable environment for attracting private investment. The indicators shall bring to bear the experiences of the member governments in dealing with the economic, social and political complexity of labor market issues. The indicators should be developed through collaborative discussions with and between the World Bank, the International Finance Corporation, the International Labor Organization, private companies, and labor unions.

''(2) Elimination of the 'Labor Tax and Social Contributions' Subindicator from the annual Doing Business Report of the World Bank.

''(3) Removal of the 'Employing Workers' Indicator as a 'guidepost' for calculating the annual Country Policy and Institutional Assessment score for each recipient country.

''(b) Within 60 days after the date of the enactment of this section, the Secretary of the Treasury shall provide an instruction to the United States Executive Directors referred to in subsection (a) to take appropriate actions with respect to implementing the policy goals of the United States set forth in subsection (a), and such instruction shall be posted on the website of the Department of the Treasury.

''SEC. 1627. ENHANCING THE TRANSPARENCY AND EFFECTIVENESS OF THE INSPECTION PANEL PROCESS OF THE WORLD BANK.

''(a) ENHANCING TRANSPARENCY IN IMPLEMENTATION OF MANAGEMENT ACTION PLANS.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to seek to ensure that World Bank Procedure 17.55, which establishes the operating procedures of Management with regard to the Inspection Panel, provides that Management prepare and make available to the public semiannual progress reports describing implementation of Action Plans considered by the Board; allow and receive comments from Requesters and other Affected Parties for two months after the date of disclosure of the progress reports; post these comments on World Bank and Inspection Panel websites (after receiving permission from the requestors to post with or without attribution); submit the reports to the Board with any comments received; and make public the substance of any actions taken by the Board after Board consideration of the reports.

''(b) SAFEGUARDING THE INDEPENDENCE AND EFFECTIVENESS OF THE INSPECTION PANEL.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to continue to promote the independence and effectiveness of the Inspection Panel, including by seeking to ensure the availability of, and access by claimants to, the Inspection Panel for projects supported by World Bank resources.

''(c) EVALUATION OF COUNTRY SYSTEMS.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to request an evaluation by the Independent Evaluation Group on the use of country environmental and social safeguard systems to determine the degree to which, in practice, the use of such systems provides the same level of protection at the project level as do the policies and procedures of the World Bank.

''(d) WORLD BANK DEFINED.—In this section, the term 'World Bank' means the International Bank for Reconstruction and Development and the International Development Association.''.

CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING

SEC. 1111. Title XIII of the International Financial Institutions Act (22 U.S.C. 262m et seq.) is amended by adding at the end thereof the following:

''SEC. 1308. CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING.

''(a) USE OF GREENHOUSE GAS ACCOUNTING.—The Secretary of the Treasury shall seek to ensure that multilateral development banks (as defined in section 1701(c)(4) of this Act) adopt and implement greenhouse gas accounting in analyzing the benefits and costs of individual projects (excluding those with de minimus greenhouse gas emissions) for which funding is sought from the bank.

''(b) EXPANSION OF CLIMATE CHANGE MITIGATION ACTIVITIES.—The Secretary of the Treasury shall work to ensure that the multilateral development banks (as defined in section 1701(c)(4)) expand their activities supporting climate change mitigation by—

''(1) significantly expanding support for investments in energy efficiency and renewable energy, including zero carbon technologies;

''(2) reviewing all proposed infrastructure investments to ensure that all opportunities for integrating energy efficiency measures have been considered;

''(3) increasing the dialogue with the governments of developing countries regarding—

''(A) analysis and policy measures needed for low carbon emission economic development; and

''(B) reforms needed to promote private sector investments in energy efficiency and renewable energy, including zero carbon technologies; and

''(4) integrate low carbon emission economic development objectives into multilateral development bank country strategies.

''(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit a report on the status of efforts to implement this section to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.''.

MULTILATERAL DEVELOPMENT BANK REFORM

SEC. 1112. (a) BUDGET DISCLOSURE.—The Secretary of the Treasury shall seek to ensure that the multilateral development banks make timely, public disclosure of their operating budgets including expenses for staff, consultants, travel and facilities.

(b) EVALUATION.—The Secretary of the Treasury shall seek to ensure that multilateral development banks rigorously evaluate the development impact of selected bank projects, programs, and financing operations, and emphasize use of random assignment in conducting such evaluations, where appropriate and to the extent feasible.

(c) EXTRACTIVE INDUSTRIES.—The Secretary of the Treasury shall direct the United States Executive Directors at the multilateral development banks to promote the endorsement of the Extractive Industry Transparency Initiative (EITI) by these institutions and the integration of the principles of the EITI into extractive industry-related projects that are funded by the multilateral development banks.

(d) REPORT.—Not later than September 30, 2009, the Secretary of the Treasury shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, and the Committee on Appropriations and the Committee on Foreign Affairs of the House, detailing actions taken by the multilateral development banks to achieve the objectives of this section.

(e) COORDINATION OF DEVELOPMENT POLICY.—The Secretary of the Treasury shall coordinate the formulation and implementation of United States policy relating to the development activities of the World Bank Group with the Secretary of State, the Administrator of the United States Agency for International Development, and other Federal agencies, as appropriate.

OVERSEAS COMPARABILITY PAY ADJUSTMENT

SEC. 1113. (a) Subject to such regulations prescribed by the Secretary of State, including with respect to phase-in schedule and treatment as basic pay, and notwithstanding any other provision of law, funds appropriated for this fiscal year in this or any other Act may be used to pay an eligible member of the Foreign Service as defined in subsection (b) of this section a locality-based comparability payment (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code if such member's official duty station were in the District of Columbia.

(b) A member of the Service shall be eligible for a payment under this section only if the member is designated class 1 or below for purposes of section 403 of the Foreign Service Act of 1980 (22 U.S.C. 3963) and the member's official duty station is not in the continental United States or in a non-foreign area, as defined in section 591.205 of title 5, Code of Federal Regulations.

(c) The amount of any locality-based comparability payment that is paid to a member of the Foreign Service under this section shall be subject to any limitations on pay applicable to locality-based comparability payments under section 5304 of title 5, United States Code.

ASSESSMENT ON AFGHANISTAN AND PAKISTAN

SEC. 1114. (a) FINDING.—The Congress supports economic and security assistance for Afghanistan and Pakistan, but long-term stability and security in those countries is tied more to the capacity and conduct of the Afghan and Pakistani governments and the resolve of both societies for peace and stability, to include combating extremist networks, than it is to the policies of the United States.

(b) REPORT.—The President shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 6 months thereafter until September 30, 2010, in classified form if necessary, assessing the extent to which the Afghan and Pakistani governments are demonstrating the necessary commitment, capability, conduct and unity of purpose to warrant the continuation of the President's policy announced on March 27, 2009, to include:

(1) The level of political consensus and unity of purpose across ethnic, tribal, religious and political party affiliations to confront the political and security challenges facing the region;

(2) The level of official corruption that undermines such political consensus and unity of purpose, and actions taken to eliminate it;

(3) The actions taken by the respective security forces and appropriate government entities in developing a counterinsurgency capability, conducting counterinsurgency operations, and establishing security and governance on the ground;

(4) The actions taken by the respective intelligence agencies in cooperating with the United

States on counterinsurgency and counterterrorism operations and in terminating policies and programs, and removing personnel, that provide material support to extremist networks that target United States troops or undermine United States objectives in the region;

(5) The ability of the Afghan and Pakistani governments to effectively control and govern the territory within their respective borders; and

(6) The ways in which United States Government assistance contributed, or failed to contribute, to achieving the goals outlined above.

(c) POLICY ASSESSMENT.—The President, on the basis of information gathered and coordinated by the National Security Council, shall advise the Congress on how such assessment requires, or does not require, changes to such policy.

(d) DEFINITION.—For purposes of this section, ''appropriate congressional committees'' means the Committees on Appropriations, Foreign Relations and Armed Services of the Senate, and the Committees on Appropriations, Foreign Affairs and Armed Services of the House of Representatives.

ASSISTANCE FOR PAKISTAN

SEC. 1115. (a) FINDINGS.—

(1) The United States and the international community have welcomed and supported Pakistan's return to civilian rule since the democratic elections of February 18, 2008;

(2) Since 2001, the United States has provided more than $12,000,000,000 in economic and security assistance to Pakistan;

(3) Afghanistan and Pakistan are facing grave threats to their internal security from a growing insurgency fueled by al Qaeda, the Taliban and other violent extremist groups operating in areas along the Afghanistan-Pakistan border; and

(4) The United States is committed to supporting vigorous efforts by the Government of Pakistan to secure Pakistan's western border and counter violent extremism, expand government services, support economic development, combat corruption and uphold the rule of law in such areas.

(b) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations detailing—

(1) a spending plan for the proposed uses of funds appropriated in this title under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Pakistan including amounts, the purposes for which funds are to be made available, and intended results;

(2) the actions to be taken by the United States and the Government of Pakistan relating to such assistance;

(3) the metrics for measuring progress in achieving such results; and

(4) the mechanisms for monitoring such funds.

SPECIAL AUTHORITY

SEC. 1116. (a) Notwithstanding any other provision of law, funds appropriated under the headings ''Global HIV/AIDS Initiative'' or ''Global Health and Child Survival'' in prior Acts making appropriations for the Department of State, foreign operations, export financing and related programs for assistance for Kenya to carry out the President's Emergency Plan for AIDS Relief may be transferred to, and merged with, funds made available under the heading ''Economic Support Fund'' to respond to instability in Kenya arising from conflict or civil strife.

(b) The Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority of this section.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1117. (a) SPENDING PLAN.—Not later than 45 days after the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated in this title, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

(b) NOTIFICATION.—Funds appropriated in this title, with the exception of funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance'', shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TECHNICAL PROVISIONS

SEC. 1118. (a) MODIFICATIONS.—The funding limitation in section 7046(a) of Public Law 111–8 shall not apply to funds made available for assistance for Colombia through the United States Agency for International Development's Office of Transition Initiatives: Provided, That title III of division H of Public Law 111–8 is amended under the heading ''Economic Support Fund'' in the second proviso by striking ''up to $20,000,000'' and inserting ''not less than $20,000,000''.

(b) NOTIFICATION REQUIREMENT.—Funds appropriated by this Act that are transferred to the Department of State or the United States Agency for International Development shall be subject to the regular notification procedures of the Committees on Appropriations, notwithstanding any other provision of law.

(c) AUTHORITY.—Funds appropriated in this title, and subsequent and prior acts appropriating funds for Department of State, Foreign Operations, and Related Programs and under the heading ''Public Law 480 Title II Grants'' in this, subsequent, and prior Acts appropriating funds for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, shall be made available notwithstanding the requirements of and amendments made by section 3511 of Public Law 110–417.

(d) REEMPLOYMENT OF ANNUITANTS.—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)(1)(B) by inserting '', Pakistan,'' after ''Iraq'' each place it appears; by inserting ''to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and, in subsection (g)(2) by striking ''2009'' and inserting instead ''2012''.

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)(1) by adding '', Pakistan,'' after ''Iraq'' each place it appears; by inserting '', to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and, in subsection (a)(2) by striking ''2008'' and inserting instead ''2012''.

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)(A) by adding '', Pakistan,'' after ''Iraq'' each place it appears; by inserting '', to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and, in subsection (J)(1)(B) by striking ''2008'' and inserting instead ''2012''.

(e) INCENTIVES FOR CRITICAL POSTS.—Notwithstanding sections 5753(a)(2)(A) and 5754(a)(2)(A) of title 5, United States Code, appropriations made available by this or any other Act may be used to pay recruitment, relocation, and retention bonuses under chapter 57 of title 5, United States Code to members of the Foreign Service, other than chiefs of mission and ambassadors at large, who are on official duty in Iraq, Afghanistan, or Pakistan. This authority shall terminate on October 1, 2012.

(f) Of the funds appropriated under the heading ''Foreign Military Financing Program'' in Public Law 110–161 that are available for assistance for Colombia, $500,000 may be transferred to, and merged with, funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' to provide medical and rehabilitation assistance for members of Colombian security forces who have suffered severe injuries.

TERMS AND CONDITIONS

SEC. 1119. Unless otherwise provided for in this Act, funds appropriated or otherwise made available in this title shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8), except that sections 7042(a) and (c) and 7070(e)(2) of such Act shall not apply to such funds.

OVERSEAS DEPLOYMENTS

SEC. 1120. Each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN AND PAKISTAN POLICY

SEC. 1121. (a) OBJECTIVES FOR AFGHANISTAN AND PAKISTAN.—Not later than 60 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress the following:

(1) A clear statement of the objectives of United States policy with respect to Afghanistan and Pakistan.

(2) Metrics to be utilized to assess progress toward achieving the objectives developed under paragraph (1).

(b) REPORTS.—

(1) IN GENERAL.—Not later than March 30, 2010 and every 120 days thereafter until September 30, 2011, the President, in consultation with Coalition partners as appropriate, shall submit to the appropriate committees of Congress a report setting forth the following:

(A) A description and assessment of the progress of United States Government efforts, including those of the Department of Defense, the Department of State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan developed under subsection (a)(1).

(B) Any modification of the metrics developed under subsection (a)(2) in light of circumstances in Afghanistan or Pakistan, together with a justification for such modification.

(C) Recommendations for the additional resources or authorities, if any, required to achieve such objectives for Afghanistan and Pakistan.

(2) FORM.—Each report under this subsection may be submitted in classified or unclassified form. Any report submitted in classified form shall include an unclassified annex or summary of the matters contained in the report.

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

(A) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security and Governmental Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services, Appropriations, Foreign Affairs, Homeland Security, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

ADDITIONAL AMOUNT FOR ASSISTANCE FOR GEORGIA

SEC. 1122. The amount appropriated by this title under the heading ''Assistance for Europe, Eurasia and Central Asia'' may be increased by up to $42,500,000, with the amount of the increase to be available for assistance for Georgia.

TITLE XII

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available under Public Law 111–8 and funds authorized under subsection 41742(a)(1) of title 49, United States Code, to carry out the essential air service program, to be derived from the Airport and Airway Trust Fund, $13,200,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $13,200,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2008.

GENERAL PROVISIONS—THIS TITLE

SEC. 1201. Section 1937 of Public Law 109–59 (119 Stat. 1144, 1510) is amended—

(1) in paragraph (1) by striking ''expenditures'' each place that it appears and inserting ''allocations''; and

(2) in paragraph (2) by striking ''expenditure'' and inserting ''allocation''.

SEC. 1202. A recipient and subrecipient of funds appropriated in Public Law 111–5 and apportioned pursuant to section 5311 and section 5336 (other than subsection (i)(1) and (j)) of title 49, United States Code, may use up to 10 percent of the amount apportioned for the operating costs of equipment and facilities for use in public transportation: Provided, That a grant obligating such funds prior to the date of the enactment of this Act may be amended to allow a recipient and subrecipient to use the funds made available for operating assistance: Provided further, That such funds are designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1203. Public Law 110–329, under the heading ''Project-Based Rental Assistance'', is amended by striking ''project-based vouchers'' and all that follows up to the period and inserting ''activities and assistance for the provision of tenant-based rental assistance, including related administrative expenses, as authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.), $80,000,000, to remain available until expended: Provided, That such funds shall be made available within 60 days of the enactment of this Act: Provided further, That in carrying out the activities authorized under this heading, the Secretary shall waive section (o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B))'': Provided, That such additional funds are designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1204. Public Law 111–5 is amended by striking the second proviso under the heading ''HOME Investment Partnerships Program'' and inserting ''Provided further, That the housing credit agencies in each State shall distribute these funds competitively under this heading and pursuant to their qualified allocation plan (as defined in section 42(m) of the Internal Revenue Code of 1986) to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under sections 42(h) and 1400N of the Internal Revenue Code of 1986:''.

TITLE XIII

OTHER MATTERS

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL MONETARY PROGRAMS

UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 4,973,100,000 Special Drawing Rights, to remain available until expended: Provided, That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): Provided further, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks: Provided further, That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

LOANS TO INTERNATIONAL MONETARY FUND

For loans to the International Monetary Fund under section 17(a)(ii) and (b)(ii) of the Bretton Woods Agreements Act (Public Law 87–490, 22 U.S.C. 286e–2), as amended by this Act pursuant to the New Arrangements to Borrow, the dollar equivalent of up to 75,000,000,000 Special Drawing Rights, to remain available until expended, in addition to any amounts previously appropriated under section 17 of such Act: Provided, That if the United States agrees to an expansion of its credit arrangement in an amount less than the dollar equivalent of 75,000,000,000 Special Drawing Rights, any amount over the United States' agreement shall not be available until further appropriated: Provided further, That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): Provided further, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks: Provided further, That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

GENERAL PROVISIONS—INTERNATIONAL ASSISTANCE PROGRAMS

SEC. 1301. Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''In order to''; and

(B) by adding at the end the following:

''(2) In order to carry out the purposes of a one-time decision of the Executive Directors of the International Monetary Fund (the Fund) to expand the resources of the New Arrangements to Borrow, established pursuant to the decision of January 27, 1997 referred to in paragraph (1) above, and to make other amendments to the New Arrangements to Borrow to achieve an expanded and more flexible New Arrangements to Borrow as contemplated by paragraph 17 of the G–20 Leaders' Statement of April 2, 2009 in London, the Secretary of the Treasury is authorized to instruct the United States Executive Director to consent to such amendments notwithstanding subsection (d) of this section, and to make loans, in an amount not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section and limited to such amounts as are provided in advance in appropriations Acts, except that prior to activation, the Secretary of the Treasury shall report to Congress on whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding, to the Fund under article VII, section 1(i), of the Articles of Agreement of the Fund: Provided, That prior to instructing the United States Executive Director to provide consent to such amendments, the Secretary of the Treasury shall consult with the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the amendments to be made to the New Arrangements to Borrow, including guidelines and criteria governing the use of its resources; the countries that have made commitments to contribute to the New Arrangements to Borrow and the amount of such commitments; and the steps taken by the United States to expand the number of countries so the United States share of the expanded New Arrangements to Borrow is representative of its share as of the date of enactment of this Act: Provided further, That any loan under the authority granted in this subsection shall be made with due regard to the present and prospective balance of payments and reserve position of the United States.''.

and

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''For the purpose of'';

(B) by inserting ''subsection (a)(1) of'' after ''pursuant to''; and

(C) by adding at the end the following:

''(2) For the purpose of making loans to the International Monetary Fund pursuant to subsection (a)(2) of this section, there is hereby authorized to be appropriated not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section, except that prior to activation, the Secretary of the Treasury shall report to Congress on whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding, to remain available until expended to meet calls by the Fund. Any payments made to the United States by the Fund as a repayment on account of the principal of a loan made under this section shall continue to be available for loans to the Fund.''.

SEC. 1302. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

''SEC. 64. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

''The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolutions numbered 63–2 and 63–3 of the Board of Governors of the Fund which were approved by such Board on April 28, 2008 and May 5, 2008, respectively.

''SEC. 65. QUOTA INCREASE.

''(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 4,973,100,000 Special Drawing Rights.

''(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''SEC. 66. APPROVAL TO SELL A LIMITED AMOUNT OF THE FUND'S GOLD.

''(a) The Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote to approve the sale of up to 12,965,649 ounces of the Fund's gold acquired since the second Amendment to the Fund's Articles of Agreement, only if such sales are consistent with the guidelines agreed to by the Executive Board of the Fund described in the Report of the Managing Director to the International Monetary and Financial Committee on a New Income and Expenditure Framework for the International Monetary Fund (April 9, 2008) to prevent disruption to the world gold market: Provided, That at least 30 days prior to any such vote, the Secretary shall consult with the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of

Representatives regarding the use of proceeds from the sale of such gold: Provided further, That the Secretary of the Treasury shall seek to ensure that:

''(1) the Fund will provide support to low-income countries that are eligible for the Poverty Reduction and Growth Facility or other low-income lending from the Fund by making available Fund resources of not less than $4 billion;

''(2) such Fund resources referenced above will be used to leverage additional support by a significant multiple to provide loans with substantial concessionality and debt service payment relief and/or grants, as appropriate to a country's circumstances:

''(3) support provided through forgiveness of interest on concessional loans will be provided for not less than two years; and

''(4) the support provided to low-income countries occurs within six years, a substantial amount of which shall occur within the initial two years.

''(b) In addition to agreeing to and accepting the amendments referred to in section 64 of this Act relating to the use of proceeds from the sale of such gold, the United States Governor is authorized, consistent with subsection (a), to take such actions as may be necessary, including those referred to in section 5(e) of this Act, to also use such proceeds for the purpose of assisting low-income countries.

"SEC. 67. ACCEPTANCE OF AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE FUND.

''The United States Governor of the Fund may agree to and accept the amendment to the Articles of Agreement of the Fund as proposed in the resolution numbered 54–4 of the Board of Governors of the Fund which was approved by such Board on October 22, 1997: Provided, That not more than one year after the acceptance of such amendments to the Fund's Articles of Agreement, the Secretary of the Treasury shall submit a report to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives analyzing Special Drawing Rights, to include a discussion of how those countries that significantly use or acquire Special Drawing Rights in accordance with Article XIX, Section 2(c), use or acquire them; the extent to which countries experiencing balance of payment difficulties exchange or use their Special Drawing Rights to acquire reserve currencies; and the manner in which those reserve currencies are acquired when utilizing Special Drawing Rights.''.

SEC. 1303. (a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury, in consultation with the Executive Director of the World Bank and the Executive Board of the International Monetary Fund (IMF), shall submit a report to the appropriate congressional committees detailing the steps taken to coordinate the activities of the World Bank and the IMF to avoid duplication of missions and programs, and steps taken by the Department of the Treasury and the IMF to increase the oversight and accountability of IMF activities.

(b) For the purposes of this section, the ''appropriate congressional committees'' means the Committees on Appropriations, Banking, Housing, and Urban Affairs, and Foreign Relations of the Senate, and the Committees on Appropriations, Foreign Affairs, and Ways and Means of the House of Representatives.

(c) In the next report to Congress on international economic and exchange rate policies, the Secretary of the Treasury shall: (1) report on ways in which the IMF's surveillance function under Article IV could be enhanced and made more effective in terms of avoiding currency manipulation; (2) report on the feasibility and usefulness of publishing the IMF's internal calculations of indicative exchange rates; and (3) provide recommendations on the steps that the IMF can take to promote global financial stability and conduct effective multilateral surveillance.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

SEC. 1304. Each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DETAINEE PHOTOGRAPHIC RECORDS PROTECTION

SEC. 1305. (a) SHORT TITLE.—This section may be cited as the ''Detainee Photographic Records Protection Act of 2009''.

