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House of Representatives

The House met at 10 a.m.

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

We confess, Lord God Almighty, that we often accept countless blessings in life and forget to give You thanks. Faithfully surrounded with the support of family and friends, we do not always remember to be grateful. We enjoy food on our tables and cherish freedom, yet we can easily neglect those around this land and other parts of the world who have neither.

Fulfilling our daily duties and responsibilities on Capitol Hill can make such a difference in this world and provide a sense of personal satisfaction because each day grants us great opportunities. Remind us, ever-present God, to be grateful and gracious. Help us to find ways to show our appreciation by sharing our many blessings with others and never forgetting to offer thanksgiving to You each day for every day.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mrs. TAUSCHER). Will the gentlewoman from Massachusetts (Ms. TSONGAS) come forward and lead the House in the Pledge of Allegiance.

Ms. TSONGAS 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

REMEMBERING JOHN HENNING

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

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to a leader for working men and women, a distinguished diplomat and a great American John Henning, known to us as Jack, who passed away on June 4, 2009. Jack Henning will be long remembered for his distinguished career on the front lines of the labor movement, fighting passionately for justice, equality, human rights and jobs in California, across America and throughout the world.

A native San Franciscan, Jack began his career working for the Association of Catholic Unionists. He joined his first union, the United Federal Workers of the CIO, after graduation from college. Jack served for decades as a dedicated leader of working people, rising to be the president of the California Labor Federation. In that role, Jack represented millions of California's workers with great distinction. Not only union members, but millions of Americans who never belonged to a union enjoy better wages, safer workplaces, greater rights and more secure retirements because of the battles waged by union leaders such as Jack Henning.

Jack was a close ally of legendary farm worker organizers Cesar Chavez and Dolores Huerta. He cited among his proudest accomplishments the passage in 1975 of the landmark Agricultural Labor Relations Act, which our colleague Mr. HOWARD BERMAN was so much a part of, and provided tough labor protections for those who have been abused and mistreated for decades in California's pastures of plenty.

Jack Henning ended his farewell speech from the California Labor Federation in 1996 with, And if by a suspension of the laws of nature I were young again, I would follow no other course, no other flag, but the flag of America and the flag of labor. The labor movement was blessed to have him as a leader.

As distinguished as he was on behalf of workers, Jack made many other contributions to his State and this Nation for which we are all grateful. Before taking the presidency of the California Federation of Labor, Jack served Presidents Kennedy and Johnson as Under Secretary of Labor and was appointed by President Johnson as Ambassador to New Zealand in 1967. Jack was also a distinguished regent at the University of California for a dozen years during which he helped lead the fight for expanded opportunities for minority students and demanded that the university divest its investments in apartheid South Africa. That divestment initiative helped bring about the peaceful end of apartheid and the new day of majority rule in South Africa.

We will all miss Jack greatly, but none more than his sons Brian, Daniel, John Jr., Patrick and Thomas; his daughters Mary and Nancy; his 12 grandchildren and his great-grandchildren. We also remember his beloved wife Betty, who preceded him in death. I hope it is a comfort to his family that so many people mourn their loss and are praying for them at this sad time.

Jack Henning was a proud American, a devout Catholic, passionate about his Irish roots and a great friend and mentor to many of us. Mr. Speaker, I join Jack Henning's family, friends and workers worldwide to honor his legacy, celebrate his life and remember his illustrious contributions to the State of California and to our great Nation.

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Later today, thousands of people will gather in California to do just that, celebrate his life and pay tribute to him.

PROTECTING PRIVATE HEALTH INSURANCE

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

Mr. SAM JOHNSON of Texas. Many Americans don't have access to affordable health care, and we can and need to do better for all Americans. I support a system that gives Americans more affordable health care choices so they can pick the coverage that best fits their needs. The core part of the Democrat proposal is a new government-run program that will not only put bureaucrats between you and your doctor but would force more than 100 million people, Americans, out of the health coverage they currently receive through their jobs.

We need a plan that really does let Americans who like their health care coverage keep it, a plan that doesn't add new taxes or new mandates or drive up costs or drive people out of health care. We must give all Americans the freedom to choose their health plan, not force them into a government-run, one-size-fits-all plan. Private plans are great. Let's protect them.

INTRODUCTION OF THE SAFETY IN DEFENSE CONTRACTING ACT OF 2009

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

Ms. SHEA-PORTER. Madam Speaker, today I am introducing the Safety in Defense Contracting Act of 2009. When our servicemembers or civilian personnel put their lives at risk while deployed overseas, they should not have to worry about the safety of their living and working quarters. Unfortunately, due to shoddy contractor work, they do. American personnel have been injured or killed by electric shocks. That same deficient work has resulted in hundreds of fires, one which destroyed the largest dining hall in Iraq. Gross negligence by contractors is unacceptable.

That is why I am introducing the Safety in Defense Contracting Act to protect our military and civilian personnel by debarring grossly negligent or reckless defense contractors found guilty of causing death or injury to our personnel. Such contractors do not deserve further government contracts worth millions of dollars for performing the same work.

To make matters worse, defense contractors who are guilty of dangerously deficient work have been receiving award and incentive fees. My bill denies them these fees. They should no longer be rewarded for poor performance at the expense of the taxpayers. It will take time to rebuild our contractor oversight capabilities, but I ask my colleagues to join me in this bill.

CLEAN ENERGY—NUCLEAR POWER

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

Mr. POE of Texas. Madam Speaker, many countries, including China and European nations, are continuing to move to clean energy, such as nuclear power. The United States, the nuclear power pioneer, lags far behind in the development of new generating plants. The United States could and should move to the licensing and development of more nuclear power plants.

Nuclear power is an efficient and a cheaper way of providing clean energy to America's manufacturing sector. We should streamline the long cumbersome process of power plant applications that use safe reactor designs, designs that have already been approved by the Nuclear Regulatory Commission.

Progress, safety and costs have advanced to a state that America can safely store spent nuclear fuel rods and also recycle fuel. One of America's most impressive plants is the North Anna Nuclear Station here in nearby Virginia. Nuclear power is responsible for 20 percent of our energy, but in France 80 percent of their energy comes from nuclear energy. Nuclear power will keep jobs in America and help free us from the shackles of foreign control of our energy.

And that's just the way it is.

OUR CLEAN AND SUSTAINABLE ENERGY FUTURE

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

Ms. TSONGAS. Madam Speaker, global warming is no longer an academic question for scientists to ponder. It's a very real crisis that requires our leadership. This is not a political issue. This is a critical generational responsibility that will take a commitment from Congress and from every person in our society. We have a real opportunity this year to prove our commitment by voting for H.R. 2454, the American Energy and Security Act.

The renewable technologies to reduce greenhouse gas emissions exist. The societal will and desire to go clean have been demonstrated, and the political climate to finally create sound public policy is now present. The cost of inaction on this critical challenge is unacceptable and the price too high. A recent study concluded that unchecked effects of climate change could result in a cost of $271 billion per year by 2025. Failure to act is intolerable when considering the economic and job creation opportunities a clean energy economy presents. The American Energy and Security Act provides a path that leads us to a clean, sustainable energy future.

THE REPUBLICAN ANSWER TO THE ENERGY CHALLENGES WE FACE

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

Mr. PENCE. The American economy is hurting. Gasoline prices are on the rise. Utility rates threaten to go higher, imposing even greater hardship on working families. The American people are looking for answers in these times to the challenges we face in energy. The Democrat answer you have just heard is a national energy tax that will lead to higher energy prices and massive job losses for the American people.

The President said it best a year ago when he said, if the cap-and-trade plan were to pass, utility rates—his words now—would, quote, necessarily skyrocket.