(b) DEFINITIONS.—In this section:

(1) COVERED RECORD.—The term ''covered record'' means any record—

(A) that is a photograph that was taken between September 11, 2001 and January 22, 2009 relating to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) CERTIFICATION RENEWAL.—A timely notice of the Secretary's certification shall be provided to Congress.

(d) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) Nothing in this section shall be construed to preclude the voluntary disclosure of a covered record.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

SHORT TITLE

SEC. 1306. This section may be cited as the ''OPEN FOIA Act of 2009''.

SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS

SEC. 1307. Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.''.

GENERAL PROVISION—THIS ACT

AVAILABILITY OF FUNDS

SEC. 1308. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the ''Supplemental Appropriations Act, 2009''.

SMOKY MOUNTAINS NATIONAL PARK 75TH ANNIVERSARY

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 137 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 137) recognizing and commending the people of the Great Smoky Mountains National Park on the 75th anniversary of the establishment of the park.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 137) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 137

Whereas, in the 1920s, groups of citizens and officials in Western North Carolina and Eastern Tennessee displayed enormous foresight in recognizing the potential benefits of a national park in the Southern Appalachian Mountains;

Whereas the location of the park that became the Great Smoky Mountains National Park was selected from among the finest examples of the most scenic and intact mountain forests in the Southeastern United States;

Whereas the creation of the Great Smoky Mountains National Park was the product of more than 2 decades of determined effort by leaders of communities across Western North Carolina and Eastern Tennessee;

Whereas the State legislatures and Governors of North Carolina and Tennessee exercised great vision in appropriating the funding that was used, along with funding from the Laura Spelman Rockefeller Memorial Fund, to purchase more than 400,000 acres of private land that became part of the Great Smoky Mountains National Park;

Whereas the citizens of communities surrounding the Great Smoky Mountains National Park generously contributed funding for land acquisition to bring the Great Smoky Mountains National Park into being;

Whereas more than 1,100 families and other property owners were called upon to sacrifice their farms and homes for the benefit and enjoyment of future generations that would visit the Great Smoky Mountains National Park;

Whereas the Great Smoky Mountains National Park was established as a completed park by the Act entitled ''An Act to establish a minimum area for the Great Smoky Mountains National Park, and for other purposes'', approved June 15, 1934 (16 U.S.C. 403g);

Whereas the Great Smoky Mountains National Park covers approximately 521,621 acres of land in the States of Tennessee and North Carolina, making it the largest protected area in the Eastern United States;

Whereas the Great Smoky Mountains National Park provides sanctuary for the most diverse flora and fauna of any national park in the temperate United States, and preserves an unparalleled collection of historic structures as a ''time capsule'' of Appalachian culture during the 19th and early 20th centuries;

Whereas, on September 2, 1940, President Franklin D. Roosevelt dedicated the Great Smoky Mountains National Park;

Whereas the Great Smoky Mountains National Park has been the most popular national park in the United States since it opened, and attracts between 9,000,000 and 10,000,000 visitors each year, making it the most visited of the 58 national parks in the United States; and

Whereas visitors to the Great Smoky Mountains National Park contribute more than $700,000,000 to the local economy each year, resulting in more than 14,000 jobs in North Carolina and Tennessee: Now, therefore, be it

Resolved, That the Senate—

(1) commends the citizens of Western North Carolina and Eastern Tennessee for their vision and sacrifice;

(2) commends the people of the Great Smoky Mountains National Park and the National Park Service for 75 years of successful management and preservation of the park land;

(3) congratulates the people of the Great Smoky Mountains National Park on the 75th anniversary of the park; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the headquarters of the Great Smoky Mountains National Park.

COMMEMORATING THE END OF COMMUNIST RULE IN POLAND

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 139 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 139) commemorating the 20th anniversary of the end of communist rule in Poland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 139) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 139

Whereas in January 1947, the communist Democratic Bloc party seized control of the Polish Parliament in a rigged election orchestrated by the Government of the Soviet Union;

Whereas, from 1947 to 1952, the communist Government of Poland prosecuted, imprisoned, and executed many individuals who fought as part of the wartime Underground Resistance, an organization that valiantly supported the Allied struggle against Nazi Germany as part of the largest resistance movement in occupied Europe;

Whereas in July 1952, the passage of a new constitution formally created the communist People's Republic of Poland and outlawed any non-communist candidate from seeking office to represent the people of Poland;

Whereas during the ensuing years of communist rule, the people of Poland suffered severe hardships because of the communist-led government's failure to provide for the basic economic needs of its people;

Whereas under communist rule, Polish intellectuals, religious leaders, labor officials, students, and reformers were imprisoned and exiled for speaking out against a succession of increasingly corrupt, inefficient, and repressive pro-Soviet puppets;

Whereas despite the harsh repression of the communist-led government and the great personal risk they faced, the Polish people struggled for freedom by staging strikes, publishing underground newspapers, organizing street protests, and speaking out against the economic and political failures of the communist regime;

Whereas in August 1980, in the wake of a shipyard workers' strike in Gdansk, the Solidarity Movement was created as the first free trade union in the Soviet Bloc nations;

Whereas ultimately 1 in 4 Polish citizens became members of the Solidarity movement, which served as the driving force for Poland's liberation from communist rule;

Whereas, on June 4, 1989, the Solidarity Party secured an overwhelming victory over the existing communist government in the first open election in Poland since the end of World War II, marking the fall of pro-Soviet rule in Poland; and

Whereas this victory inspired a succession of similarly peaceful transitions from communism to democracy in other former Soviet Bloc nations: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 20th anniversary of the end of communist rule in Poland;

(2) expresses its admiration for the people of Poland for their bravery and resolve in the face of economic hardship and political oppression under communist rule;

(3) congratulates the people of Poland for their accomplishments in the years since the end of pro-Soviet communist rule in building a free democracy, and for their contributions as international partners;

(4) expresses its appreciation for the close friendship between the Government of the United States and the Government of Poland; and

(5) urges the Government of the United States to continue to seek new ways to enhance its partnership with the Government of Poland.

RECOGNIZING FOUNDING OF BREAD FOR THE WORLD

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 157.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 157) recognizing Bread for the World on the 35th anniversary of its founding, for its faithful advocacy on behalf of poor and hungry people in our country and around the world.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 157

Whereas Bread for the World, now under the leadership of the Reverend David Beckmann, has grown in size and influence, and is now the largest grassroots advocacy network on hunger issues in the United States and on behalf of impoverished people overseas;

Whereas members of Bread for the World believe that by addressing policies, programs, and conditions that allow hunger and poverty to persist, they are providing help and opportunity far beyond the communities in which they live;

Whereas Bread for the World has inspired the engagement of hundreds of thousands of individuals, more than 8,000 congregations, and more than 50 denominations across the religious spectrum to seek justice for hungry and poor people by making our Nation's laws more fair and compassionate to people in need;

Whereas members of Bread for the World use hand-written letters and other personalized forms of communication to convey to their legislators their moral concern for the needs of mothers, children, small farmers, and other hungry and poor people; and

Whereas Bread for the World has a strong record of success in working with Congress to—

(1) strengthen our national nutrition programs;

(2) establish and fund the Child Survival account that has helped reduce child mortality rates worldwide;

(3) increase and improve the Nation's poverty-focused development assistance to help developing countries in Africa and other underprivileged parts of the world;

(4) pass the Africa: Seeds of Hope Act of 1998 that redirected United States resources toward small-scale farmers and struggling rural communities in Africa;

(5) lead an effort to provide debt relief to the world's poorest countries and tie debt relief to poverty reduction; and

(6) establish an emergency grain reserve to improve the Nation's response to humanitarian crises: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends Bread for the World, on the 35th anniversary of its founding, for its encouragement of citizen engagement, its advocacy for poor and hungry people, and its successes as a collective voice; and

(2) challenges Bread for the World to continue its work to address world hunger.

AUTHORIZING PRINTING OF A COLLECTION OF THE RULES OF THE SENATE COMMITTEES

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 166, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 166) to authorize printing of a collection of the rules of the committees of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 166) was agreed to, as follows:

S. RES. 166

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 300 additional copies of such document for the use of the Committee on Rules and Administration.

YEAR OF THE MILITARY FAMILY

Mr. UDALL of Colorado. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 165, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 165) to encourage the recognition of 2009 as the ''Year of the Military Family.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Madam President, there are more than 1.8 million family members of active duty servicemembers and an additional 1.1 million family members of reserve component members. Every one of these families makes sacrifices each and every day along with their servicemember and plays a very significant role in serving our country.

Military families often face unique challenges and difficulties throughout their loved one's career, including frequent relocations to bases across the country and overseas as well as the various demands stemming from continued deployments of members from every service. The Nation must ensure that all the needs of military dependent children and spouses are being met. The life of a military family member has never been an easy one, but in our 8th year of war, families are facing even more hardships.

Deployments are an undeniable strain on families. While a servicemember is away, spouses are often forced into the role of a single parent—juggling employment, child care, and household duties each and every day, all the while living with the pressure of having a family member deployed to a combat zone. Families are an integral part of the force, and stress on the force affects overall readiness.

Servicemembers will experience less stress in the field if they are assured their families are well taken care of back home. And it is imperative that families remain as resilient as possible in order to provide a stable environment for loved ones when they return home from those deployments. Families are often the first line of defense against posttraumatic stress and suicide, but may be experiencing similar feelings themselves. We must ensure that families and servicemembers have timely access to mental health resources and programs. We must make every dependent aware of the resources available to them to assist in everything from finances to job placement to health care and counseling.

Thousands of military family members have taken it upon themselves to confront these challenges by volunteering to provide critical assistance during deployments to servicemembers, their spouses, and children, as well as giving vital support to families relocating to a new area. And sadly, many families have made the ultimate sacrifice in the loss of a servicemember who proudly defended our Nation.

We in Congress have tried to do our part to help, and have made family support programs and initiatives a priority. In recent bills we have called for: the establishment of a Department of Defense Military Family Readiness Council; education, training, and tuition assistance to help spouses maintain careers; respite care for parents caring for children on their own due to deployments; authorized increased levels of Impact Aid for military dependents' education; and established and supported the nationwide expansion of the Department's Yellow Ribbon Reintegration Program which is aimed at helping members and families of the Guard and Reserve. But there is still more to do.

With President and Mrs. Obama placing the support of our military families among their top priorities, we must take this opportunity to renew our commitment and express our deepest appreciation to military family members who bravely serve this Nation alongside their servicemembers. It is my hope that this Year of the Military Family inspires us, the Department of Defense, the military Services, and Americans everywhere to commit to helping military families and servicemembers in any way we can, and to ensure that these strong men, women, and children are given the recognition, appreciation, and support that they so truly deserve.

Mr. MCCAIN. Madam President, it is my privilege to support S. Res. 165, a resolution encouraging the recognition of 2009 as the ''Year of the Military Family.'' I am honored to be an original cosponsor of this resolution, along with my colleagues on the Committee on Armed Services, Senator LEVIN, Senator BEN NELSON and Senator GRAHAM.

Our Nation is honored by the brave men and women who selflessly risk their lives for our freedom, and by their families, who accept risks, both known and unknown, in support of their country and loved ones who serve. The programs and resources our Nation provides must match the quality of the service and sacrifice of military families. That is why I and others fought so hard to include a special provision in the post-9/11 G.I. bill to allow career service members the opportunity to share the educational benefits that they earn with their immediate family members.

Many military families are distinguished by generations, who have served, from the American Revolution, to the American Civil War, World Wars, Korea, Vietnam, the first gulf war and recent conflicts. The resolution before us today recognizes the contributions and resilience of all military families, and especially those who have endured multiple deployments, or the loss of a loved one who answered the call to service and paid the ultimate price in defense of our Nation.

SFC Kimberly Hazelgrove was serving as an intelligence expert in the U.S. Army when she received the news on January 23, 2004, that her husband, Army CW2 Brian Hazelgrove, had died. His helicopter crashed on its return from a combat mission in northern Iraq. On that tragic day, Kimberly Hazelgrove became a survivor of an American hero. But, like so many whose spouses have died as a consequence of their service to our Nation, she is also a hero in her own right. Kimberly had to abandon her own promising military career to care for four young children. She struggled, with the help of family and friends, to start over—to transition to civilian life, to find employment in which to apply her military skills, and return to school—and with courage and determination she succeeded. Today she balances a new career with the needs of the children that she and Brian had planned to raise, and has never abandoned her selfless advocacy on behalf of survivors of the fallen. Kimberly Hazelgrove represents the essence of service and sacrifice of military families, and I salute her.

Not all military families are defined only as the service member, a spouse,

and children. Many of the young men and women serving our country are unmarried and identify as a family with their parents and siblings. My friend 1LT Andrew Kinard graduated from the Naval Academy in 2005 and chose to lead Marines in Iraq. Andrew deployed as a platoon leader with the Second Marine Division in support of Operation Iraqi Freedom in September 2006. He was gravely wounded by an IED attack while leading a security patrol in Al Anbar Province. His father Harry immediately left his surgical practice so that he could buoy Andrew's spirit through dozens of surgeries that followed. His mother, Mary, remained with Andrew for 5 more months after her husband returned to his medical practice. The separation that Andrew's parents and siblings endured represents a family's selfless sacrifice, to support Andrew and his quality of life even as he faced many surgeries and grueling physical therapy. Andrew Kinard is now a retired marine and will enter Harvard Law School in the fall. The Kinard family represents the unifying, supportive force of a military family that helps a service member survive the most grievous wounds of war, and then get back to the important work of citizenship. I salute them.

MAJ Brian Love is a Green Beret. His family accompanied him to assignment in Germany where, in 2004, their son Patrick was diagnosed with autism. Today Brian and his wife Naomi apply the unique problem solving skills of military special forces to the daily challenge of meeting Patrick's complex needs—a challenge compounded by the rigors of a career as a military leader, and the uncertain limitations of Federal, State and local programs. Major Love has deployed to Iraq twice since 2005. He believes that he is a better leader—that his family relationships are stronger—for having seen the world through the eyes of a child with special needs. Brian is now preparing to assume command of an Army special forces unit and faces the possibility of future deployments. His service, and that of his wife Naomi, honors each of us. Because of their service, and thousands like them, we can all view our victories differently. As an emblem of the dedicated service of military families and to their children, I salute them.

Finally, Mary Scott modestly asserts that hers is a ''normal military family.'' Her father was killed in 1972 in Vietnam; her husband served for 30 years in the U.S. Army; each one of their six children serves their nation in the military today. Kate is an Army captain and lawyer and now serves in Iraq; Karoline, an Air Force captain and public affairs officer; Andy, an Army captain and lawyer who has also deployed to Iraq; 1LT Kerney Scott pilots an Army Blackhawk in Korea; 2LT Alec Scott is a newly commissioned officer in the Army Chaplain Corps, and Cadet Adam Scott, followed his family's well worn path to the U.S. Military Academy. ''It's not unusual,'' Mary says, ''for kids to go into the family business.''

All of those whom I have described and their families, live the values of military service, and enrich us all. They volunteer and advocate on behalf of causes greater than their own. They support one another during challenging times, and find that even in difficulty they are bound more closely together.

I rise in support of the resolution encouraging the recognition of 2009 as the ''Year of the Military Family.'' I salute all military families, and it is to their service that I dedicate my own.

Mr. UDALL of Colorado. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 165) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 165

Whereas there are more than 1.8 million family members of regular component members of the Armed Forces and an additional 1.1 million family members of reserve component members;

Whereas slightly more than half of all members of the regular and reserve components are married, and just over 40 percent of military spouses are 30 years or younger and 60 percent of military spouses are under 36 years of age;

Whereas there are nearly 1.2 million children between the ages of birth and 23 years who are dependents of regular component members, and there are over 713,000 children between such ages who are dependents of reserve component members;

Whereas the largest group of minor children of regular component members consist of children between the ages of birth and 5 years, while the largest group of minor children of reserve component members consist of children between the ages of 6 and 14 years;

Whereas the needs, resources, and challenges confronting a military family, particularly when a member of the family has been deployed, vastly differ between younger age children and children who are older;

Whereas the United States recognizes that military families are also serving their country, and the United States must ensure that all the needs of military dependent children are being met, for children of members of both the regular and reserve components;

Whereas military families often face unique challenges and difficulties that are inherent to military life, including long separations from loved ones, the repetitive demands of frequent deployments, and frequent uprooting of community ties resulting from moves to bases across the country and overseas;

Whereas thousands of military family members have taken on volunteer responsibilities to assist units and members of the Armed Forces who have been deployed by supporting family readiness groups, helping military spouses meet the demands of a single parent during a deployment, or providing a shoulder to cry on or the comfort of understanding;

Whereas military families provide members of the Armed Forces with the strength and emotional support that is needed from the home front for members preparing to deploy, who are deployed, or who are returning from deployment;

Whereas some military families have given the ultimate sacrifice in the loss of a principal family member in defense of the United States; and

Whereas 2009 would be an appropriate year to designate as the ''Year of the Military Family'': Now, therefore be it

Resolved by the Senate, That the Senate—

(1) expresses its deepest appreciation to the families of members of the Armed Forces who serve, or have served, in defense of the United States;

(2) recognizes the contributions that military families make, and encourages the people of the United States to share their appreciation for the sacrifices military families give on behalf of the United States; and

(3) encourages the people of the United States and the Department of Defense to observe the ''Year of Military Family'' with appropriate ceremonies and activities.

DISCHARGE AND REFERRAL—S. 1007

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the bill S. 1007 be discharged from the Committee on Banking, Housing, and Urban Affairs and it be referred to the Committee on Finance.

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

ORDERS FOR WEDNESDAY, JUNE 3, 2009

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., tomorrow, Wednesday, June 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with the Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of the motion to proceed to Calendar No. 47, H.R. 1256, the Family Smoking Prevention and Control Act, and that time during any adjournment, recess or period of morning business count postcloture.

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

PROGRAM

Mr. UDALL of Colorado. Madam President, if we are required to run the entire 30 hours of postcloture debate time, we will not be able to turn to consideration of the FDA tobacco bill until approximately 5:20 p.m. tomorrow. However, we hope to yield back a

portion of that time so we can begin the legislative process on the bill after lunch. Once we are on the bill, Senator DODD will offer the substitute amendment and then the bill will be open to further amendments.

ORDER FOR ADJOURNMENT

Mr. UDALL of Colorado. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of Senator BILL NELSON.

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

Mr. UDALL of Colorado. Madam 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. NELSON of Florida. 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.

TOBACCO CONTROL

Mr. NELSON of Florida. Mr. President, I rise to speak on the tobacco control act. It has been said over and over—and I want to reassert—that tobacco use is the leading preventable cause of death in the United States. It kills more than 400,000 Americans each year. That is staggering. We think of all the deaths by automobiles. Here tobacco is killing close to half a million people a year. An additional 50,000 a year are dying because of exposure to secondhand smoke.

I will never forget, when I was a kid, flying on airplanes. It was back in the days that people smoked on airplanes. I would come off of the airplane, and I would smell the sleeve of my coat, and it would be total tobacco smoke.

Breaking it down for my State of Florida: 28,000 people die each year in my State alone from tobacco-related illnesses. Despite the risk involved with tobacco consumption, 20 percent of Americans—that is almost 40 million people—still smoke cigarettes. It is tough to break the habit. Fortunately, I have never been a smoker, but I understand people who are. One of them is our President. It is tough to break the habit. I was with him a lot during the campaign, because he was in my State campaigning. He would break out that pack of Nicorette chewing gum. He would go to work on that chewing gum. And more power and more credit to the President for breaking this habit. It is tough.

Here is what is sad. Nearly 90 percent of smokers began as children, and they got addicted by the time they were adults. It is estimated that 3,500 children try cigarettes for the first time each day, and each day 1,000 children become regular smokers. It would really be something if we could change that. Look at what it would save us in health care costs. We are getting ready to mark up in this month, in the Finance Committee and in the HELP Committee, the big health reform package. Think how much money we could save if we didn't have all of these deaths because of tobacco usage. And of course, the health care cost resulting from tobacco use amounts to $96 billion a year, more than $54 billion of which is borne by the Federal Government. We can see that would be staggering, if we had a magic wand and we could stop this health care cost to the country. No wonder our health care costs are so high, if you look at that and the addiction to alcohol and all of the health care costs.

Yet tobacco products are largely an unregulated product. It basically is exempt from requirements to disclose product ingredients and exempt from undergoing product testing. On top of that, manufacturers are able to advertise and market products to youth without the necessary restrictions. At least we have stopped magazine advertisements and TV advertisements. But have my colleagues seen this new kind of candy that is being marketed that is basically to addict children to nicotine? When are we going to put an end to this?

There are a bunch of us who are cosponsoring this bill to give the Food and Drug Administration the authority to regulate the manufacturing, marketing, and sale of tobacco products. This legislation would try to restrict youth smoking by restricting access to tobacco products and prohibit marketing campaigns that specifically target children. If this is such a bad thing and a consequence on the financial condition of the country, isn't that something we ought to stop, targeting children to get them hooked?

What we find is, so many adults were hooked when they were children. This legislation is also going to try to put a bead on consumer safety by requiring full disclosure of the product ingredients—that would have to be disclosed to the Food and Drug Administration—and for the FDA to mandate the elimination of certain ingredients and additives that are going to be put out there for consumers. This bill is going to try to make sure we get adequate and accurate information out to the public by giving the Food and Drug Administration the authority to restrict tobacco marketing, to require stronger warning labels and to regulate the manufacturers' claims about certain products having fewer health risks.

Tobacco use costs us billions of dollars and hundreds of thousands of lives. When are we going to learn? Now is the time for us to step up and try to help protect the public from dangerous products and the very subtle tactics used to get young people addicted to tobacco.

I sure hope we are going to be able to pass this bill and pass it fairly quickly this week.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:15 p.m., adjourned until Wednesday, June 3, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

DANIEL GINSBERG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE CRAIG W. DUEHRING.