Some estimates suggest job losses between 1.8 and 7 million. Well, Republicans have a better plan, the American Energy Act. It's an all-of-the-above plan that offers energy independence, more jobs and a cleaner environment without imposing a national energy tax. Our energy solution focuses on more domestic exploration for oil and natural gas, a renewed commitment to build 100 nuclear power plants in the next 20 years, investments in renewables, alternative energy technologies and creating incentives for conservation. You can read all about it on the editorial page of the Wall Street Journal today.

The American people want energy independence and a cleaner environment without a national energy tax. The American Energy Act offered by House Republicans is the answer the American people are looking for.

EXPRESSING OUTRAGE FOR THE MURDER OF OFFICER STEPHEN T. JOHNS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, as an advisory board member of the Holocaust Museum of Houston, I rise with a deep sense of sympathy and outrage for the terrible tragic incident that happened, as The Washington Post reported, at a monument of sorrow and also a standing edifice for peace.

I offer my deepest sympathy to the family of Security Officer Stephen T. Johns. As a believer and an advocate of our Constitution and our First Amendment rights, I stand here in outrage to express my opposition to the idea that protected speech equals protected violence. This was a dastardly act, and we don't know how many other targets this hateful-minded person might have been engaged in.

We must continue to stand against hate. We must continue to promote the

passage of the hate crimes legislation; but frankly, we must say to those who we mourn, by putting forward a Holocaust Museum, many across the Nation and in my town of Houston, that we stand with them in solidarity.

To my good friend Peter Berkowitz and Fred Zeidman, who chairs the Holocaust Museum here in Washington, a Houstonian, you have my deepest sympathy, my respect, and I stand in solidarity with you.

□ 1015

PAYING TRIBUTE TO THE STATE CHAMPION NEEDVILLE BLUE JAYS GIRLS HIGH SCHOOL SOFTBALL TEAM

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

Mr. OLSON. Madam Speaker, I rise today to pay tribute to the Needville Blue Jays, who defeated the Celina Bobcats 3–1 at McCombs Field in Austin to win the Texas class 3A girls high school championship last week.

The Blue Jays played their hearts out and have made all Texas proud. Only 3 years ago, six members of the Needville team played in the 2006 Junior Softball World Series, where they finished third overall. This State championship victory was the result of exceptional teamwork and years of practice and dedication.

The Blue Jays' defense was superb in the finals. Celina had five hits, but Needville made no errors and kept the Bobcats' base runners in check.

I would also like to compliment the coach of the Blue Jays, C.J. Mazac. The best teams are always the result of exceptional coaching, and Coach Mazac has clearly inspired and motivated his players.

I would like to send a big congratulations to the graduating seniors, and I would also like to recognize all of the team members who made this victory possible. Great job to each of you.

The Blue Jays' final record for the season was an impressive 34–8. All residents of Needville and Fort Bend County, Texas, are extremely proud of our Blue Jays, and I extend my congratulations to these talented young athletes.

SOLVING THE CRISIS IN AMERICAN MEDICINE

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

Mr. BLUMENAUER. Forty-nine years ago, the 1960 October Harpers Magazine cover story was ''The Crisis in American Medicine.'' Well, we are still in crisis, but change is in the air.

The facts are clear: High costs, more procedures, tests, and hospitalization is not better care; it is a symptom of poor care. Every major Nation spends less, and most have better outcomes than the United States.

Getting 50 million Americans health insurance and giving the rest of Americans with insurance, stability, will cost more, but about half of this cost can be achieved by reforming the system, and having the government pay the balance will cost far less for business and people with insurance over the next 10 years than business as usual.

With a President who gets it, a Congress listening to what the people want and a public plan to keep the system honest, it means that there won't be a cover story 50 years from now about American medicine still in crisis.

A LACK OF BIPARTISANSHIP IN HEALTH CARE REFORM

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, an overhaul of our Nation's health care system is under way, and I am glad that people in my district are engaged in this critical issue. Unfortunately, the Democrats have shared very few details of the plan, except that there will be a public plan, which I have to tell you most people are frightened of.