DEPARTMENT OF STATE

LOUIS B. SUSMAN, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, June 2, 2009:

ENVIRONMENTAL PROTECTION AGENCY

REGINA MCCARTHY, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

ANGELICA JACOBO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Angelica Jacobo who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Angelica Jacobo is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Angelica Jacobo is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Angelica Jacobo for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

RECOGNIZING PATRICIA NINO

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Patricia Nino, a member of my staff. Next Friday, May 29th is Patricia's last day as the Staff Assistant in our office. Patricia has been serving the people of the Fifth Congressional District of Illinois since 1997.

Patricia was born in Chicago, Illinois, and has raised her family here. Her working experience spans from the Chicago Board of Education, City of Chicago-Purchasing Department and working at the Chicago Park District until her retirement. She has been working in the Fifth Congressional District Office having joined my predecessor Rahm Emanuel's staff in 2003.

Patricia has been a cornerstone for the Fifth Congressional District office for over a decade, and her cheerful disposition and dedication to service will be sorely missed. Patricia has always shown determination and heart in everything she's done, including raising two sons, caring for her ill husband, and volunteering in the community.

Patricia's family has always been a priority in her life. Her two children, John and Frank, are the proud parents of her grandchildren, Collette, Dionna, Brittany and Lexie. Patricia is awaiting the birth of her first great-grandchild in August.

I wish Patricia all the happiness in the future and thank her for her service to the people of Illinois' Fifth Congressional District.

HONORING EVERETT JOHNSON, M.D.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Dr. Everett Johnson upon being honored with the 2009 John Darroch Memorial Award/Outstanding Physician Award, for his service to the Turlock community for over 50 years. Dr. Johnson will be honored at the Stanislaus Medical Society, Annual Membership meeting, on Thursday, May 28, 2009, at the Del Rio Country Club in Modesto, California.

Everett Johnson was born and raised in Turlock. He graduated from Turlock High School, and began his medical career as a medical corpsman. He attended medical school from 1944 to 1949 while serving in the United States Naval Reserve. Dr. Johnson continued to serve our nation by completing an internship and two years of service in the United States Air Force. Dr. Johnson earned his Bachelor of Arts degree from the University of California, Berkley. He earned a second Bachelor of Arts degree from the University of Wisconsin in Madison, where he also attended medical school and earned his M.D. In 1949, he interned at the University of Oregon's Hospitals and Clinics in and around the Portland, Oregon area. Dr. Johnson returned to Wisconsin to complete his residency program where he focused on Internal Medicine.

In 1954, with military service and medical school under his belt, Dr. Johnson returned to Turlock and opened a private practice of internal medicine. After six years, Dr. Johnson entered into a partnership. The partnership lasted until 1970, when he decided to turn to education and become an Associate Professor at Stanford University. Dr. Johnson returned to private practice in 1973 and maintained his practice through 2006. While maintaining his own practice, he also worked for Stanislaus County Hospital, Emanuel Medical Center and Memorial Hospital of Stanislaus County.

Throughout his career, Dr. Johnson has been involved with both the medical community and the greater community. He is an Honorary Member of the Medical Fraternity, Alpha Omega Alpha; he is a past president of the Stanislaus County Medical Society and he served as the Hospital Examiner for the California Medical Association and the Joint Commission for Hospital Accreditation in the United States from 1965 until 2000. Dr. Johnson also served as the Chairman of the Medical Advisory Committee for the Medic Alert Foundation, where he also served on the Board of Directors for twenty-five years and as a consultant for eleven years. He is involved with the American Medical Association, American College of Professors and is a past member of the California Society of Internal Medicine and the American Society of Internal Medicine. Outside of medicine, Dr. Johnson is a past president of the Rotary Club in Turlock, a member of the Church Council for Nazareth Lutheran Church. He has also served on the Board of Trustees of Turlock High School for thirteen years and was a Board Member for the Turlock High School Auditorium Restoration Committee, and the Commonwealth Club of San Francisco.

Madam Speaker, I rise today to congratulate Dr. Everett Johnson upon being named the 2009 John Darroch Memorial Award/Outstanding Physician Award. I invite my colleagues to join me in wishing Dr. Johnson many years of continued success.

HONORING THE 200TH ANNIVERSARY OF THE FOUNDING OF WHITE PLAINS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the 200th anniversary of the founding of White Plains, Tennessee. In recognizing the anniversary of White Plains, we are also recognizing the creation of Putnam County.

On Christmas Day 1809, Lt. William Pennington Quarles, a Revolutionary War hero, and his family, which included his wife, Ann Hawes Quarles, 10 children, four sons-in-law; and 30 slaves, reached their new home in White Plains. Having traveled down Walton Road from Bedford County, Virginia, Lt. Quarles and his family built a log cabin on land in White Plains, some of which was purchased from Daniel Alexander.

The Quarles family expanded an inn built by Mr. Alexander and added a general store, blacksmith shop, post office and farm. Andrew Jackson and other dignitaries of the time stayed at the inn on their way to Washington, D.C. and during trips to other cities east and west.

Lt. Quarles began to practice law in what was then White County and was appointed judge. His court convened in the blacksmith shop. Lt. Quarles was also a Mason, in addition to serving in the White County Militia. He was the postmaster of the White Plains Post Office until his untimely death in 1813 when he was shot a few miles from his home while returning from a meeting in Sparta.

Between 1813 and 1842, the population of the area surrounding White Plains increased substantially. Residents successfully petitioned the Tennessee state government to create a new county—Putnam County—from areas of White, Overton and Jackson counties.

White Plains became the trade center of Putnam County, where elections and public speeches were held. Andrew Jackson and James K. Polk spoke there during their respective presidential campaigns.

The log cabin that Lt. Quarles built after arriving in White Plains in 1809 stayed in his

family's name until the mid-1950s when Harvey Draper and his daughter, Mildred Summers, purchased it and began restoration. Plans are now underway to place the home and slave graveyard on the National Historic Register.

June 6, 2009 marks the 200th anniversary of the founding of White Plains, and what would later become Putnam County.

HONORING JAMES T. PHILLIPS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor the accomplishments of Mayor James T. Phillips, who has committed the past five years of his life to being the mayor of the Township of Old Bridge. Under his leadership, Old Bridge has thrived and become a vibrant home to many New Jersey citizens. On May 3, 2009 his accomplishments earned him the Hubert H. Humphrey Friend of Labor Award, presented by the Middlesex County AFL–CIO.

Every year since 1983, the Middlesex County Central Labor Council has recognized a prominent individual who has followed the example of U.S. Vice President Hubert H. Humphrey's dedication to human and civil rights. As a leader and key proponent of labor unions and their interests, Humphrey furthered the rights of laborers across the nation. Mayor Phillips has followed in his footsteps as a strong advocate for labor who has furthered the cause of labor unions and civil rights.

The Honorable James T. Phillips has become a valuable leader and advocate for the state of New Jersey. The mayor began his career in 1995 as the Middlesex County Treasurer, as well as serving on the Middlesex County Board of Chosen Freeholders. His involvement with the County Board led to the acquisition of a 2,500 acre plot of land designated for public open space. In addition to acquiring this land for open space he created the Middlesex Co. Old Bridge Waterfront Park, which maintains a healthy and protected community forest.

The influence of Mayor Phillip's hard work and his active presence in the area extends throughout the Township of Old Bridge. Mayor Phillips is a member of the Old Bridge Township Housing and Redevelopment Agency, which has founded two important residences: the Maher Manor and the Chuck Costello Home. The Maher Manor is a 100-unit complex that provides senior citizens with health, wellness and recreation activities. The Chuck Costello Home offers independent living for seniors with more than 60 units of housing.

Madam Speaker, I sincerely hope that my colleagues will join me in congratulating Mayor Phillips on this achievement and thanking him for his service to the community. His accomplishments will continue to benefit and inspire my constituents and future generations.

TRIBUTE TO THE 150TH ANNIVERSARY OF WYANDOTTE COUNTY, KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to the upcoming 150th anniversary of Wyandotte County, Kansas, which is one of three counties composing the Third Congressional District of Kansas. On June 6th and 7th, the Wyandotte County Historical Museum will commemorate Wyandotte County's 150th anniversary, including activities featuring re-enactors, speakers, dancers and music.

In the territorial period of Kansas, previous to 1859, the area that is embraced in Wyandotte County was a part of Leavenworth and Johnson counties. Thus, with the domination of the "Leavenworth crowd," or of the Missourians who came over into Kansas territory, the citizens at the mouth of the Kansas River had little influence over the affairs of government or of politics. The first election in the county, aside from the elections held by the Indians themselves before the organization of the territory, was in June 1857 to select a delegate to the Lecompton constitutional convention. The polls were guarded by soldiers and the votes were deposited in a candle box, which was afterward found buried in a woodpile at Lecompton and became historically infamous. In October of the same year the county came into notice again, politically, due to the stuffing of a ballot box and other frauds, perpetrated at the Delaware crossing, eight miles west of Wyandotte. It is said that many of the names found on the poll list could also be found in a New York City directory, which some enterprising pro-slavery advocate happened to have in his possession at that time.

The political history of Wyandotte County, however, began with its organization under an act passed by the legislature of January 1859, the same legislature that authorized the Wyandotte constitutional convention. The act, signed by Governor Medeary on January 29, 1859, cut off one hundred and fifty-three square miles from the southeast corner of Leavenworth County and the north side of Johnson County. The Wyandotte Constitutional Convention was a key event in Kansas history. From this convention, Wyandotte County was created, Kansas became a state that was free from slavery, and women were given some rights in voting and holding property. The county is named after the Wyandot (a.k.a. Wyandott or Wyandotte) Indians. They were called the Huron by the French in Canada, but they called themselves Wendat. They were distantly related to the Iroquis, with whom they sometimes fought. They had hoped to hold off movement by white Americans into their territory and had hoped to make the Ohio River the border between the United States and Canada. One branch of the Wyandot moved to the area that is now the state of Ohio. They generally took the course of assimilation into Anglo-American society. Many of them embraced Christianity under the influence of missionaries. They were transported to the current area of Wyandotte County in 1843, where they set up a community and worked in cooperation with Anglo settlers. The Christian Munsee also influenced early settlement of this area.

Wyandotte County, with roughly 160,000 residents, today boasts one of the most vibrant economies in the state of Kansas and an amazing story of resurgence. Comprised of the cities of Bonner Springs, Edwardsville and Kansas City, Kansas, the entire county has embraced a unified vision for the future. This vision has produced a monumental transformation over the last several years with the creation of the Kansas City metro area's premier tourist and retail destination including the Kansas Speedway, Nebraska Furniture Mart, Cabela's, the Legends at Village West, and Schlitterbahn Vacation Village. The explosion of development in the western portion of the City of Kansas City, Kansas, is also paving the way for redevelopment opportunities in the eastern portion of the city.

Madam Speaker, I know that all members of this House join with me in celebrating the 150th anniversary of Wyandotte County, Kansas. I am proud to represent it in the U.S. House of Representatives.

RECOGNIZING LORDS AND LADIES OF FAIRFAX

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize a dedicated group of men and women in Northern Virginia. For the past twenty-five years, each member of the Fairfax County Board of Supervisors has selected two people from their district who have demonstrated an exceptional commitment to our community. Since the program's inception in 1984, more than 470 individuals have been recognized as a Lord or Lady Fairfax by their representative on the Board of Supervisors.

Individuals recognized as Lords and Ladies of Fairfax have made significant contributions in their communities. This year, the Fairfax County Board of Supervisors recognized outstanding individuals who have made tremendous impacts through their support of our public schools, parks, youth sports leagues, arts community, public safety providers, and human service programs. It is nearly impossible to fully describe the diversity of accomplishments by the honorees. Their efforts contribute greatly to the quality of life for the residents of Fairfax County and should be commended.

The following individuals were recognized as Lord and Lady Fairfax Honorees for 2009. Each of these individuals was selected as a result of his or her outstanding volunteer service, heroism, or other special achievements. These individuals have earned our praise and appreciation.

Chairman of the Board—At Large: Lady Corazon Sandoval Foley and Lord William "Bill" Hanks

Braddock District: Lady Pamela K. Barrett and Lord Thomas Frenzinger

Dranesville District: Lady Lisa Lombardozzi and Lord Vance Zavela

Hunter Mill District: Lady Joan Dempsey and Lord Howard Springsteen

Lee District: Lady Michele Menapace and Lord Doug Koelemay

Mason District: Lady Suzanne Holland and Lord Kevin Holland

Mt.Vernon District: Lady Christine Morin and Lord Gilbert McCutcheon

Providence District: Lady Lola Quintela and Lord G. Ray Worley

Springfield District: Lady Leslie Carlin and Lord Erik Hawkins

Sully District: Lady Patrica ''Trish'' Strat and Lord David L. Lacey

Madam Speaker, I ask my colleagues to join me in expressing gratitude to these men and women who volunteer their time and energy on behalf of our community. The selfless commitment of these individuals provides inumerable benefits to Northern Virginia and serves to strengthen and enrich our communities.

RECOGNIZING MARILYNN RUBIO

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Marilynn Rubio, a member of my staff. Friday, May 29, was Marilynn's last day as the Congressional Aide in our office. Marilynn has been serving the people of the Illinois Fifth Congressional District with distinction since 2007, and deserves our wholehearted thanks for her efforts.

After graduating from DePaul University in 2007, Marilynn went to work for my predecessor, Rahm Emanuel, beginning as an intern. After spending a few months working for Emily's List, Marilynn returned to Congressman Emanuel's office in April 2008, working in the District Office and the Washington Office as a Congressional Aide.

Marilynn has been extremely helpful to me as I've begun my time in Congress. I have certainly benefited from her experience handling casework for Spanish-speaking constituents, managing the Fifth Congressional District of Illinois office in the interim period, and assisting with travel, records and logistics for our new office.

I would like to wish Marilynn the best of luck in her future endeavors, whether it be teaching English to students in Brazil, attending law school, or any other adventure. I know that she will find success in whatever path she chooses, and I thank her for her service to the people of the Illinois Fifth Congressional District.

IN CELEBRATION OF THE ARMY AND AIR FORCE EXCHANGE SERVICE'S 114TH ANNIVERSARY AND DEPLOYEE APPRECIATION WEEK, JULY 19, 2009–JULY 25, 2009

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize the Army and Air Force Exchange Service (AAFES) and 114 years of dedicated service to our service men and women.

Founded on August 25, 1895, the War Department envisioned an exchange at every post where practical to bring our troops a taste of Americana. Since then AAFES has expanded to over 3,100 facilities worldwide. The growth and success of this exchange service is due in large part to the numerous employees, now totaling over 43,000 associates, dedicated to serving and supporting our service members and their families. For Operations Enduring Freedom and Iraqi Freedom, over 450 associates annually volunteered for deployment, choosing to follow our troops wherever they may go and proudly upholding the AAFES motto of ''We go where you go!'' Their dedication, courage, and patriotism are commendable and resonate deeply within each of us, as we stand united in our support for our soldiers and AAFES.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating AAFES for 114 years of exemplary service and in expressing our heartfelt gratitude for their unwavering support of our armed forces.

DARBY HIEB

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Darby Hieb who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Darby Hieb is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Darby Hieb is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Darby Hieb for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

TRIBUTE TO RICHARD PROTO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Ms. DELAURO. Madam Speaker, it is with special and personal gratification that I introduce into the CONGRESSIONAL RECORD for the Nation and the people of my District, especially in my home town of New Haven, Connecticut, the enormously gratifying and important tribute that was paid to Richard Proto on May 18, 2009, by the United States National Security Agency. who died last July after a hard-fought bout with cancer, was recognized by the NSA with the naming of the ''Richard C. Proto Symposium Center'' within the NSA compound at Fort Meade, Maryland. It is only the second time the NSA has formally named one of its facilities.

Richard was born and raised in the Fair Haven section of New Haven, a graduate of the city's public schools—Strong, Fair Haven, and Wilbur Cross High School—and the son of Matthew and Celeste Proto, both active in the political life of our community at the same time as my own parents. Like many of the children of immigrants—Richard's mother was born in Italy and immigrated with her parents in 1916 at six years old, and both his grandparents were immigrants from Italy as well—his parents encouraged education, broadly defined, and a commitment to public service as a way of ensuring more fairness in the Nation they now called home. Richard was educated at Fairfield University, where he received his bachelor's degree in mathematics in 1962 and at Boston College, where he received his master's degree in mathematics in 1964. He then joined the NSA.

His contribution to the Nation—he served at NSA for thirty-five years; its Director of Research from 1994 to 1999—was described by the current Director of Research, Jim Schatz, in these terms during the ceremony: Richard was ''Universally regarded as one of the Agency's most visionary thinkers. He influenced NSA unmatched by anyone else in recent history . . . Nearly twenty years ago, when large scale networking was still in its infancy, Richard anticipated the emergence of cyberspace as a battleground for national defense, and committed himself to ensuring NSA was prepared. . . . [His] life was a celebration of intellectual power dedicated to the service of his country. He was an exemplary American . . . NSA and the Nation owe him a debt of gratitude.'' Senator BARBARA MIKULSKI (Maryland), in her capacity as a member of the Senate Select Committee on Intelligence, in a letter following Richard's death, wrote that ''By any definition of the words, Mr. Proto was a warfighter and a patriot. He set high standards of performance at NSA and inspired others to conform to his expectations. He dedicated his life to the security of this Nation and has left a contribution that will endure for decades.'' During his career, Richard received the Presidential Rank Award for Distinguished Service and the National Intelligence Distinguished Service Medal. Since his retirement in 1999, he remained as an adviser to the intelligence community, the national laboratories, and the Institute for Defense Analysis at Princeton, until his death.

Richard's family was present and participated in the ceremony, including his brother, Neil Proto, also a New Haven public school graduate and now a lawyer in Washington, D.C. and a professor of public policy at Georgetown University, and his sister, Diana Proto Avino, an educator and mathematics consultant in the public school system in Clinton, Connecticut, and formerly a nationally-recognized teacher of the year. Richard had been raised in New Haven among twenty-six cousins, four of whom made the journey from Connecticut. Richard was truly a product of his community and his Italian-American heritage. He was a member of the famed 1958 Wilbur Cross team that won the New England High School basketball championship in the Boston Garden that captured the soul of our community when I was a teenager. Mr. Proto also was the founder of the Antonio Gatto Lodge of the Sons of Italy in Laurel, Maryland.

I am personally gratified to recognize Richard; a wonderful American who exercised his

responsibility when the duty was his; who helped ensure the safety of our men and women soldiers in the tumult of combat; who rose to the highest rank of a dedicated public servant from the neighborhoods of New Haven, and who never lost sight of his origins and their values; the son of an immigrant insistent on defining America in its highest ideals.

HONORING JUDGE PAUL V. GADOLA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in paying tribute to Judge Paul V. Gadola. The Greater Flint Branch of the American Civil Liberties Union bestowed the 2009 Thomas A. Baltus Civil Libertarian of the Year Award upon Judge Gadola at a dinner held last Thursday, May 28, in my hometown of Flint Michigan.

Paul Gadola graduated from Michigan State University in 1951 and received his Juris Doctor Degree from the University of Michigan Law School in 1953. After serving in the United States Army from 1953 to 1955, he returned to his home in Flint and started a private practice. President Ronald Reagan appointed him to the U.S. District Court for the Eastern District of Michigan, the U.S. Senate confirmed his appointment in October 1988, and on January 6, 1989 he took office. He served in this capacity until his retirement in 2008.

Judge Gadola is certified as a Diplomat in Civil Trial Advocacy by the National Board of Trial Advocacy, a Lifetime Fellow of the American Trial Lawyers Foundation, served as an arbitrator for the American Arbitration Association, a mediator for the Circuit Courts of Genesee and Shiawassee Counties, and is a Fellow of the Michigan State Bar Foundation. Judge Gadola is a member of the Executive Board of the Federal Bar Association—Eastern District of Michigan Chapter, the Board of Directors of the Historical Society for the U.S. District Court of Eastern Michigan, the Michigan Supreme Court Historical Society, the Federalist Society for Law and Public Policy Studies and the Advisory Committee of its Michigan Chapter. He is a member of the Philadelphia Society, the Economic Club of Detroit, Committee of Sponsors of the Flint College and Cultural Development Fund, the Hannah Society, and he has served as the President of the Incorporated Society of Irish/American Lawyers. As an alumnus of Michigan State University he has served the school's President's Club, the Board of Directors of the MSU Development Fund, and as a member of Directors of the school's Alumni Association. He has also served on the Board of Directors of the Mott Community College Foundation.

Over the years he has served the Urban League of Flint as President, the Cystic Fibrosis Research Foundation of Genesee County as President, the March of Dimes of Genesee County as Chairman, Genesee County Legal Aid Society as Vice-President, he has been a Director of the Flint Environmental Action Team and the Flint Area Convention and Tourist Council. Preceding his time on the bench, Judge Gadola was elected to the Board of Trustees of Mott Community College from 1969 to 1989. He served as Chair from 1983 to 1989.

Madam Speaker, Judge Paul Gadola was a founding member of the Flint Branch of the American Civil Liberties Union when the organization formed in 1963. The American Civil Liberties Union gave this award to him because of his hard work on behalf of the right to free association, the right to equal protection of the laws, the right to free speech, and the right to effective assistance of counsel. I have known Judge Gadola for many years and have benefited from his legal counsel and sage advice. I ask the House of Representatives to join me in congratulating him as he is honored for his work on behalf of our civil liberties.

RECOGNIZING THE RECIPIENTS OF THE 2009 FAIRFAX EDUCATION ASSOCIATION HUMAN AND CIVIL RIGHTS COMMITTEE WALT MIKA AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the awardees of the Fairfax Education Association (FEA) Human and Civil Rights Committee Walt Mika Awards. The mission of the FEA Human and Civil Rights Committee includes advocacy and review responsibility to ensure that the policies, practices and programs of the Fairfax County Public Schools are inclusive and represent all ethnic, minority, gender and gay, lesbian, bisexual and transgender (GLTB) groups. The Committee recommends strategies to address GLTB, racial, ethnic and gender issues to ensure a quality educational experience for all students. In addition, the Committee promotes diversity awareness to recognize and celebrate the diverse cultures that enrich Fairfax County.

These awards are named after Walt Mika. Mr. Mika dedicated more than 30 years to the education of our youth as a teacher and also as former FEA and Virginia Education Association President. With the establishment of the FEA Retirement Housing Corporation and the development of the Educational Employees Supplemental Retirement System for Fairfax County, Mr. Mika has made significant improvements in the lives of thousands of retired teachers and Fairfax County Public School employees.