While I realize that we are in the minority party, I still have nearly 1 million constituents to represent, including more Medicare beneficiaries than any other Member of Congress. My Republican colleagues and I have made numerous attempts to reach across the aisle to share our ideas on how to improve the health care system and make it more affordable. So we are drafting our own bill.

When President Obama invites Members of Congress to the White House to craft health care bills, he invites only Democrats. He has met with industry representatives but never with Republicans. Recently, the President sent a letter saying he expects a bureaucratic-run health system to be included in the final option, but again, he sent the letter only to Democrats. Hardly a gesture of bipartisanship.

THE NEED FOR PASSING HATE CRIMES LEGISLATION

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

Mr. COHEN. Madam Speaker, like Representative JACKSON-Lee before me, I was shocked at hearing of the shooting at the Holocaust Museum yesterday. Indeed, it is a place of special reverence and a place where you wouldn't think violence would occur, but deranged minds do deranged things, and the man who did the shooting had a history of hate towards African Americans and toward Jews and toward our government, it appears, even though he served in our Armed Forces.

It reminds me of the need for passing hate crimes legislation because hate today still exists in people's hearts, and when people hate any group, they generally hate all different minorities. They don't understand the America of tolerance and inclusion that we celebrate and upon which we were founded.

It also reminds me of the need to have a COPS bill passed to have more protection, and the cops that were approved in the ARRA protect our society from these types of attacks.

Yesterday there was to be a play debuted at the Holocaust Museum by Janet Langhart Cohen, wife of former Secretary of Defense Bill Cohen, about an imaginary conversation between Emmett Till and Anne Frank. It will debut on Friday at George Washington University and talk about tolerance and peace and the results of hate.

SUPPORT AN ALL-OF-THE-ABOVE ENERGY PLAN

(Mr. BROWN of South Carolina asked and was given permission to revise and extend his remarks.)

Mr. BROWN of South Carolina. Madam Speaker, for years my Republican colleagues and I have focused on implementing an all-of-the-above energy plan to cut the ties of foreign oil and create affordable American energy. However, the Democrat cap-and-tax plan will actually serve as a national energy tax, resulting in fewer jobs and more government control.

More than $3,100 will be added to the annual energy costs of American families, a financial hardship that will greatly impact the poor, who spend a large part of their income on energy. These taxes will directly impact farmers in South Carolina as everyday costs of fuel and fertilizer become too expensive for them to afford.

Additionally, our State's clean-energy production will be excessively taxed, forcing companies to move to countries with less stringent standards, resulting in little progress towards protecting our environment. The relocation of these businesses could result in the loss of up to 7 million jobs, increasing unemployment and placing further economic strains on the American families, all for a policy that won't even achieve its initial goal of reducing carbon emissions.

Americans are sick of this energy roller coaster. I encourage my colleagues to support an all-of-the-above energy plan that will not tax us to death.

COMMENDING HODGDON YACHTS OF EAST BOOTHBAY, MAINE

(Ms. PINGREE of Maine asked and was given permission to revise and extend her remarks.)

Ms. PINGREE of Maine. Madam Speaker, I want to talk to you this morning about Hodgdon Yachts of East Boothbay, Maine. Hodgdon Brothers opened for business in 1816 and is the oldest continually operated shipyard in the United States. Tim Hodgdon is a fifth-generation boat builder, continuing a long and proud tradition.

Hodgdon has taken Maine's tradition of world-class craftsmanship and combined it with new technology and advances in composites to build their business and create good paying, sustainable jobs in our State.

For example, in the small town of Richmond, Maine, Hodgdon has created a facility to build boat interiors. Between 60 and 70 new jobs have been created there in the last 6 months alone, and Hodgdon believes they can double the size of that operation in the next year.

And just this week, Hodgdon was given a Maine Technology Institute grant for nearly $4 million to take the first steps towards building a 30,000-square-foot facility that would create hundreds of more jobs building high-speed patrol boats of the future.