The recipients of the Walt Mika Award are recognized for their outstanding commitment to the education of children in Fairfax County. In addition to serving as notable educators, these individuals serve as role models for their students through their many and varied activities outside the classroom.

Madam Speaker, it is my honor to recognize the following recipients for their positive influence in the lives of students and their roles in promoting diversity:

Deb Crerie, Retired Art Teacher
Robbie Ellen, Instructional Assistant
Ilryong Moon, School Board Member
Janice Winters, PhD, Community Activist.

Madam Speaker, I ask my colleagues to join me in honoring the contributions these individuals and all of the educators serving the children of Fairfax County. They provide enumerable benefits to Northern Virginia and life-changing experiences to the children they mentor.

TRIBUTE TO GARY HOLMES FAGAN

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERRIELLO. Madam Speaker, today I recognize Gary Holmes Fagan upon his completion of 34 years of service to Albemarle County Public Schools. For 32 of these years, he served as the Band Director at J.T. Henley Middle School, imparting to thousands of young students the lasting gift of a musical education. As one of the many students privileged to have studied with Mr. Fagan, it is an honor to acknowledge his contribution to the community.

Gary Fagan was born and raised in Frederick, Maryland, the son of a teacher and a musician. He earned his undergraduate degree in Music Education at Bridgewater College and his master's degree in Music Education from James Madison University. He has taught music since 1973, moved to Albemarle County to teach in 1975, where he lives today with his wife, Phyllis. A fellow lover of music, Phyllis will also retire this year from her position as Choral Director for Henley Middle School. He is active in the Music Educators National Conference and the Virginia Band and Orchestra Directors Association, the American Society of Composers, Authors, and Publishers, and the National Band Association, as well as playing percussionist with the Charlottesville Municipal Band and composing over 30 original pieces of music.

During his time at Henley Middle School, Mr. Fagan was the recipient of numerous accolades and honors from the community and beyond, including the Piedmont Council of the Arts Outstanding Educator Award, the Central Virginia Outstanding Middle School Teacher of the Year by the UVA chapter of Phi Delta Kappa, the WINA Teacher of the Month, National Band Association "Band Booster Award," membership in the James Madison University Music Education Advisory Council and the Phi Beta Mu International School Bandmasters Fraternity, and a Presidential Citation from the Governor's School of Virginia for the Visual and Performing Arts at the University of Richmond. Under his tutelage, the Concert Band has consistently attained superior ratings at the District Band festival, the Jazz Band has brought home 1st place at the Tri-State Jazz Festival for 3 out of the past 5 years, and the Marching Band has received scores of prestigious awards, including trophies from the Dogwood Parade, the Harrisonburg Poultry Parade and the Culpeper Firemen's Parade.

Throughout his career, Mr. Fagan has consistently brought out the best in each student, whether the student began middle school having played music for years or never having read a note of music. His students have widely varying backgrounds, abilities, and unique

talents, but he is always patient, even with a future Congressman who struggled to extract melodious sounds from a baritone saxophone. By the end of each school year, however, the students have become a cohesive team, an accomplishment made evident in the annual spring concert in which his students play while marching in formation down Charlottesville's Market Street. In helping each student reach his or her potential, he has consistently created accomplished ensembles of young musicians dedicated to ensuring the school music program's continued success. He has been important to my whole family, particularly my late father, Vito Perriello, who found in Gary a like-minded music lover as well as a teacher he could trust to share such a love with his—and others'—children.

Many of Mr. Fagan's students have been inspired to enter the field of music and performing arts as a career, and their accomplishments will continue his legacy. For those of his students who have gone to other fields, his invaluable lessons of teamwork, dedication, and striving for personal excellence still persist. On behalf of Albemarle County and Virginia's 5th District, I thank Mr. Fagan for his generosity and devotion in sharing his talent throughout the years and wish both him and Phyllis all the best in their retirement.

HONORING MONUMENT BANK

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize the dedication and opening of the new headquarters for Monument Bank in Doylestown, Bucks County, Pennsylvania.

This day 141 years ago marks the anniversary of the official dedication of the Doylestown Monument. The Doylestown landmark commemorates the officers and men of the 104th Pennsylvania Regiment who fell in the Civil War, and serves as the namesake for Monument Bank.

The founding members and shareholders of the new Monument Bank have a proven history of successful local banking. They have provided some of the most outstanding professional banking services in our area, recognizing the importance of local community relationships and support. Their service and community leadership will undoubtedly be an important asset to Doylestown, Pennsylvania.

I applaud Monument Bank for moving forward in these trying economic times to provide valuable banking services to our community. Madam Speaker, I proudly recognize Monument Bank and I extend my congratulations on the dedication of their headquarters today.

RECOGNIZING EMMA JURADO

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Emma Jurado, a member of my staff. Friday, May 29, was Emma's last day as a Legislative Aide and Scheduler in our office. Emma served the people of the Fifth Congressional District of Illinois with distinction from 2003–2005, returned in 2007, and deserves our wholehearted appreciation for her efforts.

After graduating from Georgetown University in 2005, Emma went to work for my predecessor, Rahm Emanuel, beginning as a Staff Assistant. After spending a year working for Skadden, Arps, Slate, Meagher & Flom LLP and the National AIDS Marathon Training Program, Emma returned to Congressman Emanuel's office in January 2007, working as a Legislative Aide and Scheduler.

In addition to doing superlative work for my predecessor, Emma has been an extraordinary asset to my office as we've managed the transition process. This process has been a lot of hard work, but that is nothing new to Emma. Whether it was handling science and technology, art, innovation, or postal issues legislation, assisting the people of the Fifth Congressional District during the interim period, or establishing my scheduling operation, Emma has always given her all.

I would like to wish Emma the best of luck working in President Obama's Administration. I am confident that she will find success in whatever path she chooses, and I thank her for her service to the people of Illinois' Fifth Congressional District.

JOHN HORTON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud John Horton who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. John Horton is a senior at Pomona High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by John Horton is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to John Horton for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

HONORING 20TH ANNIVERSARY OF THE BAY TRAIL PROJECT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. STARK. Madam Speaker, the Bay Trail Project will celebrate its 20th Anniversary on July 6, 2009 at the Hayward Shoreline Interpretive Center in Hayward, California. A commemorative event will highlight the adoption of the Bay Trail Plan by the Association of Bay Area Governments (ABAG) Executive Board since July 1989 and will point to the accomplishments and importance of the Bay Trail over the past 20 years. California State Senator Bill Lockyer will be honored for his contributions of creating and preserving the Bay Trail.

In 1987, then-California State Senator Bill Lockyer conceived the idea of a hiking and bicycling trail that would encircle San Francisco and San Pablo Bays. His plan was often called ''Ring Around the Bay.'' Lockyer authored Senate Bill 100 authorizing ABAG to, ''develop and adopt a plan for a continuous recreational corridor which will extend around the perimeter of San Francisco and San Pablo Bays.'' SB 100 required that the plan include: a specific trail route, connections to parks and other recreational facilities, links to existing and proposed public transportation facilities, an implementation and funding program for the trail, and provisions for implementing the trail without adversely affecting the natural environment of the Bay. SB 100 was passed into law with widespread support.

A broad-ranging advisory committee to ABAG developed the Bay Trail Plan over a 2-year period and its policies continue today to guide the development of the Bay Trail.

For oversight of the Hayward section of the Bay Trail, the Hayward Area Shoreline Planning Agency (HASPA) was formed in 1971. HASPA continues to preserve and advocate for the Hayward shoreline as part of the Bay Trail. To date, slightly more than half of the Bay Trail's ultimate alignment, approximately 293 miles out of the envisioned 500-mile trail, has been completed.

I join the Bay Area community in honoring State Treasurer Bill Lockyer for his vision in authoring SB 100, ABAG for developing the plan for the recreational corridor, HASPA for its oversight and stewardship of the Hayward section of the Bay Trail and all the individuals who continue to contribute to the success of the Bay Trail. The Bay Trail is a treasured gift for all to enjoy.

HONORING CHIEF MASTER SERGEANT JOHN SLEDZ

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Chief Master Sergeant John Sledz upon his upcoming retirement from the United States Air Force after 30 years of service to our country.

Chief Sledz has reached the pinnacle of enlisted service, the rank of Chief Master Sergeant. Less than 1 percent of airmen are allowed to hold this rank, and achieving it is a testimony to the extraordinary abilities that Chief Sledz has put to work for the protection of our nation.

He has been awarded the Meritorious Service Medal (with five oak leaf clusters), the Air Force Commendation Medal, Air Force Achievement Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, among many others awards and decorations. He has served on three continents and five different states, and is concluding his career in

the position of Chief, Fuels Management Flight, 43rd Logistics Readiness Squadron at Pope Air Force Base, North Carolina.

By focusing his career on the critical logistical tasks required in maintaining the Air Force's ability to launch aircraft, Chief Sledz's efforts have contributed mightily to the safety and well being of the citizens of this country and the stability of the world. We owe him a debt of gratitude that is impossible to repay. He has set a high example of service, leadership, caring, and commitment that all would do well to follow.

Madam Speaker, I congratulate Chief Sledz and his family on his well-deserved retirement, and ask my colleagues to join me in celebrating his accomplishments.

HONORING DR. VINCENT J. VIVONA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor the accomplishments of Dr. Vincent J. Vivona, who has dedicated his time to fighting cardiovascular disease and stroke. Throughout his many years of service, Dr. Vivona has worked to make the community of Ocean County a healthier place to live. On May 30, 2009 his accomplishments earned him the Ronald Rubinstein, M.D. Hearts-In-Action Award, presented by the American Heart Association/American Stroke Association at the annual Have A Heart Ball.

Once a year, this prestigious award is given to a health care professional who embodies the spirit and commitment of Dr. Ronald Rubinstein. As a former regional president of the American Heart Association Board in Central-South Jersey, Dr. Rubinstein devoted himself to his community. Dr. Vivona has inherited this passion by also using his skills for the benefit of those around him.

Dr. Vivona has become a valuable member of the state of New Jersey, and this is largely due to his distinguished past. He is the founding member of Brick Cardiovascular Specialists P.A., a group that strives to provide its patients with the highest quality medical care. Additionally, Dr. Vivona has served as Chief of Staff at Ocean Medical Center and Chief of Cardiology at Community Medical Center. Currently, he is an active member of the American College of Physicians and the American College of Cardiology, two institutions that relentlessly strive for a healthier America.

Rarely do you find someone who has such a deeply rooted interest in the well-being of his community. Dr. Vivona has practiced in Ocean County for the past 30 years. Moreover, he has resided within Toms River for 29 years. Dr. Vivona's place in the New Jersey community has allowed the citizens of my great state to receive the best care in dealing with cardiovascular disease and stroke. I am certain that Dr. Vivona will continue to serve his community with the same dedication he has shown in the past.

Madam Speaker, I sincerely hope that my colleagues will join me in congratulating Dr. Vivona on this achievement and thanking him for his service to the community. His accomplishments will continue to benefit and inspire my constituents and future generations.

MISTY HOCKMAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Misty Hockman who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Misty Hockman is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Misty Hockman is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Misty Hockman for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING NI INDUSTRIES, INC.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate NI Industries, Inc. for over fifty-five years of business in Stanislaus County. Although the company is relocating, I would like to recognize NI Industries for its success while in California.

NI Industries, formally known as Norris Industries, Inc., was founded in 1930. The company manufactures over four hundred high quality munitions products including cartridge cases, mortars, projectile bodies, grenade bodies, rocket motors, warheads and rocket launchers. Headquartered in Vernon, California, NI is the United States Army's Industrial Mobilization Base Supplier with over one million square feet in manufacturing space. Their unique capabilities are unrivalled anywhere in the world, with over fifteen hundred pieces of equipment and many thousand tons of press capacity.

NI has been the operating contractor at the Riverbank Army Ammunitions Plant in Riverbank, California since 1951. Since the reactivation of the cartridge case facility at the Riverbank plant ten years ago, the company has produced over half a million cases of the Navy's 5″/54 gun and the Army's 105mm gun on the Stryker. NI Industries has also been an innovative leader in the development of the steel cartridge case for the Navy's 155mm-Advanced Gun Systems (AGS) for the DD (1000) Program.

The metal manufacturing technology that NI uses employs a deep draw process and a unique technology, to produce a single, unwelded piece of alloyed metal with high precision to fit a complex configuration. The company has management, technical and manufacturing teams with hundreds of years of experience in the defense industry. They take great pride in their engineers and researchers, as well as their production artisans and machinists. With the registration of the ISO 9001 and the ISO 14001, NI has taken appropriate steps to further ensure both products and processes meet the highest quality and environmental standards. Their attention to detail and technical capabilities has earned NI the reputation for being the only munitions manufacturer capable of deep drawing a combination of steel, brass and aluminum.

Due to the outcome of the 2005 Defense Base Closure and Realignment Commission Law, the highly successful cartridge case facility at the Riverbank Army Ammunitions Plant will be beginning the relocation process in June 2009. The plant is being relocated to Rock Island Arsenal, Illinois, and the relocation project will be completed in 2012. NI will operate the new facility and continue its production of cartridge cases and other products with the same care of quality.

Madam Speaker, I rise today to wish NI Industries the best of luck with the relocation. I encourage my colleagues to join me in wishing NI Industries, Inc. continued success.

RECOGNIZING THE RETIREMENT OF LIEUTENANT COLONEL JOSEPH M. ARTHUR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. MILLER of Florida. Madam Speaker, it is with great honor that I rise today to recognize the retirement of Joseph Arthur, Special Assistant to the Commander 919th Special Operations Wing, Eglin AFB, Duke Field, Florida.

Lieutenant Colonel Arthur was commissioned through the Air Force Officer Training School in 1981 and entered Undergraduate Pilot Training (UPT) in 1982. Upon graduation from UPT, he was assigned to the 711th Special Operations Squadron as an AC–130A Spectre Gunship Pilot. In 1997, he joined the 5th Special Operations Squadron (SOS) flying the MC–130P. During his service with the 5th SOS, Lieutenant Colonel Arthur served as Aircraft Commander, Instructor Pilot, Chief Pilot, Chief of Training, Director of Operations and Combat Mission Commander.

Lieutenant Colonel Arthur has deployed and supported combat operations in the air and on the ground in support of Operations Just Cause, Restore Democracy, Enduring Freedom and Iraqi Freedom. His command experience in support of the Global War on Terrorism includes serving as Mission Commander, Air Force Special Operations Detachment-South, Jacobabad Air Base, Pakistan, Deputy Commander, Joint Special Operations Air Component, Masirah Air Base, Oman. His other deployments include peacetime aerial reconnaissance missions in Central America and participation in military operations over Haiti.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Lieutenant Colonel John M. Arthur for his excellent leadership and selfless service in the United States Air Force and wish him well in his retirement.

HONORING MR. MARTIN J. MARASCO

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. SHUSTER. Madam Speaker, I rise today to honor the accomplishments of Mr. Martin J. Marasco. As this year's recipient of the Penn's Woods Council Boy Scouts of America's Distinguished Citizen Award, Marty has shown exemplary performance as a businessman, a community leader, a philanthropist, and a role model.

Through his 39 years affiliation with the Altoona-Blair County Development Corporation, Marty has worked at developing and delivering purposeful and creative programs and services involving all aspects of the economic development process to his community. He is responsible for much of the industrial and commercial economic expansion that has been crucial to Blaire County's growth and development.

Marty's experiences in all facets of economic development have enabled him to be successful in his dealings with local, state, and federal agencies as well as commercial and industrial clients. His ability to capitalize on both public and private financing vehicles has led to the creation and preservation of 17,580 jobs, and serves to demonstrate how good business sense and strong work ethic can benefit the individual as well as the community.

The diverse background and numerous accomplishments Marty has spent a lifetime working toward have allowed him to be extremely active in his community. He is Past Chair and Member of the Pastoral Council at Our Lady of Mount Carmel Church, as well as a Member and Vice Chairman of the Executive Roundtable of Blair County. Always supportive of community sports activities, Marty coached instructional level through elementary basketball for 25 years. He also served, for 8 years, as the treasurer and coach for the Altoona Little League baseball program.

As a family man, Marty has been a husband to his wife Carol for nearly 42 years; he is a father to eight children, and a grandfather to thirteen grandchildren. Marty's efforts and accomplishments serve to exemplify great service to self, family, and community. For these reasons I commend those who have seen fit to honor Marty with this year's Distinguished Citizen Award, and I too recognize and congratulate Marty Marasco for all he has done.

TRIBUTE TO ROBERT D. WEXLER, PH.D

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my friend, Robert D. Wexler, on the occasion of his thirty years of service to the American Jewish University (AJU), and particularly his service as president for the past seventeen years.

During the first decade of his presidency at AJU, Dr. Wexler launched three major initiatives which promote education, understanding and peace: the Ziegler School for Rabbinic Studies, the Center for Israel Studies, and the Ziering Institute. Under his leadership, AJU started its Community Partners Initiative in which the university reaches out to the many ethnic and religious communities of Los Angeles. He has helped AJU's Whizin Center for Continuing Education become the largest Jewish adult education program in the United States with more than 15,000 participants each year.

In addition to his work at the American Jewish University, Dr. Wexler has served in many community leadership roles. He chaired the Los Angeles Federation's Commission on Israelis and the Committee on Jewish Education. He has also published several articles, including contributions to the Encyclopedia Judaica, the Etz Hayim commentary on the Torah, and a volume entitled Israel, the Diaspora and Jewish Identity.

Born in Los Angeles, Dr. Wexler received his B.A. in Sociology from UCLA, and was ordained as a rabbi at the Jewish Theological Seminary in New York where he also earned a Master of Arts degree in Hebrew Literature. While enrolled in rabbinical school, Dr. Wexler also earned his M.B.A. from Baruch College in New York City. Following his ordination, he spent a year on the faculty of Princeton University, teaching in the Department of Middle East Studies. Dr. Wexler later earned both a Master of Arts degree and a Ph.D. from UCLA in the Department of Near Eastern Languages.

Dr. Wexler is included every year in Newsweek's list of America's 50 most influential rabbis, ranking number three in 2008. He has also been included on the Forward's list of the 50 most significant American Jewish leaders.

Dr. Wexler is married to Dr. Hana Wexler, the Director of the Wadsworth Anaerobe Laboratory at the Veteran's Administration in West Los Angeles. They have four children: Daniella, Elisheva, Zev and Nili.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Robert D. Wexler for his impressive career and dedication to the community and the American Jewish University, and to congratulate him on the occasion of his thirty years of service.

JESSICA KALIN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jessica Kalin who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jessica Kalin is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jessica Kalin is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jessica Kalin for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING ROBERT HAWKINS ON BEING NAMED DEAN OF THE CENTRAL TEXAS LABOR COUNCIL AFTER 50 YEARS OF SERVICE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tueday, June 2, 2009

Mr. EDWARDS of Texas. Madam Speak, I rise today to honor a lifelong friend of working families from my hometown Waco, Texas, Robert Hawkins. This week, we celebrate Robert's 50th year of service, and congratulate him on being named Dean of the Central Texas Labor Council.

Prior to his appointment to the Council, he served on the State Job Training Coordinating Council and has held a number of appointments from six Texas Governors. After 30 years of service, Mr. Hawkins retired as the Director of Special Programs at Texas State Technical College in Waco. During his 30 years at the college, he was instrumental in pioneering work in the area of career education and economic development training. He is Chair Emeritus of the Central Texas Economic Development Council and is Chairman Emeritus of the Heart of Texas Economic Development District Board of Directors. He serves his community as a member of the Bellmead City Council and has served four terms as Mayor.

Mr. Hawkins is also a proud member of the United Association of Plumbers and Pipefitters Local 529, Texas Academy of Science, and the Texas Technical Society. He has served as a member of an Advisory Committee for the Texas Department of Health, on a Senate Advisory Committee for Vocational-Technical Education, as Vice-Chair of the State Board of Physical Therapy Examiners, and on the President's Council of Youth Opportunity.

Robert is also a true friend to our troops, veterans, and their families. He served in the U.S. Army, the Army National Guard, the Texas State Guard, and the U.S. Army Reserves. He retired with 25 years of combined military service with the rank of Colonel. Robert was attached to the 5th Armored Division, D Battery at Camp Chafee, Arkansas, on September 24, 1957, and participated in the predawn exercises to secure Central High School in Little Rock in preparation for integration of the school. He also taught military courses at the National Guard Professional Education Center and for the Department of Defense.

Robert has received numerous awards for military and public service and humanitarian activities. Among these are the Distinguished Service Award from the Secretary of the Army, the Lone Star Distinguished Service Medal and the Clara Barton Medal from the American Red Cross.

I want to personally thank Robert for his lifetime of service to our community. He is an example of someone who has truly made a positive difference in the lives of others.

HONORING RALPH AND ROBERT BROWN FOR THEIR SUPPORT OF WOUNDED WARRIORS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. BILIRAKIS. Madam Speaker, I rise today to honor two of my constituents, brothers Ralph and Robert Brown. Ralph and Robert will be attempting a 2nd Guinness World Record this summer by sailing non-stop across the Atlantic Ocean from Tampa, Florida to Hamburg, Germany to raise funds for Wounded Warrior Foundations.

In 2007, Ralph and Robert set their first Guinness World Record for the ''longest non-stop ocean voyage in a flats boat'' traveling from North Carolina to Bermuda and back to New York in a 21-foot open fishing boat of their own design. This voyage garnered a great deal of publicity and convinced the brothers to use this notoriety to raise money for Wounded Warriors Organizations in the future. Ralph and Robert will be using the publicity from their second voyage to raise money for six Wounded Warrior and Disabled Veterans Organizations, having set a goal of $3 million.

In 1980, former Marine Ralph Brown was placed on the roster to liberate the American Embassy in Iran during the hostage takeover. However, at the last minute Ralph's group was replaced by another group of soldiers, out of which three men were killed. Mr. Brown and his brother have since dedicated their lives to honoring the lives of these three soldiers and their many other brave countrymen.

Madam Speaker, Ralph and Robert Brown truly are doing more than just saying ''thanks,'' by raising money and awareness for our nation's wounded warriors. And they are doing so in one of the most original manners possible.

CONGRATULATING DONEISHA BROWN

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. GARRETT of New Jersey. Madam Speaker, this evening the Michelle Mitzvah Group and the Beth Haverim Shir Shalom Temple of Mahwah will bestow their LeBron-Michelle Mitzvah Scholarship upon an outstanding young woman, Doneisha Brown. Doneisha is a graduating senior at Eastside High School in Paterson, NJ, where she is ranked in the top 5 percent of her class. During her time at Eastside, Doneisha was active in the PEER Leadership Program, a student-run organization that helps incoming freshmen acclimate to a high school setting. PEER seeks to create a positive, reaffirming community by creating small support groups that cut across class divides, and by standing up against physical, emotional, and psychological bullying. Along with contributing to this very important organization, Doneisha is a scholar athlete, having competed in track and field and girl's softball.

The Michelle Mitzvah Group was founded by Marc Applebaum as a living memorial to his daughter Michelle, who succumbed to leukemia. The Michelle Mitzvah Group seeks to practice the Jewish covenant of Mitzvah through ''hands-on projects,'' such as ministering at children's hospitals, food banks, and homeless shelters. The Group also raises money for charities, sponsors blood drives, and collects items for our wounded veterans. Three years ago, Nathan LeBron partnered with the Michelle Mitzvah Group to form the LeBron-Michelle Mitzvah Scholarship Fund. Nathan is a cancer survivor who grew up in a dysfunctional home and was mentored by Marc Applebaum. With the love and support of individuals such as Marc, Nathan went on to graduate from SUNY Albany and Harvard University. Nathan formed the LeBron-Michelle Mitzvah Scholarship Fund to help other promising-yet-disadvantaged youths in receiving the help and guidance they require to go on to college or technical school.

Doneisha Brown is an exceptional student and role model for her peers. I am proud of her accomplishments, and expect great things from her as she continues her education. I am also proud of the Michelle Mitzvah Group and Beth Haverim Shir Shalom Temple on helping make a college education possible for Ms. Brown. Through this scholarship and countless other acts of selfless service, the individuals involved have made their community a better place. I wish all the very best in the coming years.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. NUNES. Madam Speaker, on the legislative day of Thursday, May 21, 2009, I was unavoidably detained and was unable to cast a vote on a number of Rollcall votes. Had I been present, I would have voted: Rollcall 289—''yea''; Rollcall 290—''yea''; Rollcall 291—''nay''.

YARITZA HUERTA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Yaritza Huerta, who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Yaritza Huerta is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Yaritza Huerta is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Yaritza Huerta for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career in her future accomplishments.

HONORING MR. AND MRS. WALLY AND MARY GROTZ ON THEIR 60TH WEDDING ANNIVERSARY

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Mr. and Mrs. Wally and Mary Grotz of Delano, Minnesota, on the occasion of their sixtieth wedding anniversary. For the last sixty years, they have raised four children and lived in the homestead Wally built while the town of Delano grew into a city. But this is no ordinary couple; they are some of America's ''Greatest Generation'' and both have tremendous wisdom to share from their personal histories.

Wally was a B–24 bomber pilot during World War II and at one point served under American film legend, Jimmy Stewart. But Wally's story goes much deeper. He was shot down over Germany in 1944 and taken as a Prisoner of War until May of 1945. When he returned home he found a job at the local post office where he worked for 34 years, serving as Postmaster for 16 years.

Mary spent her time working for Minnesota-based food producer, General Mills. Her job was as unique as she is; she answered cooking and baking questions as Betty Crocker, the General Mills kitchen icon. She still remains active in her church and the Delano community today.

Madam Speaker, I rise today to congratulate and honor Wally and Mary Grotz. Their accomplishments as individuals and dedicated citizens would be enough to warrant recognition, but the love and devotion they have shown to one another sweetens their story as American heroes. I wish them a happiest anniversary and another sixty years together!

IN HONOR OF GERALD OEHLER, M.D.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. FARR. Madam Speaker, for more than 50 years, Dr. Gerald Oehler has dedicated his life and his work to the care and well being of his patients. Born January 29, 1933 in Harvey, North Dakota, Dr. Oehler's well rounded medical education came from Kansas University Medical Center, where he was trained in several specialties and gained the broad-based knowledge that would become his hallmark. Graduating from medical school in 1958, Dr. Oehler put his skills to work for his country, enjoying a distinguished career in the United States Navy.

Named to the staff at Salinas Valley Memorial Healthcare System in 1966 and Board Certified in 1973, Dr. Oehler's practice was dedicated to the entire patient. In his four decades at Salinas Valley Memorial, his surgical and family practice touched the lives of thousands in the Salinas Valley and Monterey Peninsula. Dr. Oehler's specialty was the patient, his practice in the operating room, at bedside or in his medical office. Regardless of the location, his knowledge and experience touched and saved lives.

While witness to many changes in medical techniques and styles, Dr. Oehler showed a remarkable ability to adapt, and to keep his focus on patient-based medicine. His legacy will long remain a testament to that focus.

Dr. Gerald Oehler became Physician Emeritus at Salinas Valley Memorial Healthcare System on June 1, 2007. His dedication and professionalism will remain as an inspiration to all who follow.

HONORING SUPERVISORY SPECIAL AGENT RICHARD J. McCUE FOR HIS 25 YEARS OF SERVICE WITH THE NAVAL CRIMINAL INVESTIGATIVE SERVICE (NCIS)

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. CANTOR. Madam Speaker, I rise today to honor one of my constituents, Supervisory Special Agent Richard J. McCue. After 25 years of distinguished and honorable service, he retires this month from the Naval Criminal Investigative Service (NCIS).

In addition to his service with the NCIS, Mr. McCue has also served his country as an officer in the United States Marine Corps. Since September 11th, Mr. McCue has volunteered for several dangerous overseas assignments, including being part of the first NCIS team in the nation to provide Protective Services support to Coalition Provisional Authority leadership in southern Iraq. During this tour, Mr. McCue conducted over one hundred missions in active combat zones, directly encountering both active fire and several Improvised Explosive Devices.

Among numerous honors and achievements, Mr. McCue was requested by name to formalize the Surveillance Detection Mission for U.S. Forces within Kuwait, as well as forces transitioning to the Theater of Operations in support of Operation Enduring Freedom. In addition, Mr. McCue volunteered to serve as a forensic expert on the investigative/recovery team at the Pentagon after the September 11th attacks, providing both his expertise and compassionate care for the victims of that attack. In honor of this selfless service, Mr. McCue received the Department of the Navy Meritorious Civilian Service Medal as well as the Expeditionary Service Medal.

Please join me in recognizing Richard McCue for his distinguished service to the people of the United States. We wish him well on his retirement.

EATHAN HOLTZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Eathan Holtz who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Eathan Holtz is a senior at Compass Montessori High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Eathan Holtz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Eathan Holtz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

A TRIBUTE TO SI FRUMKIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. WAXMAN. Madam Speaker, it is a privilege to join my colleague HOWARD BERMAN in paying tribute to Si Frumkin, who passed away in Los Angeles, California on May 15, 2009. For more than 40 years, Si was a singularly focused and steadfast voice fighting for equality, freedom and dignity. As a Holocaust survivor, he heard a call of duty and answered it with a passionate resolve to not rest until the injustices he identified had been addressed. He was a role model, a mentor, and a friend we will miss.

Born in 1930 in the town of Kaunas, Lithuania, Simas Frumkinas came from an affluent family that was not particularly religious or politically active. When the Germans invaded Kaunas in 1941, and the Communists took over his father's business, the Frumkin family was herded into a Jewish ghetto. The ghetto was liquidated in 1944, and Si and his father were sent to the Dachau concentration camp where he and his father were forced laborers in a Nazi aircraft hangar. Si was just 13 years old.

Si's father passed away just 20 days before Dauchau was liberated in 1945. When the camp was liberated by the U.S. Army, he went on to study in Switzerland, England, and Venezuela, where he was reunited with his mother before graduating from New York University in 1953. Soon after, he arrived in Los Angeles, where he took over a textile company—Universal Drapery Fabrics—and earned a master's degree in History at night at the California State University campus in Northridge.

As he became aware of the repression of Soviet Jews in the early 1960s, Si leapt into action, beginning a relentless journey as a founding father of the Soviet Jewry movement and becoming a mentor and ally on behalf of Soviet Jews. He brought up a young student to UCLA and that student went on to become Los Angeles City Councilman (now County Supervisor) Zev Yaroslavsky. In 1968, he formed the Southern California Council for Soviet Jews and excelled in using unconventional methods to bring attention to the issue. When the Bolshoi ballet performed in Los Angeles, Si wrote up fake programs encouraging patrons to enjoy the ballet but adding a message about the oppression. When President Nixon was visited by Soviet President Leonid Brezhnev, Si released 5,000 balloons with the message, "Let My People Go." With candlelight rallies attended by tens of thousands, letter-writing campaigns and other grass roots efforts, he enlisted a generation into action.

Once the Iron Curtain fell and thousands of Jews were permitted to leave, Si turned his focus to assist in resettling those who arrived in Los Angeles and Southern California. He became the liaison for the émigrés on everything from résumé workshops to clothing drives.

In 1992, Si began publishing "Graffiti for Intellectuals," a bi-weekly newsletter with information and commentary on politics, social issues, and challenges in the community. With candor, conviction and often a touch of humor, his columns expounded on the needs of Holocaust survivors seeking restitution and reparations, the plight of Israel, the fight against anti-Semitism, and other Jewish causes.

In the face of fierce resistance, Si never relented or grew too tired to persevere. His creativity and sincerity inspired people to action. While we mourn his absence, we pay tribute with an enduring debt of gratitude for his remarkable courage and vision. His tremendous legacy will be felt for generations to come.

Si is survived by his wife, Ella, his son, Michael, and two grandchildren. Ella, who always stood solidly beside him and encouraged him to carry on the cause, deserves recognition as an equal partner in his lifelong achievements. Those who knew Si well can attest to his enduring love for his family and his avid collection of chess sets.

We ask that our colleagues join us as we celebrate the remarkable life and tremendous contributions of Si Frumkin. Si was living proof that one person can change the course of history.

CONGRATULATING PAM BRUNETTE ON HER EXEMPLARY VOLUNTEER SERVICE TO OUR MEN AND WOMEN IN UNIFORM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. DONNELLY of Indiana. Madam Speaker, today I pay tribute to an outstanding citizen of South Bend, Pamela Brunette, a woman who has selflessly devoted her time, talent and energy to our Marines. Her impact on the lives of our troops and their families is immeasurable, the result of her unflagging efforts to boost their morale during some of the most trying periods of their lives.

Like so many, Pam was shocked by the assault on our country that took place on September 11, 2001. She took positive action in a way that would help those sent to defend our lives, liberty and honor. Pam learned about Adoptaplatoon, whose mission it is to "Support America's men and women deployed abroad, while they protect our country." Believing in this mission, Pam joined Adoptaplatoon to support those who sacrifice so much on our behalf.

Pam first adopted a platoon of soldiers who were deployed to Kosovo and Bosnia. As part of her service to these men and women, Pam communicated with them regularly, through letters and emails, bringing a glimpse of "home" to many of them. Even as Pam's adoptees returned from duty, she continued her efforts by caring for newly deployed service members.

When Marines from Engineer Company B deployed for Iraq for the first time in 2003,

Pam stepped forward and adopted the entire company. She coordinated the efforts of other volunteers to ensure that each Marine was assigned a supporter to communicate with them throughout their deployment. In addition, Pam wrote them herself, and sent care packages. Pam provided so much love, support and appreciation to these troops, that she is now called ''Mom.'' In addition, many of these soldiers and their families include her in their personal celebrations. To Pam, this is the greatest honor of all.

Pam continued to support Engineer Company B when they were redeployed in 2005. In addition, she helps them with the annual Toys for Tots drive. She continues to encourage others to join Adoptaplatoon and support our service men and women. Pam believes our military is the best in the world, and they should receive the best we can give. She takes it upon herself to give them her best.

Because of her outstanding commitment to Adoptaplatoon and our troops, Pam has been awarded the President's Volunteer Service Award from the President's Council on Service and Civic Participation. This award is given to volunteers in recognition of their service to their community and their country.

So, today, on behalf of the citizens of Indiana's Second District, I thank Pam Brunette for her years of selfless dedication to our men and women in uniform. As she continues to work to bring a sense of appreciation and concern to our military personnel and their families, let us pay special tribute to this woman who truly expresses support for our troops through her action, dedication and commitment.

KATERYNA KONDRATYSHYNA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kateryna Kondratyshyna who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kateryna Kondratyshyna is a junior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kateryna Kondratyshyna is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kateryna Kondratyshyna for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING THE MEMORY OF PATRICK O'CONNOR

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to pay tribute to a great Chicagoan and a true friend, Patrick O'Connor, who passed away this past Tuesday.

An athlete and a sports fan, Patrick was the past President of the Chicago Gaelic Athletic Association, and the St. Pat's Football Club. An active member of our community, Patrick was a committed member of the DeSoto Council Knights of Columbus. A dedicated family man, Patrick leaves behind his beloved wife Barbara, his five children: Michael, Robert, Catherine, Daniel, and Alderman Pat O'Connor, as well as dozens of grandchildren, nieces and nephews.

On behalf of my family, and those lives in my district that Patrick touched over the years, I send my deepest condolences to his family and friends. He will be missed.

RECOGNIZING THE RECIPIENTS OF THE 2009 BEAT THE ODDS AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the recipients of the 2009 Beat the Odds Awards presented by the Prince William County Bar Foundation. The awards recognize extraordinary youth in our community for their determination to overcome adversity and lead a full, productive life.

Beat the Odds Awards focus on young people who have come into contact with the juvenile justice system and, despite such an obstacle, have overcome abuse, neglect or juvenile delinquency with an earnest effort to realize a successful future.

It is my honor to commend the following individuals who have risen above substantial negative influences and are now being recognized as community success stories.

Recipients of the 2009 Beat the Odds Phoenix Award: Jessi Danner, Angela Garcia, Cynthia Hubler, Sha-Kina Jackson, and Maria Ann Sisson.

Recipients of the 2009 Beat the Odds Scholarship Award: Diana S. Alvarado, Howard James Artis, Courtney Blaydes, Ian Gabriel Byrd, Breanna Lee West Chrisman, Christopher England, Kendra A. Hedgespeth, Devon Kennedy, Brittani Nicole Rodriguez, Yaileen Rodriguez, and Rebecca L. Smith.

Madam Speaker, I ask that my colleagues join me in congratulating these young people for the positive example they set for their peers. Our community sends a powerful message to our youth when we encourage them to triumph over setbacks and to gain strength from hardship. The fact that more than $100,000 in Beat the Odds scholarships have been awarded thus far is a testament to that message.

IN TRIBUTE TO AMBASSADOR ALEXANDROS P. MALLIAS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mrs. MALONEY. Madam Speaker, I rise to honor Mr. Alexandros P. Mallias, the Ambassador of Greece to the United States. During his tenure, Ambassador Mallias has fostered greater understanding and forged closer bonds between the leaders of Greece and America, including with many members of the House and Senate and officials in the Executive Branch. Ambassador Mallias has been a truly outstanding representative of the Hellenic Republic.

After nearly four years leading the Greek diplomatic delegation to the United States, Ambassador Alexandros Mallias is returning to serve as a senior advisor to the Greek Foreign Minister, Dora Bakoyianni, on critical issues in the sensitive Balkan region. Having first presented his credentials in Washington in 2005, Ambassador Mallias has served with distinction during a critical period in Greek American relations.

A proponent of public diplomacy, Ambassador Mallias has made hands-on interaction with the American people an integral part of his mission here, reaching beyond the bounds of Beltway politics. He traveled extensively throughout the U.S., visiting more than 30 states and delivering more than 140 public lectures at universities, think tanks and other organizations, not just on issues relating to Greece, but also on matters affecting the broader Southeastern European region.

Born on October 1, 1949, Ambassador Mallias traces his family's roots to Stemnitsa in the mountainous region of Arcadia. He received his undergraduate degree in Economics from University of Athens, studied Political Science at the University of Geneva, and obtained a Post-Graduate Certificate from the ''Institut des Hautes Études Européennes''. He joined the Foreign Service of the Hellenic Republic in 1976.

Ambassador Mallias developed a close and warm relationship with the Hellenic American Community.

He and his wife Françoise, whom he affectionately calls his ''pillar of support,'' devoted themselves tirelessly and selflessly to promoting the relationship between the United States and Greece. They opened the Greek Embassy in Washington to events and cultural occasions, frequently hosting the Hellenic-American community and the diplomatic community at large. I was honored to be included at many of these events and even, on one special occasion, to be honored by the Greek Embassy. It was a true highlight of my career, the memory of which I will always treasure.

During his four years as Ambassador, Alexandros P. Mallias worked to ensure that the critical strategic relationship between Greece and the United States remained on a positive note. There is a fresh interest on the part of the United States to work with Greece on a wide array of issues of regional as well as global importance, such as the security of vital sea lanes.

As Ambassador Mallias has always said, Greece's greatest asset in the United States remains the vibrant Hellenic-American community, so many of whose members I am proud

to serve in the United States House of Representatives. As the Co-Founder and Co-Chair of the Hellenic Congressional Caucus on Hellenic Issues, I can say with certainty that this outstanding ambassador will be sorely missed. Ambassador Mallias, we wish you ''Ke Sta Annoterar,'' or great success, in all your future endeavors!

Madam Speaker, I ask that my colleagues join me in honoring Ambassador Alexandros P. Mallias, a great statesman and diplomat whose life's work has contributed immeasurably to cross-cultural understanding and international cooperation.

NATIONAL ASSOCIATION OF LETTER CARRIERS AND SECOND HARVEST FOOD BANK ''STAMP OUT HUNGER'' FOOD DRIVE

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. DENT. Madam Speaker, I rise today to recognize the National Association of Letter Carriers and the Second Harvest Food Bank of the Lehigh Valley and Northeast Pennsylvania for their continued efforts in the battle against hunger.

On May 9th, letter carriers and postal customers across the country joined forces to ''stamp out hunger'' in the nation's largest single-day food drive for the 17th consecutive year. This also marked the 16th year that Second Harvest of the Lehigh Valley and Northeast PA took part in this extremely important event. Last year this food drive collected over 143,000 pounds of food to help struggling families in Lehigh, Northampton, Pike, Wayne, Monroe and Carbon counties. The local effort helped the National Association of Letter Carriers set a new record of 73.1 million pounds of food collected in 2008 in the ''Stamp it out'' drive.

Food banks like Second Harvest of the Lehigh Valley are even more important during economic downturns like the one we are currently facing. Second Harvest of the Lehigh Valley and Northeast Pennsylvania has seen the demand for assistance rise dramatically in the past year and has been able to help 64,000 people so far in 2009, up from 50,000 in 2008. Thankfully, the generosity and compassion of their neighbors in the Lehigh Valley and Northeast PA showed again this year as they donated over 155,000 pounds of food exceeding last year's total.

I believe that programs like this by the National Association of Letter Carriers and the Second Harvest Food Bank of the Lehigh Valley and Northeast Pennsylvania bring us closer to achieving the goal of eradicating hunger in our communities. Once again, I would like to thank these organizations for their continued efforts.

ALEXANDER HILLMAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Alexander Hillman who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Alexander Hillman is a senior at Pomona High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Alexander Hillman is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Alexander Hillman for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN HONOR OF BILL KYSOR'S 40 YEARS OF TEACHING EXCELLENCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. SESSIONS. Madam Speaker, I rise today to pay tribute to Mr. Bill Kysor's 40 years of teaching at St. Mark's School of Texas. I am proud to represent St. Mark's in the 32nd Congressional District of Texas.

For forty years, Mr. Kysor has inspired young men and fostered their artistic capabilities and appreciation. During his tenure, Mr. Kysor has taught Middle School art and Upper School Art Elements, Painting, and Sculpture, but he is best known for his Ceramics class.

In addition to his work in the studio, Mr. Kysor has introduced scores of boys to the wonders of the outdoors during Middle School campouts and the annual Pecos Wilderness Trip. Playing his beloved drums, he co-sponsors the Blues Club. Mr. Kysor also has the distinction of being the only ''Honorary Member of the Science Department,'' an honor awarded to him as thanks for creating the ceramic Periodic Table of the Elements that graces the Cecil and Ida Green Science Building.

In 2006, Mr. Kysor escorted his student, Jason Sanford as he received a Presidential Scholar in the Arts award for his command of the art of ceramics.

Mr. Kysor was appointed to the St. Mark's faculty on August 28, 1969, after receiving his M.A. from Southern Methodist University. He is an icon at St. Mark's, and I admire him for continuing to teach even after reaching his forty-year milestone. I wish Mr. Kysor all the best.

FRIENDS OF THE ARAVA INSTITUTE HONORING HERSHEL J. RICHMAN

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Ms. SCHWARTZ. Madam Speaker, I rise today to commend a constituent, Hershel J. Richman, who is being honored on June 7, 2009 with the ''Peace Building and Environmental Stewardship Award'' of the Friends of the Arava Institute.

The Friends of the Arava Institute is a Pennsylvania-based non-profit organization that supports the Arava Institute for Environmental Studies in the south of Israel. This institute, which has the particularly timely philosophy that ''Nature Has No Borders,'' brings together students from Israel, Jordan, the Palestinian Authority and beyond to study common environmental concerns and to forge mutual understanding among tomorrow's leaders in that conflicted region.

Given the special and forward-thinking mission of the Arava Institute, it is no wonder that a special and forward-thinking man such as Mr. Richman became involved with it. For decades now, Mr. Richman has been one of Pennsylvania's foremost leaders on environmental issues. A graduate of the Pennsylvania State University and the Villanova University School of Law, Mr. Richman has devoted countless hours to environmental issues, in government, in private practice, in academia, and as a volunteer.

Mr. Richman and his wife Dr. Elizabeth Richman have been involved with the Arava Institute since they participated in a five-day, 300-mile bike ride through Israel sponsored by Arava in 2007.

Madam Speaker, I have no doubt that Mr. Richman deserves this and many other honors in recognition of his commitment both to the environment and to the cause of Middle East peace. I ask that my colleagues join me in congratulating Mr. Richman on this honor.

HONORING KEVIN DUNCAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor the hard work of Kevin Duncan, a devoted member of the International Union of Bricklayers and Allied Craftworkers Administration (BAC). On May 3, 2009 Mr. Duncan was recognized by the Middlesex County AFL–CIO as this year's Labor Person of the Year. This recognition is bestowed upon a committed labor leader who has worked tirelessly on behalf of his fellow laborers.