Hodgdon Yachts is just one example of the innovative companies doing business in Maine, aggressively using new technology to create good, quality jobs that can't be exported.

CAP-AND-TRADE

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

Mr. PITTS. Madam Speaker, in a couple of weeks the House is going to consider the cap-and-trade legislation that has enormous implications for our economy. This 926-page bill, as introduced and considered by the committee, has 50 pages on lightbulbs and two sentences on nuclear power.

Recently, I saw a Rasmussen poll of likely voters that indicates 30 percent of likely voters have no idea what cap-and-trade means. Twenty-nine percent of them also thought it was some sort of Wall Street regulation, and 17 percent thought it had to something to do with health care. Only 24 percent had any idea of what it was.

Cap-and-trade puts a cap or a limit on greenhouse gas emissions, including CO_2, carbon dioxide. When you breath in, that is oxygen. When you breathe out, that is carbon dioxide, CO_2.

According to this legislation, CO_2 is pollution. According to the bill, if foreign countries don't cap emissions, their goods can be hit with tariffs which they call ''border adjustments.'' The loss of jobs that will go overseas as a result of this bill is being called ''leakage.''

Breathing as pollution, border adjustments, leakage—this bill is a massive, bureaucratic, regulatory taxation scheme on energy, linguistic obfuscation to cover up the harmful impacts it will have on our economy.

LEADERSHIP CHANGES IN HENDERSON, NEVADA

(Ms. TITUS asked and was given permission to revise and extend her remarks.)

Ms. TITUS. Madam Speaker, I rise today to recognize Henderson Mayor Jim Gibson who, after 12 years of excellent service to our community, led his final city council meeting on Tuesday night. I also want to thank Jack Clark, who has served not only as a Henderson council member for the past 16 years, but also as a member of the Las Vegas Metropolitan Police Department.

Jim Gibson guided Henderson during a critical time in its history when it experienced unprecedented growth. Under his leadership, the city met the challenges and the opportunities that growth brings.

Mayor Gibson provided a vision and a plan for the city that promoted development while also preserving valuable open space and recreation areas. In addition, he was instrumental in bringing Nevada State College to Henderson.

As the City of Henderson turns a page after more than a decade of leadership from these two outstanding public servants, I want to congratulate our new mayor, Andy Hafen, and new City Councilwoman Kathleen Boutin. I look forward to working closely with them and wish them all the best in their new positions.

THE WAR SUPPLEMENTAL BILL

(Mr. COFFMAN of Colorado asked and was given permission to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Madam Speaker, I rise today to share my concerns about H.R. 2346, the war supplemental bill. Our troops deserve nothing less than a clean war supplemental bill, free from unrelated spending. We must give our troops the resources necessary to ensure victory in Iraq and Afghanistan.

I visited Iraq over the Memorial Day recess, my first trip back since having served there with the United States Marine Corps in al Anbar province. I cannot, with that trip still fresh in my memory, allow the needed support for our troops to be used as the hook to carry unneeded and distasteful spending.

The bill now requires the United States to borrow money that we don't have to loan it to the International Monetary Fund. The International Monetary Fund can then loan this money to nations like Iran and Venezuela.

Madam Speaker, it is inappropriate to use our troops to cram through overseas bailouts. I will vote against this and ask my colleagues to join me.

BRINGING DOWN HEALTH CARE COSTS

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

Mr. ALTMIRE. Madam Speaker, this week, both Houses of Congress put forward the initial draft of a long-overdue effort to cut health care costs in this country. And while we still have to come to agreement on all the details, there can be no doubt that the American people expect us to act to bring down health care costs.

The cost of health care affects every business and every family in this country. It is one of the leading drivers of our long-term deficit, it makes our businesses less globally competitive, and it adds uncertainty to millions of American families who are one accident, illness or job loss away from losing everything. And while we debate how best to fix what doesn't work in our health care system, we must preserve what works and build upon the best aspects of our uniquely American system.