The BAC is an organization dedicated to providing fair wages, good benefits, and safe working conditions. Mr. Duncan joined the former BAC Local #8 in 1980. As the International Union merged local unions to create three larger statewide organizations in New Jersey, Mr. Duncan continued to take on a more prominent role in the new Local #5. Mr. Duncan has been a valuable and faithful member of the BAC for over 29 years.

As a Field Representative for BAC Local #5 in 2001, Mr. Duncan held an active position in the labor movement. Three years later he undertook the position of Secretary on the Middlesex County Building and Construction Trades Council AFL–CIO, where he now currently works. In the past, he has also served as vice-presidents and recording secretary to the Middlesex County AFL–CIO Labor Council. Today, he is one of their most committed members and serves as the council's treasurer.

Along with his dedicated work at the International Union of Bricklayers and Allied

Craftworkers, Mr. Duncan has been a valuable citizen of New Jersey. Mr. Duncan was born and raised in New Jersey, and now maintains a home and joyful family life in the Garden State. He and his wife Penny have been married for 26 years and they live in Fair Haven where they have raised three beautiful daughters.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the accomplishments and hard work of Kevin Duncan. Organized labor in New Jersey would not be the same without his determination and excellent service.

MAGGIE HURSEY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Maggie Hursey who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Maggie Hursey is a senior at Ralston Valley High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Maggie Hursey is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Maggie Hursey for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

FAA REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes:

Mr. DUNCAN. Mr. Chair. We have one of the most efficient aviation systems in the world.

However, we still need a great deal of improvement to this system.

We need to modernize our air traffic control facilities to help make travel even more efficient and reduce unnecessary delays which cost our economy millions of dollars every year.

Our last FAA reauthorization bill expired in 2007. Since that time we have been operating on temporary extensions.

I am glad to see that the legislation before us today will continue these vital programs that are needed in our aviation system.

I believe that there is more good than bad in this bill, but I do have some concerns with some of the labor provisions contained in it.

In the 1996 FAA reauthorization bill, we made a technical correction that allowed Federal Express to operate under the Rail Labor Act, as it always has.

I think to change this provision now, without knowing the consequences in this economic climate, could end up hurting our economy.

I hope that we can revisit this matter in the future before this bill is in its final form.

I would also like to state that I am pleased that this bill includes provisions from legislation that I cosponsored which would restrict the use of cell phones on flights.

I believe every passenger should be able to enjoy a flight without having to listen to someone else's conversation.

Most people do not realize that they speak louder on a cell phone than they do during a normal conversation.

Cell phone conversations are often very loud, insensitive to other passengers, and disruptive to others in nearby seats.

This bill is far from a perfect one. In fact, there are other concerns that I have about some of the other sections, including the inspections of foreign repair stations.

This could cause the European Union to retaliate against repair stations located here and potentially cost us some good paying jobs.

However, I feel overall that we should move this legislation forward, and I hope we can address these other concerns as the process goes forward.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Ms. BERKLEY. Madam Speaker, I was unable to vote on rollcall Nos. 288 through 291. Had I been present, I would have voted "aye" on Nos. 288, 289 and 291, and "no" on No. 290.

HONORING TEMPLE PARKS AND RECREATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. CARTER. Madam Speaker, I would like to commend Temple Parks and Recreation for their recent honor of being named one of the top four departments in the country for a city of its size. When the American Academy for Park and Recreation Administration honors one city with its National Gold Medal Award for Excellence, I am proud to say that one of our own cities, in Texas District 31, will be among the elite finalists.

Congratulations to the residents, boards, committees, city council, city administration, and department staff, whose commitment to excellence over the past several years did not go unnoticed. I wish you all the best when the winner is named in October.

HONORING THE CAREER AND ACCOMPLISHMENTS OF REAR ADMIRAL JOEL R. WHITEHEAD, UNITED STATES COAST GUARD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. COBLE. Madam Speaker, I take this occasion to honor Rear Admiral Joel Whitehead of the United States Coast Guard for his service to the United States Congress and for his 38 years of service to our country.

Admiral Whitehead presently serves as the Commander of the Eighth Coast Guard District in New Orleans where he is responsible for Coast Guard operations in 26 states, over 1,200 miles of Gulf of Mexico coastline and 10,300 miles of inland waterways including the entire lengths of the Mississippi, Ohio, Missouri, Illinois, and Tennessee River systems. As commander of the largest Coast Guard District, Admiral Whitehead leads over 9,000 active duty, reservists, civilian members and Coast Guard Auxiliary volunteers. From 2003 to 2005, then Captain Whitehead served as Chief of Congressional Affairs and as Acting Assistant Commandant for Governmental and Public Affairs. I am proud to have had the opportunity to work closely with him during this time. My staff and I have often relied on Admiral Whitehead's knowledge and understanding of the missions, challenges and responsibilities of the United States Coast Guard to help me in my leadership roles on the Coast Guard and Maritime Transportation Subcommittee and in numerous other venues where his great depth of experience was invaluable.

Admiral Whitehead comes from a distinguished military family that has served this nation since before the American Revolution. His oldest known ancestor, Isaac Whitehead, served in the militia of the New Haven Colony in Connecticut as early as 1643. The Whitehead family moved westward in 1666 to become founders of the Elizabethtown, New Jersey Colony and again to Morristown, New Jersey where Onesimus Whitehead was a member of the New Jersey militia when George Washington encamped in Morristown the winter of 1779–80 and endured a winter as severe as that at Valley Forge where thousands died. His family having been awarded land for their service in the Revolutionary War, Isaac Whitehead IV moved to the Finger Lakes of New York about 1700 where the Whitehead family remained until they again traveled westward in 1826 after the opening of the Erie Canal. The Whitehead family remained in Ohio until the outbreak of World War II when Admiral Whitehead's father James entered the Army and served over 20 years, retiring as a Lieutenant Colonel. In 1968 Admiral Whitehead's brother Scott also answered the call to serve his Nation, joining the United States Marine Corps while in college and recently retiring as a Colonel in the Marine Corps Reserve.

Admiral Whitehead has served at sea and ashore in a variety of operational and policy tours during his career. A native of Newport News, Virginia, he graduated from Walsingham Academy in Williamsburg, Virginia. He began his military career at the United States Coast Guard Academy in New London, Connecticut in 1971, where he was

elected Class President and served as a Regimental Commander in the year of his graduation in 1975. Ensign Whitehead first trained new Cadets of the Class of 1979 as a Summer Ensign at the Coast Guard Academy. He then went to Governor's Island, New York, to serving two years aboard the cutter MORGENTHAU as Anti-Submarine Officer, Weapons Officer and Deck Watch Officer. He later served as Executive Officer of Marine Safety Office, Albany, New York. There, for the first, but not last time in his career, he led the Coast Guard's response to an environmental crisis when he was second in command during the first ''Superfund'' cleanup in the nation's history.

After earning a Master's Degree in Public Administration at the State University of New York at Albany, Lieutenant Commander Whitehead and his family accepted their first tour in Washington, D.C., where they spent some 12 years during his career. There, he helped negotiate the worldwide implementation of international MARPOL Treaty at the International Maritime Organization in London and subsequently wrote the U.S. federal regulations to enforce them in the United States. When the EXXON VALDEZ disaster occurred in 1989, Lieutenant Commander Whitehead was assigned for two weeks to assist the Admiral in charge of the cleanup. He ultimately stayed for almost a year as an adviser to the Federal On-Scene Coordinator and later wrote the federal report detailing the government's response and recommendations that came from the lessons learned from this historic event. Following the EXXON VALDEZ response in Alaska, Lieutenant Commander Whitehead returned to Washington, D.C., to assist in implementing the newly passed Oil Pollution Act of 1990 and later served as a Program Reviewer for the Coast Guard's budget where he was responsible for program oversight and development for almost one-third of the Coast Guard's operating budget. He also led the Coast Guard's efforts with the new presidential administration's transition team in 1992.

Again in the field from 1993 to 1996, Commander Whitehead was assigned as Deputy Group Commander of Group Woods Hole, Massachusetts, where his group responded to more than 4,000 law enforcement boardings and 5,400 search and rescue cases resulting in over 450 lives saved. In 1996, Commander Whitehead was selected to study for a year with 17 select military officers as a National Security Fellow at Harvard University's John F. Kennedy School of Government. From that elite educational experience he again found himself in Washington working for the Commandant of the Coast Guard as the Chief of Strategic Planning for the U.S. Coast Guard. There his team developed the Coast Guard's strategic vision, Coast Guard 2020 and pioneered a scenario-based planning process to develop long-range strategies to plot the Coast Guard's future.

It was not long afterward that Captain Whitehead was in command in Boston as Commanding Officer of Marine Safety Office Boston. There he managed the explosive growth of Liquefied Natural Gas transits through the port, Sail Boston 2000 and led the federal response to the largest oil spill in Boston's history: the 2000 Tank Vessel POSAVINA spill, which put over 59,000 gallons of fuel oil in the harbor. Under his leadership the Coast Guard collected an unprecedented 89% of the oil from that near-pristine waterway that had just undergone a $4 billion, 10-year water quality improvement project.

In 2001, Captain Whitehead was transferred early to begin his close association with the Gulf of Mexico when he was selected as Chief of Staff of the Eighth Coast Guard District. There he managed the day-to-day operations of a 200 person staff and 9,000 Coast Guard men and women located at sub-units throughout the heartland of America and the Gulf of Mexico. He was there only a few months when the attacks of 9/11 occurred and, as acting District Commander, he personally led the federal maritime homeland security response on the inland waterways, Gulf of Mexico ports and offshore oil and gas fields. Recalling over 800 Reservists to protect the Nation's busiest ports and the energy gateway to America, he reorganized the District staff to include the first Homeland Security staff element in the Coast Guard.

Returning to Washington in 2003, Captain Whitehead assumed the reigns of the Coast Guard's relations with Capitol Hill as the Chief of Congressional Affairs. There he managed some 25 young Coast Guard men and women at DOT Headquarters, in the House of Representatives and the Senate, and organized over 100 Congressional and staff delegation visits to the field. It was there I met Captain Whitehead as he worked the many policy and budget issues including the growing Deepwater acquisition project, homeland security and port security issues.

While Chief of Congressional Affairs, he was promoted to Rear Admiral in 2004 and officially became the Assistant Commandant for Governmental and Public Affairs. As the heart-rending events of Hurricanes KATRINA and RITA unfolded in 2005, Admiral Whitehead ably represented the Coast Guard in Washington as a national spokesman alongside the Secretary of Homeland Security and provided numerous briefings to Members of Congress and Congressional committee staffs. In addition, he orchestrated an extraordinary and expansive media effort documenting the Coast Guard's historic response to that natural tragedy.

In 2006, Admiral Whitehead volunteered to return to New Orleans, this time to lead the Eighth Coast Guard District. Faced with the rebuilding of many Coast Guard facilities destroyed or damaged during the hurricanes, he prepared the staff for more hurricanes and tropical storms, as well as the ubiquitous flooding from the inland river system. During his tenure, the Coast Guard responded flawlessly to over 8,100 search and rescue cases. Then in 2008, during the fifth most active weather year since 1944, Admiral Whitehead led his Eighth District team through Tropical Storms EDOUARD, FAY and HANNAH, as well as Hurricanes DOLLY, GUSTAV and IKE in which 220 people were saved. In the largest oil spill in many years in New Orleans when the motor vessel TINTOMARA and the tug MEL OLIVER collided on the Mississippi river, Sector New Orleans and the Eighth District responded immediately and effectively, partially opening the port to traffic within days and fully opening it within two weeks to prevent a multi-billion dollar economic loss. The Midwest floods of Iowa and Missouri in 2008 also set records, only to be surpassed in 2009 by the flooding of the Red River of the North in which the Coast Guard rescued by helicopter and small boats over 105 people.

Admiral Whitehead has earned numerous military decorations during his years of active duty, including the Legion of Merit, the Meritorious Service Medal, the Coast Guard Commendation medal, the 9/11 medal, as well as numerous unit commendations and team awards. He has also received a number of other honors, including being named the Distinguished Alumnus in Public Administration & Policy for 2007 at the State University of New York at Albany. He is also an Honorary Master Chief Petty Officer of the Coast Guard, a recognition which the Admiral is most proud of. Over the years, Admiral Whitehead has also been able to serve his alma maters as a Director of the U.S. Coast Guard Academy Alumni Association and from 1999–2003 as a member and Chairman of the Alumni Executive Council at the John F. Kennedy School of Government at Harvard University, which represents more than 20,000 alumni in 120 nations.

This week, Admiral Whitehead will leave his post in New Orleans and retire after 38 years of honorable service to the Coast Guard and the Nation. He will be missed as a military congressional affairs alumnus in the United States House of Representatives and Senate. It has been my pleasure to work with Admiral Whitehead over the years. On behalf of all who have also been able to work with him, we wish Admiral Whitehead, his wife Martha, whom I have had the pleasure of knowing for many years, and his two wonderful daughters Christine, a medical student at the Virginia College of Osteopathic Medicine in Blacksburg, Virginia and Katherine, a fine art photography major who will graduate this year from the Corcoran College of Art and Design here in Washington, the best in their future endeavors.

HONORING RIVERDALE HIGH SCHOOL LADY WARRIORS ON WINNING THE 2009 TSSAA CLASS AAA GIRLS' STATE SOFTBALL CHAMPIONSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the 2009 Riverdale High School Lady Warriors for winning their first TSSAA Class AAA State Softball Championship.

In a best of three series, the Lady Warriors fought back after a game-one loss and beat Beech High School's Lady Buccaneers two games in a row to secure the tournament championship. They showed tenacity and perseverance to emerge as victors, and finished the season with an overall record of 47–7.

I know the parents of these young ladies must be very proud, and much credit is due to them for their many hours of support, attending practices and games, helping with fundraisers and volunteering when needed.

I commend Riverdale High School Head Coach Jeff Breeden and Assistant Coaches Dennis Weaver and Falon Catalano, Athletic Director Barry Messer, and Principal Tom Nolan.

I congratulate each player of the 2009 AAA State Champion Lady Warrior Softball Team:

Kacie Walker, Amber Castleman, Amber Bailey, Anne Russell, Samantha Hoadwonic, Megan Chesney, Hannah Porter, Alice O'Brien, Maria Frebis, Morgan Lester, Courtney Clark, Breana Thomas, Donté Souviney, Brittany Pendergrast, Ashia Terry, Jessica Ayers, Mary Beth Canterberry, Megan Kelley, Taylor Lee, Casey Clark, Kelsey Choate, Dené Souviney, Leslie Cope, Tara Greer, Amy Russell, Megan Quinn, Rachel Albritton, and Katie Brown.

IN HONOR OF JAY LENO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mr. Jay Leno, whose comedic talent charmed audiences across the nation, as he steps down as host of the Tonight Show after seventeen seasons. As Americans tuned in every night, Jay's hilarious insights and observations whisked away our worries, if only for a brief time.

Jay began his career in night clubs across the country, perfecting his stand-up routine. As his career took off, he earned small roles in TV and film, but hit the comedic goldmine in the early eighties when he was invited to perform on The Tonight Show Starring Johnny Carson and Late Night with David Letterman. For many years, Jay served as Johnny Carson's permanent guest host. Following Carson's retirement, Jay debuted as the new host of the Tonight Show on May 25, 1992. His work has been honored numerous times with several awards and nominations, including his Emmy win in 1995.

Beyond his professional success and achievements,, Jay Leno's character has not changed. A humble man with a compassionate heart and strong sense of responsibility toward others, both Jay and his wife, Mavis Nicholson Leno, have consistently avoided the fanfare and flashing lights of celebrity, working behind the scenes to further the causes of many charities and humanitarian efforts. Mavis is the Chair of the Feminist Majority's Foundation's Campaign to Help Afghan Women and Girls, and has been an outspoken advocate and activist on behalf of women's rights in America and around the world. Jay has consistently invested his time, talents and resources on behalf of several charities. He has a record of supporting our men and women in the military, and has made countless free appearances to audiences made up of families and individuals in need, including most recently, laid-off auto workers in Detroit, Michigan.

Madam Speaker and Colleagues, please join me in honor and recognition of Mr. Jay Leno as he steps down as host of the Tonight Show with Jay Leno. From his commitment to social service and various causes behind the scenes, to making us laugh day after day, Jay Leno's contributions continue to lift the heart and soul of our entire nation, one joke and one kind gesture at a time.

HONORING THE HISTORY OF THE MAD RIVER AND LAKE ERIE RAILROAD

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. JORDAN of Ohio. Madam Speaker, I am honored to commend to the House the work of the Champaign County Bicentennial Historical Marker Committee and the West Central Ohio Port Authority to promote the history of the Mad River and Lake Erie Railroad.

The Mad River and Lake Erie Railroad was chartered by the State of Ohio in 1832, making it both the first chartered railroad in Ohio and the first to be built west of the Allegheny Mountains. Groundbreaking ceremonies took place in 1835 in Sandusky, attended by General William Henry Harrison (the first of eight Presidents to hail from the Buckeye State) and Ohio Governor Joseph Vance.

By 1848, more than 130 miles of track were completed from Sandusky to Springfield at a cost of roughly $1.75 million. Urbana resident John H. James, who served as treasurer of the railroad, was instrumental in securing lines of credit to fund rail construction and early operations of the line.

The rail line was eventually expanded to tie in with the Little Miami Railroad, allowing for continuous rail service from Lake Erie to the Ohio River through western Ohio.

After numerous mergers, the Mad River and Lake Erie Railroad ultimately became part of Conrail, which has since been divided between the Norfolk Southern Railway and CSX Transportation. The West Central Ohio Port Authority acquired portions of the old Mad River track in 1994 to ensure continued freight rail service between Bellefontaine and Springfield.

On June 6, two historical markers celebrating the history of the line will be dedicated in Urbana. I am honored to join the Champaign County Bicentennial Historical Marker Committee, the West Central Ohio Port Authority, and Bellevue's Mad River and Lake Erie Museum in commemorating this event.

HONORING THE MEMORY OF THOMAS R. ALLEN, JR.

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to honor the memory of a great and respected Chicagoan, Thomas R. Allen, Jr., who recently passed away at the age of 85. Thomas Allen Jr. was a man who lived life to the fullest, and the friends and family he had are a testament to the quality of his character and the type of man he was.

Thomas R. Allen, Jr. was born on the 12th of February, 1924 on the West Side of the city of Chicago. He achieved his success in life through hard work and determination. He followed his own father into the bricklayers' trade after serving as a marine during World War II.

After his service, Tom became involved with Local 21 of the International Union of Bricklayers and Allied Craftworkers. He held the position of Midwest apprentice coordinator for the union for 35 years. He traveled the region to oversee the training of young people in his profession.

It was Tom's connection to and involvement in his community that his friends will remember. He was an active member of St. Eugene's Parish. Not only had he served as an usher for 55 years, he also served as a youth basketball coach and a member of the Big Brother program. He had a smile and kind word for everyone

Tom's top priority was always his family and the love and support they provided him was most important in his life. In 1948 he married his high school sweetheart, Irene Feehan, and together the couple raised eight children. His family includes their daughter, Barbara Wiemhoff and her husband John, their daughter, Nancy Cullerton and her husband Tim, and their sons; Thomas III and his wife, Janis, James and his wife, Lin, Dan and his wife, Sue, Patrick and his wife, Laura, and Terrence and his wife, Jean; 26 grandchildren and four great-grandchildren. After a long illness, Irene passed away in 1997.

Madam Speaker, Thomas R. Allen, Jr. ("the real Tom Allen") was an inspiration to all who knew him. I wish to express my deepest condolences to his family, and may God bless the Allen family and the memory of a man who was truly loved by his family, his friends, and his community.

FAA REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 915) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes:

Mr. TIBERI. Mr. Chair, I am submitting the exchange of letters between Ways and Means Committee Chairman CHARLES B. RANGEL, Representative JOHN B. LARSON and myself regarding the tax treatment of fractionally-owned aircraft."

HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways & Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RANGEL: We write to you regarding the tax treatment of fractionally-owned aircraft and ask that you carefully consider this issue as you continue work on H.R. 915, the FAA Reauthorization Act of 2009.

Under current law, fractional aviation is treated as commercial aviation for taxation purposes. However, the Federal Aviation Administration treats fractional aviation as non-commercial, general aviation operations for regulatory purposes. We believe that the current Federal tax law should be modified so that, going forward, it properly reflects this regulatory treatment. In addition, we recommend that an appropriate adjustment

in the aviation fuel excise taxes be placed on the fractional aviation community. It is important to note that both of these recommendations are fully supported by the fractional aviation community and are consistent with the agreement reached on this issue last year by the Senate Finance and Commerce Committees.

We had originally hoped to raise this issue during the Committee's mark-up on the aviation tax provisions of the FAA Reauthorization Act of 2009. In the absence of this opportunity, we ask for your commitment to continue to work with us on this issue as this legislation moves forward.

Sincerely,

PATRICK J. TIBERI.
JOHN B. LARSON.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 21, 2009.

Hon. JOHN B. LARSON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LARSON: Thank you for writing me to express your interest in the tax treatment of fractionally-owned aircraft operations. My office has been contacted on this issue as well. In the last Congress, Ms. Tubbs Jones supported changing the tax treatment of these operations from commercial to non-commercial aviation before she passed away and I appreciate your efforts to take up this issue in her place. Last year, the Senate Finance and Commerce Committees reached an agreement on this matter when the Senate considered the FAA reauthorization bill. The Senate never completed action on that bill so we were unable to consider it in conference before the end of the Congress.

This year, we had a very brief window between the Committee's hearing on aviation taxes and floor action. To accommodate that schedule, we chose to bring the bill to the floor without a mark-up of the revenue title. In those circumstances, I felt that it was not fair to Committee members for the title to include new material and thus, after consulting with our Ways and Means colleagues, we opted to move a revenue title whose substance is identical to that passed by the House in the last Congress.

I want to thank you for cooperating in that effort. Unfortunately, that process made it impossible for us to give the tax treatment of fractionally-owned aircraft the attention and consideration it deserves. Accordingly, I would like to indicate that our failure to address the matter in the FAA bill is not the last word on the matter. If the Senate acts on the bill, we will have a conference committee. And there is a strong possibility that the Senate may include provisions related to fractional operations in its bill. At this point, I am not aware of any opposition to the proposal but believe we need to take a closer look to verify that there are no objections to or problems with changing the tax treatment of fractionally-owned aircraft operations. I have asked my staff to take a closer look at the issue and promise to keep working with you as this legislation moves forward.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 21, 2009.

Hon. PATRICK J. TIBERI,
House of Representatives,
Washington, DC.

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Sincerely,

CHARLES B. RANGEL,
Chairman.

RECOGNIZING THE ONE-HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF THE GUM SPRINGS COMMUNITY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the One-hundred and seventy-fifth anniversary of the Gum Springs Community in Alexandria, Virginia. The Gum Springs Historical Society celebrated the anniversary on May 16, 2009.

Gum Springs is an African-American community founded in 1833 by West Ford, a freed slave. West previously was owned by John Augustine Washington and frequently accompanied John's brother, General George Washington following the Revolutionary War. As a freed man, West inherited 160 acres from the Washington family adjacent to Mount Vernon which he later sold to acquire a nearby tract of 214 acres that became the basis of the Gum Springs Community.

West Ford's Gum Springs Community became a refuge for freed and runaway slaves before the Civil War, and the residents built homes, became farmers and loggers and worked in other various trades. They took a patch of land, empty except for a solitary gum tree, and built a place of belonging for many Americans who, sadly, were marginalized and discriminated against in general society. Despite the hardships they were forced to endure, the residents persevered and prospered and the Gum Springs Community is a vibrant home to 2,500 people today.

Madam Speaker, I ask that my colleagues join me in congratulating the Gum Springs Community on its One-hundred and seventy-fifth anniversary, and thank the Gum Springs Historical Society for preserving the heritage and courage of those first residents who overcame tremendous challenges and successfully raised their families and created a lasting community.

TRIBUTE TO VINCENT J. TORNELLO

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PERRIELLO. Madam Speaker, today I recognize Vincent J. Tornello upon his completion of 37 years of service to Virginia's Fifth District. As conductor of the Charlottesville High School musical ensemble since 1972, he has imparted to thousands of young students the lasting gift of a musical education, and it is an honor to acknowledge his contribution to the community.

Vincent Tornello was born and raised in Oceanside, New York. He began conducting at age 17, and went on to earn his undergraduate degree at the Shenandoah Conservatory of Music, where he studied alto saxophone, flute, and piano; and his master's degree at the University of Virginia. During his time at Charlottesville High School, Mr. Tornello was the recipient of numerous accolades and honors from the community and beyond, including Sousa Foundation's Legion of Honor Award and membership in the Virginia Band Hall of Fame. Under his tutelage, Charlottesville High School bands have been named a Virginia Honor Band 27 out of 28 possible years, received superior ratings for 28 consecutive years at the state marching band festival, and performed at the 1998 Cotton Bowl Parade and the 1993 Fiesta Bowl Parade.

Throughout his career, Mr. Tornello has challenged each student to grow not only in musical skill, but also in discipline and an appreciation for the process of making music. Described as "tough, but inspiring" by his students, he has encouraged young people of varying backgrounds, abilities, and unique talents to take pride in the dedication and teamwork required to meet high standards of achievement. In helping each student reach his or her potential, he has created accomplished ensembles of young musicians dedicated to ensuring the school music program's continued success.

Although Mr. Tornello's legacy partly continues, his students have been inspired to enter the field of music and performing arts as a career, his students who have chosen a different path have noted the lasting impact of the life lessons learned under his guidance. Mr. Tornello has taught thousands of young people to strive for personal excellence and

find satisfaction and fulfillment in a job well done. On behalf of the City of Charlottesville and Virginia's Fifth District, I thank Mr. Tornello for his generosity and devotion in sharing his talent throughout the years and wish him all the best in his retirement.

HONORING PATTY CARLIS AS THIS YEAR'S WALLENBERG TRIBUTE HONOREE

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. DENT. Madam Speaker, I rise today to honor my constituent, Patty Carlis, as a community leader in the arts and interfaith understanding.

At the 25th annual Wallenberg Tribute Dinner on Sunday, April 19, 2009 Patty was recognized as this year's Wallenberg Tribute Honoree. The award, given by the Institute for Jewish Christian Understanding (IJCU) at Muhlenberg College, is named for Raoul Wallenberg, a Swedish diplomat who saved tens of thousands of Hungarian Jews from the Nazis during the Second World War. He was taken into Soviet custody just days after Budapest was liberated and was never again accounted for by Western sources. Each year since 1989, the Wallenberg Tribute has honored one or more local individuals who are recognized for their courageous moral action on behalf of others. Patty's lifetime of work makes her truly deserving of such an honor.

Patty served as the IJCU's Schools Program Coordinator from 2000–2006 and before that was responsible for creating the Youth and Prejudice Conference in 1995. The conference, held each spring on Muhlenberg College's Campus in Allentown, has reached over 15,000 students in the Lehigh Valley. Students are able to be a part of a live theatrical performance while learning valuable lessons about interfaith and cultural tolerance. By meeting with Holocaust survivors and relatives of survivors they learn firsthand about prejudice and bigotry. The conference teaches students valuable lessons about human rights and that their own dignity and that of others depends on the choices they make each day.

Throughout her career, Patty has been able to combine her commitment to tolerance and interfaith understanding with her passion for the arts and education. Since 2000 she has been part of the theatre faculty of Muhlenberg College and each year leads her students in the production of the play The Library: the story of a Jewish girl in Nazi Germany. This play, which puts a human face on the history of the Holocaust, is performed at elementary schools across the Lehigh Valley each spring.

Most recently, Patty has implemented after-school drama programs in the Allentown School District. Now students who attend Roosevelt Elementary, Central Elementary, and Trexler Middle School have had the opportunity to explore and express themselves through the arts under the guidance and supervision of Muhlenberg theatre, music and dance majors. Patty is passionate about the power of the arts to spark imaginations, motivate learning and develop life skills.

Madam Speaker, in closing, I would like to offer my sincere gratitude to Patty Carlis for all her work to build bridges and connect communities through the arts in the Lehigh Valley, the United States, and the world. She has made our community extremely proud.

HONORING CHARLES ROSE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Charles Rose for his dedication to his family and community. Mr. Rose passed away on Saturday, May 23, 2009 at his home in Fresno, California after a two and a half year battle with cancer.

Charles Rose was born on August 12, 1938 in Kansas City, Missouri. His family moved to the San Joaquin Valley in 1943. As a teenager Mr. Rose worked in the fields, canneries and the Port of Stockton. He graduated from Stockton College High School in 1956. Upon graduation he was recruited to play major league baseball as a pitcher; he did not take this opportunity, but instead chose to serve his country in the United States Marine Corps. Mr. Rose served in the Corps from 1958 through 1966.

Prior to his military service Mr. Rose met the love of his life, Bonnie Jean. He and Bonnie were married in August, 1964. After life in the military, they settled down in Fresno and Mr. Rose began working at Foster Farms Dairy. He worked there for many years as a distributor. He was well-known for his black 1927 Ford Model T that he drove to work every day and to the Fig Garden Golf Course on the weekends. Mr. Rose was a devoted husband, father and grandfather.

Mr. Rose was preceded in death by his mother and father, Pearl and Harold Rose and his precious daughter, Felecia Ann. He is survived by his wife of forty-four years; his children, daughter Michelle and Wayne Ransier of Stockton, son Darren and Lisa Rose of Clovis, and daughter Linda Banks of Rocklin; his grandchildren, Brittany, Ashten, Sarah and Grace; and his sister Vermona Geigel of Stockton.

Madam Speaker, I rise today to posthumously honor Charles Rose. I invite my colleagues to join me in honoring his life and wishing the best for his family.

HONORING HEALTHSOUTH REHABILITATION HOSPITALS OF NEW JERSEY TINTON FALLS AND TOMS RIVER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor the accomplishments of HealthSouth Rehabilitation Hospitals of New Jersey Tinton Falls and Toms River. Throughout the years, employees within these hospitals have worked to rehabilitate those who are fighting heart disease and stroke. On May 30, 2009, their accomplishments earned them the American Heart Association Have A Heart Ball Community Leadership Award, presented by the American Heart Association/American Stroke Association.

At the annual Have A Heart Ball, the Community Leadership Award is given in recognition of outstanding and consistent dedication to the well-being of Ocean and Monmouth County Communities. The American Heart Association is in need of allies in its attempt to combat cardiovascular disease and stroke, and I can safely say that it has found two in the HealthSouth Rehabilitation Hospitals of New Jersey Tinton Falls and Toms River.

The services of these two hospitals have been invaluable to their local communities. Serving 4,000 inpatients and 28,000 outpatients annually, the hospitals of Tinton Falls and Toms River are committed in their care for the community. This commitment begins at the top with Linda A. Savino, Chief Executive Officer of the Tinton Falls hospital, and Patty Ostaszewski, Chief Executive Officer of the Toms River hospital. Their devotion to this honorable cause shows that they are truly deserving of this award.

The areas of Tinton Falls and Toms River are undoubtedly better off with the presence of these hospitals. HealthSouth has become part of these communities through charitable support, community education programs, and support on local and state-wide initiatives. Moreover, HealthSouth has contributed to various initiatives such as the Shoreline Start! NJ Heart Walk, Go Red For Women movement, and the Have a Heart Ball. I am sure that this commitment will continue as time goes on.

Madam Speaker, I sincerely hope that my colleagues will join me in congratulating HealthSouth Rehabilitation Hospitals of New Jersey Tinton Falls and Toms River on this achievement and thanking their employees for their service to the community. Their accomplishments will continue to benefit and inspire my constituents and future generations.

RECOGNIZING GERALD O. GUSTAFSON

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Gerald ''Jerry'' Gustafson, a member of my staff. Next Friday, May 29th, is Jerry's last day as a Congressional Aide in our office. Jerry has been serving the people of the Fifth Congressional District of Illinois for many years.

Jerry was born on the North West Side of the City of Chicago. His working experience spans from working in private industry as a personnel manager; a union representative at Central States Joint Board; and State of Illinois Department of Veterans' Affairs. He has been working in the Fifth Congressional District Office having joined my predecessor Rahm Emanuel's staff in 2006.

Jerry worked hard to develop close relationships with the many congressional liaisons and always knew the right person to contact for a constituent in need. Jerry always went above and beyond to provide assistance to those who were unable to access alternate means of assistance. He calmly dealt with many difficult circumstances.

Jerry has been an extraordinary asset to my office as we've managed the transition process. It has been a lot of hard work, but that

is nothing new to Jerry. Whether it was raising his two sons, Glenn and Kevin, with his wife, Barbara, working long hours, or volunteering in the community and the 32nd Ward Regular Democratic Organization, he has given his all every step of the way.

Jerry's family has always been a priority in his life and the love and support they provide is the most important thing to him.

I wish Jerry all the happiness in the future and thank him for his service to the people of Illinois' Fifth Congressional District.

PAYING TRIBUTE TO CONGRESSIONAL MEDAL OF MERIT STUDENTS

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. POSEY. Madam Speaker, I rise to honor the accomplishments of 26 distinguished high school students from Florida's Fifteenth District. I was proud to award the Congressional Medal of Merit to these students during a ceremony at the Brevard County Government Complex on June 1, 2009.

These graduating seniors were nominated by their schools for the Congressional Medal of Merit. To be nominated, each student demonstrated exemplary citizenship and academic excellence throughout their high school careers.

These young men and women have demonstrated an outstanding sense of service to their peers, schools and communities. Honoring their achievements with the Congressional Medal of Merit is a privilege and I congratulate each of them along with their parents, family, teachers and community. Together, this group of students represents the best and brightest America has to offer:

Brevard County: James Brandenburg, Cocoa High School; Lance Freeberg, Viera High School; Charlene Gracia, Florida Air Academy; Michelle Grubka, Melbourne High School; George Holstein III, Community Christian School; Ashley Lipscomb, Rockledge High School; Bryan Maxwell, Holy Trinity Episcopal Academy; Aaron Mayer, Merritt Island High School; Lindsay Miller, Palm Bay High School; Jared Mushell, Eau Gallie High School; Bao-Uyen Nguyen, Edgewood Jr./Sr. High School; Katherine Nickerson, West Shore Jr./Sr. High School; Erica Robes, Merritt Island Christian High School; Trever Steele, Brevard Christian School; Harry Tuazon, Bayside High School; Noel Turner, Satellite High School.

Indian River County: Margaret Cancelosi, Saint Edward's School; Kyrie Carlson, Indian River Charter High School; Tim Martinelli, Sebastian River High School; Sarah Sarnoski, Vero Beach High School.

Osceola County: Jarrett Lane, Osceola High School; Priscila Quito, Gateway High School; Antinia Taylor, New Dimensions High School; Roy Tyson, Harmony High School; Joseph Williams, St. Cloud High School.

Polk County: Nichole Periquito, Ridge Community High School.

THE PRESERVATION OF ERDENHEIM FARM

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Ms. SCHWARTZ. Madam Speaker, I rise to mark a significant victory in my district for open space preservation in Pennsylvania and the United States. Yesterday, an agreement was finalized to permanently protect 426 acres of the 450-acre Erdenheim Farm in Whitemarsh and Springfield Townships.

The conservation of this property will become the centerpiece of 2,000 acres of open space between Fairmount Park in Philadelphia and Fort Washington State Park in Whitemarsh, Pennsylvania. It will also ensure the completion of a regional trail network between Fort Washington Park and the Morris Arboretum that has been envisioned since 1899.

Erdenheim Farm has been working agricultural land since the days of William Penn. It was purchased in 1912 by George D. Widener Jr, son of the streetcar magnate. In 1971, Widener bequeathed the property to his nephew, Fitz Eugene Dixon Jr. Mr. Dixon maintained the property as a working farm raising cattle, sheep, and thoroughbred horses until his death in 2006.

The preservation of Erdenheim Farm is a remarkable example of the excellent work that can be accomplished through public-private partnerships leveraging local and state funds.

There are many organizations that deserve recognition: the descendents of the Dixon Estate for their willingness to work with conservationists to protect the farm; Peter and Bonnie McCausland, for purchasing 259 acres of the estate and placing all but 23 of those acres under conservation easements; the Whitemarsh Foundation led by Hugh Moulton for its efforts to acquire 189 acres using $26 million in state and local grants, tax revenue, and private donations; the Natural Lands Trust led by Molly Morrison, for its expertise in putting this deal together and enforcing the easements on the land; and state, county, and local officials who also deserve immense credit for their willingness to secure the necessary funding to make this happen.

I ask that the full House of Representatives join me in congratulating everyone that made this historic accomplishment possible. On behalf of the residents of Philadelphia and Montgomery Counties, I acknowledge and appreciate this important work and the opportunity it provides for future generations to enjoy this national treasure.

HONORING THE LIFE OF RALPH BLANTON

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. MITCHELL. Madam Speaker, I rise today to honor the life of firefighter Ralph Blanton of Tempe and to recognize the significant contributions he made to our community.

On May 11, 2009 Ralph passed away of natural causes at the age of 79.

Ralph will be remembered for his active involvement in the development and growth of Tempe's first professional fire department. He gained valuable experience in the 1950s as a volunteer Tempe fireman, long before the formation of a paid fire department. In 1961, he, along with 10 others, established the Tempe Fire Department. Ralph earned the first ever Fireman of the Year award in 1963 for his dedication and work ethic. Finally, after 20 years of service, he was the last member of the original force to retire.

In addition to Ralph's extensive career achievements, he was also known for his role as a mentor. Many young firefighters looked up to him and learned priceless lessons, chief among them to take pride in one's work. Together, he and his wife Shirley helped establish an annual picnic for retired Tempe firefighters, which the union plans to rename the Ralph Blanton Retirees Picnic for Tempe firefighters in his honor.

Madam Speaker, please join me in commemorating the life of Ralph Blanton and remembering the strong and positive impact he left on his community and the many people who knew and loved him.

HONORING MARY CRISALLI SANSONE AND ZACHARY SANSONE

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. McMAHON. Madam Speaker, I rise today to acknowledge, congratulate and celebrate the 93rd Birthday of a prominent Brooklyn community activist and civil rights trailblazer, Mary Crisalli Sansone and the 93rd Birthday of her beloved and devoted husband of 60 years, Zachary Sansone.

Since her early days of union organizing with her father, to her involvement with the late Bayard Rustin of the civil rights movement, Mary has fought for social justice and human rights throughout her life.

Mary is the founder of three very influential New York City organizations. Mary organized the first coalition of African Americans, Latinos and Italians in New York City in the 1960s to promote racial harmony, which resulted in the formation of an organization comprised of community leaders known as CURE, Community Understanding for Racial and Ethnic Equality. CURE builds bridges between all racial, ethnic and religious groups to promote tolerance through education and cooperation.

In the 1970s, Mary founded CIAO, the Congress of Italian Americans Organization, which has developed and continues to run many social service programs to help the poor and needy. Mary is and has been a political godmother and angel to those in need.

Mary also is the founder of New Era Democrats (NED), an independent political association. NED is a good government group that promotes and assists government leaders and candidates for elected office who espouse the utmost integrity and independence, regardless of party affiliation.

Zachary Sansone was born in Brooklyn, New York and grew up in Naples, Italy. After law school, he was inducted into the Italian Army as a First Lieutenant. Zachary served as the Mayor of the town of San Antonio in

Naples. Upon his return to New York in 1949, he married Mary Crisalli—and Zachary and Mary have been happily married for 60 years. Zachary worked as a checker and clerk at the waterfront for over 20 years. In 1970, he organized and directed the Mott Street Senior Center in Manhattan. Now retired and celebrating his own 93rd Birthday, he dedicates all of his time to CIAO, CURE and the Ralph J. Sansone Foundation.

Zachary and Mary Crisalli Sansone have dedicated their lives to helping others without ever asking anyone for anything in return. I am honored to stand here today both to recognize Mary and Zachary Sansone on their 93rd Birthdays, and to acknowledge their 60th Anniversary.

INTRODUCTION OF THE WHTI IMPLEMENTATION MONITORING PLAN TO ASSURE CONTINUED TRAVEL AND TRADE (IMPACTT) ACT OF 2009

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Ms. SLAUGHTER. Madam Speaker, I rise today to introduce the WHTI IMPACTT Act. As with many people who live along the U.S.-Canada border, we in Western New York do not think of the bi-national Buffalo-Niagara region as two separate countries, but rather as one community with a river running through it. We have shared principles and values, and rely on an intertwining economic relationship that is vital to our prosperity.

In the Buffalo-Niagara region and all across the border, the most pressing issue facing border communities is the implementation of the Western Hemisphere Travel Initiative (WHTI). It is clear that our economy relies on the smart functioning of the Northern border and the increased documentation requirements under WHTI presents a difficult challenge for smooth travel and trade between the U.S. and Canada.

I recognize that there are security concerns at our border, and that in the post-9/11 world it is important that we know that those entering both of our countries arc who they say they are, mean us no harm, and have the secure documents to prove it. That is why I agree with the intent of WHTI. We must be confident that the documents individuals present for entry into the United States are secure and authentic. However, there cannot be a one-size-fits-all approach to our border concerns. We cannot simply flip a switch and move from having the world's largest open border to requiring expensive new crossing documentation.

Recognizing this, in 2007 I led the charge in Congress to delay the implementation of WHTI from January 2008 until June 2009. Language mandating this delay was successfully included in the FY08 Omnibus appropriations bill which was signed into law in December 2007.

It has become clear over the past year that this delay has proved to be absolutely necessary. Consider what has been done since the original January 2008 deadline in Western New York alone towards WHTI implementation:

The first NEXUS enrollment center in Western New York was not opened until September of 2008, and the RFID technology that is so critical to the success of Passport cards, NEXUS cards, and Enhanced Driver's Licenses, did not "go live" at the Peace Bridge in Buffalo until this past November.

At other important border crossings in New York State and Michigan, this vital technology was not set to be working and active until April; less than two months before yesterday's final WHTI implementation.

Despite this progress being made, and despite DHS and State Department issuing their WHTI certification, I, along with a number of my colleagues, remain wary of the readiness of WHTI and committed to ensuring that it is implemented in a way that will not harm the cross border trade and travel that is so critical to our border communities.

During President Obama's visit to Ottawa earlier this year, he and Prime Minister Harper stressed the importance of a healthy U.S.-Canada trade relationship to bringing both countries out of the current economic recession. I would contend that a successful WHTI implementation is an important aspect of this trade relationship, and a failed WHTI implementation could have a devastating effect not only on border communities, but on the broader national economy.

The economic downturn facing both countries has already dramatically affected cross border travel and trade. Statistics from the Public Border Operators Association show that passenger, truck and bus crossings at all New York and Michigan border crossings in January of 2009 decreased by an average of over 16% from January 2008 levels. In Western New York, traffic at the Lewiston-Queenston Bridge and the Peace Bridge decreased by 19% and 13% respectively. If WHTI is not implemented properly it will only compound the current negative trend in commerce across the border.

For this reason, today I introduce the WHTI Implementation Monitoring Plan to Assure Continued Travel and Trade Act, or the WHTI IMPACTT Act. This legislation will place significant oversight on the implementation of WHTI to identify and mitigate any harmful effects of the new requirements. It will require joint reports to Congress from the State Department and the Department of Homeland Security on December 1, 2009, and June 1, 2010, that detail the effect of WHTI on freight and passenger travel across the border, enrollment levels in frequent traveler programs, the effectiveness on RFID technology, CBP staffing levels, and its effect on overall border security. It will also require the Government Accountability Office to conduct a study on the impact of WHTI on border economies and overall domestic security.

This legislation will allow Congress to partner with DHS and State to identify any problems with WHTI implementation prior to the 2010 Olympics and the 2010 tourist season, and hopefully quickly determine what actions need to be taken to ensure that our border and our regional economies are healthy.

TRIBUTE TO DR. JAMES BILLINGTON

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. WAMP. Madam Speaker, on June 1 the Librarian of Congress, Dr. James Billington, celebrated his 80th birthday. I want to take this opportunity to not only wish him Happy Birthday, but express my profound admiration and thanks for his service to America.

I have been a long time supporter of the Library of Congress, which is the oldest Federal cultural institution and the greatest storehouse of knowledge and wisdom in the history of the world. I have personally brought friends and constituents up to the dome of the Jefferson Building and marvel at the art, architecture, and symbolism of the magnificent Great Hall every time I am there.

The Library of Congress would not be where it is today—leading the world in acquiring, preserving, and making accessible some 140 million items of America's and the world's heritage—without Dr. Billington's vision, energy, and firm guiding hand. It was Dr. Billington who, shortly after being nominated by President Reagan and confirmed by the Senate in 1987, quickly set the Library on a path to harness new technologies as we moved into the digital age so that the Library of Congress would not recede into a position of being a passive warehouse of information but a world leader in making its collections more broadly available on the Internet for the benefit of all. Through programs such as American Memory, the National Digital Library, and the World Digital Library, just launched last month in Paris, Dr. Billington has changed the face of research and scholarship forever, making it easier for all to be enriched by the Library's treasures.

Jim Billington created the Madison Council, the Library's first ever private sector philanthropic and advisory group, which has spearheaded countless collections and initiatives, including the Kluge Center, the National Audio Visual Conservation Center, and a variety of cultural and educational outreach programs such as the Library's magnificent series of exhibitions, attracting millions of visitors to the Library and its website over the years.

I am particularly fond of the Veterans History Project at the Library of Congress which has collected over 60,000 personal stories of America's war veterans and is now the largest oral history project in American history. In my own district we have set up a unique partnership with WRCB–TV, First Tennessee Bank, and the Erlanger Health System to interview local veterans and have collected hundreds of interviews for the Veterans History Project so far. At my request, Dr. Billington took time from his busy schedule to help kickoff this effort in Chattanooga on Veterans Day in 2002.

As a member of the Legislative Branch Subcommittee of the House Appropriations Committee, which has jurisdiction over the Library of Congress, and currently as co-chair of the Library of Congress Congressional Caucus, I have become even better acquainted with the collections and services of the Library. At a Caucus dinner, Dr. Billington organized earlier this year in the magnificent Members Room we had a chance to get a special guided tour

of the Lincoln bicentennial exhibit and participate with Library and outside scholars in a fascinating discussion about our 16th President. Additionally, I know how much we here in Congress rely on and appreciate the Congressional Research Service, the Law Library, and other parts of the Library of Congress to support our legislative and representational duties.

I cannot say enough good things about how much I appreciate the leadership efforts of Jim Billington and his exemplary stewardship of that great institution—the Library of Congress. I am personally grateful for his friendship. We all owe him an immense debt of gratitude for his outstanding public service and I look forward to more years of his visionary leadership.

I wish Dr. Billington all the best on his 80th birthday.

PERSONAL EXPLANATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, on rollcall No. 287, I was unfortunately detained in a cab during rush hour traffic after visiting with constituents of the 5th Congressional District of Pennsylvania, causing me to miss the vote.

Had I been present, I would have voted ''yea.''

EARMARK DECLARATION

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. FLEMING. Madam Speaker, I would like to submit the following request:

Bill Number: H.R. 915, ''FAA Reauthorization Act of 2009''.

Provision: Section 811 ''Pollock Municipal Airport, Louisiana''.

Address of requesting entity: Town of Pollock, Louisiana.

Description of request: Requires the Administrator of the Federal Aviation Administration to approve a request from the Town of Pollock, Louisiana, to close the airport as a public airport; and release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to non-aeronautical uses. Upon the approval of the request to close the airport. the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

IN RECOGNITION OF NAVAL AIR CREWMAN 1ST CLASS SAMUEL ''GRANT'' KERSLAKE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. ROSS. Madam Speaker, I rise today to recognize a dedicated patriot and a true American hero. On May 19, 2009, our state and our nation lost a brave servicemember when Naval Air Crewman 1st Class Samuel ''Grant'' Kerslake died during training operations off the Pacific Ocean near San Diego, California. In all, the U.S. Navy lost six members of its Helicopter Anti-submarine Squadron (HS) when its HH–60 Seahawk helicopter crashed.

Petty Officer Kerslake was a 1986 graduate of Lake Hamilton High School in Pearcy, Arkansas. Dedicating his life to his country, Petty Officer Kerslake had just completed 20 years of honorable service with the U.S. Armed Forces.

While his untimely and tragic death is a shock to all of us in Arkansas, we are left with the memories and inspiration Petty Officer Kerslake shared with all who met him. We admired Petty Officer Kerslake for his commitment to his family, community and country. His legacy of service, patriotism and honor will forever define what we remember about this brave sailor.

My deepest thoughts and prayers are with his wife, Christine; two sons, Samuel Ryan Kerslake and Justin Fields; his mother, Jo-Anne Kerslake of Hot Springs; his father, Samuel Kerslake of Florida; and the rest of his family, friends and loved ones during this difficult time.

Today, I ask all members of Congress to join me as we honor the life of Petty Officer Samuel ''Grant'' Kerslake and his legacy and all those men and women in our Armed Forces who give the ultimate sacrifice in service to their country.

OBAMA NOT SERIOUS ABOUT IMMIGRATION ENFORCEMENT

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mr. SMITH of Texas. Madam Speaker, thirteen million Americans are out of work, and yet eight million illegal immigrants hold jobs in the U.S. But the Obama administration's proposed budget does little to help.

To its credit, the administration requested funds for the E-Verify system, which helps companies check to make sure they have hired legal workers.

But in this administration's budget, the E-Verify request is the beginning and end of reducing illegal immigration.

The administration has no plans to build more of the border fence to keep illegal immigrants from coming here in the first place.

The administration has no plans to increase the size of detention facilities to hold illegal immigrants until their deportation.

And when it comes to immigration fugitives—those illegal immigrants who've ignored a deportation order—the administration intends to let them off the hook unless they have a criminal record in addition to being fugitives.

If the administration is serious about protecting lives and jobs, they need to enforce all immigration laws—not just a select few.

IN REMEMBRANCE OF BISHOP ROGER KAFFER

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 2009

Mrs. HALVORSON. Madam Speaker, today I rise to honor the life of Bishop Roger Kaffer, auxiliary bishop of the Diocese of Joliet. The Most Reverend Bishop Kaffer passed away at Our Lady of Angels Retirement Home in his hometown of Joliet on Thursday, May 28, 2009. He was 81 years old.

Bishop Kaffer was ordained to the priesthood in 1954 at the Cathedral of St. Raymond in Joliet, the same Cathedral in which he was baptized and confirmed and from which he eventually retired as auxiliary bishop.

He was the kind of person that inspired everyone he encountered. As principal for Providence Catholic High School in New Lenox, Illinois, he made a point to visit every family with a child enrolled in the school. Bishop Kaffer believed that young people are not the future of the church but the now of the church. For this reason, he attended each annual international World Youth Day, his last being in August of 2008 in Australia. Though his health was not good, it did not overshadow his commitment to the youth.

Bishop Kaffer led a spiritually rich life with a deep dedication to prayer and public service. Even in retirement, he continued to mentor priests and bishops and offer spiritual direction through retreats.

Not only has the Joliet community lost a devoted son in the passing of Bishop Kaffer, so has the world faith community. It is with reverent honor that I remember the life and legacy of Bishop Roger Kaffer of the Diocese of Joliet.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5911–S5984

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 1161–1165, and S. Res. 164–166. **Page S5943**

Measures Passed:

Great Smoky Mountains National Park 75th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 137, recognizing and commending the people of the Great Smoky Mountains National Park on the 75th anniversary of the establishment of the park, and the resolution was then agreed to. **Pages S5980–81**

End of Communist Rule in Poland 20th Anniversary: Committee on Foreign Relations was discharged from further consideration of S. Res. 139, commemorating the 20th anniversary of the end of communist rule in Poland, and the resolution was then agreed to. **Page S5981**

Bread for the World 35th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 157, recognizing Bread for the World, on the 35th anniversary of its founding, for its faithful advocacy on behalf of poor and hungry people in our country and around the world, and the resolution was then agreed to. **Pages S5981–82**

Printing Authorization: Senate agreed to S. Res. 166, to authorize the printing of a collection of the rules of the committees of the Senate. **Page S5982**

Year of the Military Family: Senate agreed to S. Res. 165, to encourage recognition of 2009 as the "Year of the Military Family". **Pages S5982–83**

Measures Considered:

Family Smoking Prevention and Tobacco Control Act:

Senate resumed consideration of the motion to proceed to consideration of H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System. **Pages S5918–22, S5922–41**

During consideration of this measure today, Senate also took the following action: By 84 yeas to 11 nays (Vote No. 203), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S5918**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10:30 a.m., on Wednesday, June 3, 2009, and that all time during any adjournment, recess, or period of morning business count post-cloture. **Page S5983**

Excessive Pay Capped Deduction Act—Referral Agreement: A unanimous-consent agreement was reached providing that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1007, to amend the Internal Revenue Code of 1986 to deny a deduction for excessive compensation of any employee of an employer, and the bill then be referred to the Committee on Finance. **Page S5983**

Nomination Confirmed: Senate confirmed the following nomination:

Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency. **Pages S5917–18, S5984**

Nominations Received: Senate received the following nominations:

Daniel Ginsberg, of the District of Columbia, to be an Assistant Secretary of the Air Force.

Louis B. Susman, of Illinois, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland. **Page S5984**

Executive Communications: **Pages S5942–43**

Additional Cosponsors: **Pages S5943–45**

Statements on Introduced Bills/Resolutions: **Pages S5945–51**

Additional Statements: **Pages S5941–42**

Amendments Submitted: **Pages S5951–67**

Notices of Hearings/Meetings: Page S5967

Authorities for Committees to Meet: Page S5967

Text of H.R. 2346 as Previously Passed: Pages S5967–80

Record Votes: One record vote was taken today. (Total—203) Page S5918

Adjournment: Senate convened at 10 a.m. and adjourned at 7:15 p.m., until 9:30 a.m. on Wednesday, June 3, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S5983–84.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: NATIONAL NUCLEAR SECURITY ADMINISTRATION

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the National Nuclear Security Administration, after receiving testimony from Thomas P. D'Agostino, Under Secretary for Nuclear Security and Administrator of the National Nuclear Security Administration, Department of Energy.

APPROPRIATIONS: THE U.S. SECURITIES AND EXCHANGE COMMISSION AND THE COMMODITIES FUTURES TRADING COMMISSION

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Securities and Exchange Commission, and the Commodity Futures Trading Commission, after receiving testimony from Mary L. Schapiro, Chairman, United States Securities and Exchange Commission; and Gary Gensler, Chairman, United States Commodity Futures Trading Commission.

APPROPRIATIONS: DEPARTMENT OF THE NAVY

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimate for fiscal year 2010 for the Department of the Navy, after receiving testimony from Ray Mabus, Secretary of the Navy, Admiral Gary Roughead, Chief of Naval Operations, and General James T. Conway, Commandant of the Marine Corps, all of the Department of Defense.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Admiral James G. Starvidis, USN for reappointment to the grade of admiral and to be Commander, United States European Command and Supreme Allied Commander, Europe, Lieutenant General Douglas M. Fraser, USAF to be general and Commander, United States Southern Command, who was introduced by Senator Murkowski, and Lieutenant General Stanley A. McChrystal, USA to be general and Commander, International Security Assistance Force and Commander, United States Forces Afghanistan, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Catherine Radford Zoi, of California, to be Assistant Secretary for Energy, Efficiency, and Renewable Energy, and William F. Brinkman, of New Jersey, to be Director of the Office of Science, both of the Department of Energy, and Anne Castle, of Colorado, to be Assistant Secretary of the Interior, who was introduced by Senator Udall (CO), after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Environment and Public Works: Committee concluded a hearing to examine the nomination of Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration, after the nominee, who was introduced by Senator Kyl, testified and answered questions in his own behalf.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Rand Beers, of the District of Columbia, to be Under Secretary of Homeland Security for National Protection and Programs, after the nominee testified and answered questions in his own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 35 public bills, H.R. 2646–2670; 1 private bill, H.R. 2671; and 10 resolutions, H. Con. Res. 137; and H. Res. 489, 491–498, were introduced. **Pages H6074–75**

Additional Cosponsors: **Pages H6075–78**

Reports Filed:A report was filed on May 22, 2009 as follows:

H.R. 1886, to authorize democratic, economic, and social development assistance for Pakistan and to authorize security assistance for Pakistan, with an amendment (H. Rept. 111–129, Pt. 1).

Reports were filed today as follows:

H.R. 1709, to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, with an amendment (H. Rept. 111–130, Pt. 1); and

H. Res. 490, providing for consideration of the bill (H.R. 31) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes, and providing for consideration of the bill (H.R. 1385) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (H. Rept. 111–131). **Pages H6073–74**

Speaker: Read a letter from the Speaker wherein she appointed Representative Larsen (WA) to act as Speaker pro tempore for today. **Page H6017**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Avra/Black Wash Reclamation and Riparian Restoration Project: H.R. 325, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; **Page H6019**

Central Texas Water Recycling Act of 2009: H.R. 1120, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project; **Pages H6019–20**

Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2009: H.R. 1393, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act; **Pages H6020–21**

Modifying a land grant patent issued by the Secretary of the Interior: H.R. 1280, to modify a land grant patent issued by the Secretary of the Interior; **Pages H6021–22**

Interchanging the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management: H.R. 689, amended, to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management; **Pages H6022–23**

Camp Hale Study Act: H.R. 2330, amended, to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; **Pages H6023–24**

Directing the Secretary of the Interior to continue stocking fish in certain lakes: H.R. 2430, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; **Pages H6024–25**

Native American Heritage Day Act of 2009: H.J. Res. 40, amended, to honor the achievements and contributions of Native Americans to the United States, by a ⅔ yea-and-nay vote of 385 yeas with none voting ''nay'', Roll No. 293; **Pages H6025–28, H6050**

Recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary: H. Res. 421, to recognize and commend the Great Smoky Mountains National Park on its 75th year anniversary, by a ⅔ yea-and-nay vote of 392 yeas to 1 nay, Roll No. 292; **Pages H6028–29, H6049–50**

Josh Miller HEARTS Act: H.R. 1380, to establish a grant program for automated external defibrillators in elementary and secondary schools; **Pages H6029–31**

Anthony DeJuan Boatwright Act: H.R. 1662, to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance; **Pages H6034–36**

Expressing the gratitude and appreciation of the House of Representatives for the acts of heroism and military achievement by the members of the

United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France: H. Res. 259, amended, to express the gratitude and appreciation of the House of Representatives for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and to commend them for leadership and valor in an operation that helped bring an end to World War II; and **Pages H6036–38**

Recognizing the twentieth anniversary of the suppression of protestors and citizens in and around Tiananmen Square in Beijing, People's Republic of China H. Res. 489, to recognize the twentieth anniversary of the suppression of protestors and citizens in and around Tiananmen Square in Beijing, People's Republic of China, on June 3 and 4, 1989 and to express sympathy to the families of those killed, tortured, and imprisoned in connection with the democracy protests in Tiananmen Square and other parts of China on June 3 and 4, 1989 and thereafter, by a ⅔ yea-and-nay vote of 396 yeas to 1 nay, Roll No. 294. **Pages H6040–49, H6050–51**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Congratulating the University of Tennessee women's basketball team (the "Lady Vols") and Head Coach Pat Summitt on her 1000th victory: H. Res. 196, to congratulate the University of Tennessee women's basketball team (the "Lady Vols") and Head Coach Pat Summitt on her 1000th victory; **Pages H6031–33**

Recognizing and commending the Toys for Tots Literacy Program: H. Res. 232, to recognize and commend the Toys for Tots Literacy Program for its contributions in raising awareness of illiteracy, promoting children's literacy, and fighting poverty through the support of literacy; and **Pages H6033–34**

Expressing sympathy to the victims, families, and friends of the tragic act of violence at the combat stress clinic at Camp Liberty, Iraq, on May 11, 2009: H. Res. 471, amended, to express sympathy to the victims, families, and friends of the tragic act of violence at the combat stress clinic at Camp Liberty, Iraq, on May 11, 2009. **Pages H6038–40**

Recess: The House recessed at 4:25 p.m. and reconvened at 5:07 p.m. **Page H6040**

Recess: The House recessed at 5:55 p.m. and reconvened at 6:40 p.m. **Page H6049**

House Commission on Congressional Mailing Standards—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the House Commission on Congressional Mailing Standards: Representatives Daniel E. Lungren (CA), Price (GA), and McCarthy (CA). **Page H6049**

Privileged Resolution—Intent to Offer: Representative Flake announced his intent to offer a privileged resolution. **Pages H6051–52**

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on page H6017.

Senate Referral: S. Con. Res. 19 was referred to the Committee on Foreign Affairs. **Page H6070**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H6049–50, H6050, and H6051. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 10 p.m.

Committee Meetings

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on the Secretary of Health and Human Services. Testimony was heard from Kathleen Sebelius, Secretary of Health and Human Services.

CIA

Committee on Appropriations: Select Intelligence Oversight Panel met in executive session to hold a hearing on the CIA. Testimony was heard from Leon Panetta, Director, CIA.

LUMBEE RECOGNITION ACT; THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a rule providing for consideration of H.R. 31, the "Lumbee Recognition Act," under a closed rule providing one hour of general debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The rule waives all points of order against provisions of the bill, as amended. The

rule provides that the bill, as amended, shall be considered as read. The rule provides one motion to recommit with or without instructions.

The rule also provides for consideration of H.R. 1385, the ''Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009,'' under a structured rule. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. The rule makes in order only those amendments printed in the Rules Committee report. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI. Finally, the rule provides one motion to recommit H.R. 1385 with or without instructions. Testimony on H.R. 31 was heard from Chairman Rahall, Representatives McIntyre and Hastings of WA. Testimony on H.R. 1385 was heard from Chairman Rahall, Representatives Moran of VA, Hastings of WA and Goodlatte.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 3, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Education, 9:30 a.m., SD–124.

Subcommittee on Interior, Environment, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of the Interior, 9:45 a.m., SD–138.

Committee on Armed Services: Subcommittee on Readiness and Management Support, to receive a closed briefing to examine electricity grid vulnerabilities to critical defense assets and missions, 10 a.m., SVC–217.

Subcommittee on Personnel, to hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for military family programs, policies, and initiatives, 2:30 p.m., SR–222.

Subcommittee on Strategic Forces, to hold hearings to examine the Defense Authorization request for fiscal year 2010 and the Future Years Defense Program for strategic forces programs, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine a fresh start for new starts, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine General Motors and Chrysler dealership closures, focusing on dealers and consumers, 2:30 p.m., SD–106.

Committee on Foreign Relations: to meet in closed session to receive a briefing from national security briefers, 11 a.m., SVC–217.

Full Committee, to hold hearings to examine the nominations of Eric P. Schwartz, of New York, to be Assistant Secretary for Population, Refugees, and Migration, and Andrew J. Shapiro, of New York, to be Assistant Secretary for Political-Military Affairs, both of the Department of State, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Martha N. Johnson, of Maryland, to be Administrator, General Services Administration, 10 a.m., SD–342.

Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, to hold hearings to examine pandemic flu, 2 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine The Uniting American Families Act, focusing on addressing inequalities in federal immigration law, 10 a.m., SD–226.

Special Committee on Aging: to hold hearings to examine the value of long-term care insurance, 2 p.m., SH–216.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing to review the future of forestry in the United States, 1:30 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Defense, on Air Force Posture, 9 a.m., on Navy and Marine Corps Posture, 1:30 p.m., H–140 Capitol.

Subcommittee on Energy and Water Development, and Related Agencies, on the Secretary of Energy, 10 a.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on the Secretary of Education, 2 p.m., 2359 Rayburn.

Committee on Armed Services, Defense Acquisition Reform Panel, hearing on Coordinating Requirements, Budgets,

and Acquisition: How Does It Affect Costs and Acquisition Outcomes, 8 a.m., 2212 Rayburn.

Subcommittee on Readiness, hearing on the Fiscal Year 2010 National Defense Authorization Budget Request for Military Construction, Family Housing, Base Closure, Facilities Operations and Maintenance, 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on Challenges Facing the Economy: The View of the Federal Reserve, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, to mark up the following bills: H.R. 2221 Data Accountability and Trust Act; H.R. 2309, Consumer Credit and Debt Protection Act; H.R. 2190, Mercury Pollution Reduction Act; and H.R. 1706, Protecting Consumer Access to Generic Drugs Act. 10 a.m., 2322 Rayburn.

Subcommittee on Health, hearing on draft legislation of the Food Safety Enhancement Act of 2009, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''The Present Condition and Future Status of Fannie Mae and Freddie Mac,'' 2 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Remittances: Regulation and Disclosure in a New Economic Environment,'' 10 a.m., 2128 Rayburn.

Committee on the Judiciary, Subcommittee on Courts and Competition Policy, hearing on Pay to Delay: Are Patent Settlements That Delay Generic Drug Market Entry Anticompetitive? 10 a.m., 2237 Rayburn.

Task Force on Judicial Impeachment, hearing to consider Possible Impeachment of United States District Judge Samuel B. Kent, 12 p.m., 2141 Rayburn.

Committee on Natural Resources, hearing on the following bills: H.R. 1061, Hoh Indian Tribe Safe Homelands Act; H.R. 2040, To authorize a process by which the Secretary of the Interior shall process acquisitions of certain real property by the Samish Indian Nation into trust; and H.R. 1035, Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009, 10 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 626, Federal Employees Paid Parental Leave Act of 2009, 23 p.m., H–3113 Capitol.

Committee on Science and Technology, to mark up H.R. 2407, National Climate Service Act of 2009, 2 p.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Common Ground: Finding Consensus on Health Reform, the Small Business Perspective,'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Agency Budgets and Priorities for FY 2010, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on a National Commitment to End Veterans Homelessness, 10 a.m., 334 Cannon.

Subcommittee on Disability Assistance and Memorial Affairs, to mark up the following bills: H.R. 952, COMBAT PTSD Act; and H.R. 2270, Benefits for Qualified World War II Veterans Act of 2009, 2 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on Human Capital, 4 p.m., 304 HVC Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 3

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the motion to proceed to consideration of H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 3

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H.R. 1817—The ''John S. Wilder Post Office Building'' Designation Act; (2) H.R. 2090—The ''Frederic Remington Post Office Building'' Designation Act; (3) H.R. 2173—The ''Carl B. Smith Post Office'' Designation Act; (4) H. Con. Res. 109—Honoring the 20th anniversary of the Susan G. Komen Race for the Cure in the Nation's Capital; and (5) H. Res. 437—Supporting the goals and ideals of Mental Health Month. Consideration of H.R. 31—Lumbee Recognition Act (Subject to a Rule) and H.R. 1385—Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009 (Subject to a Rule).

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