We will spend the summer debating the details of the plan, but one thing is certain: the American people will not accept the status quo as health care costs continue to skyrocket. ''No'' is not an answer.

MEDIA GIVING PRESIDENT OBAMA PASS ON ECONOMY

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the national media have given President Obama a free pass on the economy. Earlier this year, the Obama administration said Congress needed to pass the President's stimulus package to keep the unemployment rate below 8 percent. Since Congress has passed the President's nonstimulus stimulus, the economy has lost more than 1.5 million jobs, and unemployment has jumped to 9.4 percent.

Despite the massive layoffs, the President claimed this week that the stimulus has saved jobs. The national media have allowed the Obama administration to get away with spinning jobs lost as jobs saved, and the national media have continued to ignore the Congressional Budget Office's conclusion that the stimulus bill actually would reduce output—reduce output.

The media should scrutinize the President's words and actions, not give him a free pass.

□ 1030

RESEARCH AND DEVELOPMENT

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

Mr. TONKO. Madam Speaker, we make great strides towards solving our future energy needs by focusing on a process that has been virtually ignored for the past 8 years, research and development. Time and again, our economy has been pushed forward by a spirit of innovation. It has been pushed forward by a spirit that a century ago ignited an energy revolution started right in the heart of the 21st Congressional District with General Electric. Less than half a century ago, President Kennedy announced the space race in response to Sputnik. We now have that opportunity again. But when one considers the global context, it's easy to see that

the United States is falling woefully behind.

The House of Representatives is considering the American Clean Energy and Security Act, which would create millions of clean energy jobs, put America on the path to energy independence, and cut global warming pollution. China is investing $12.6 million every hour towards clean energy. With this kind of deficit, we stand to lose our place in the world as it relates to our energy security, and that is a finished product we simply cannot afford to import.

QUALITY HEALTH CARE COVERAGE

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

Mr. BLUNT. Madam Speaker, earlier this week I talked about the principles that we need to follow for Americans to have a better health care system. The first of those principles was to make quality health care coverage affordable and accessible for every American, regardless of preexisting conditions.

Today I want to talk for a minute, now less than a minute, about why we need to protect our system from a government-run health care alternative. What that alternative would do would eliminate coverage for more than 100 million Americans who currently receive their coverage through their job. It would limit your choice of doctors and medical treatment options, and it would result in the Federal Government taking control of health care.

Yesterday, the American Medical Association embraced all of those reasons not to have a public option, not to have a government-run option, not to have a government takeover of health care.

APPOINTMENT OF MEMBERS TO HOUSE DEMOCRACY ASSISTANCE COMMISSION

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 5, 111th Congress, 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 Democracy Assistance Commission:

Mr. PRICE, North Carolina, Chairman
Mrs. CAPPS, California
Mr. HOLT, New Jersey
Mr. SCHIFF, California
Ms. SCHWARTZ, Pennsylvania
Mr. PAYNE, New Jersey
Mr. POMEROY, North Dakota
Mr. FARR, California
Mr. ELLISON, Minnesota
Ms. HIRONO, Hawaii
Ms. ROYBAL-ALLARD, California

COMMUNICATION FROM THE REPUBLICAN LEADER

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

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, June 4, 2009.

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

DEAR SPEAKER PELOSI: Pursuant to section 4(b) of House Resolution 5, 111th Congress, I am pleased to appoint the following Members to the House Democracy Assistance Commission.

The Honorable David Dreier of California.
The Honorable John Boozman of Arkansas.
The Honorable Jeff Fortenberry of Nebraska.
The Honorable Judy Biggert of Illinois.
The Honorable Bill Shuster of Pennsylvania.
The Honorable Kay Granger of Texas.
The Honorable Charles W. Boustany, Jr. of Louisiana.
The Honorable K. Michael Conaway of Texas.
The Honorable Vern Buchanan of Florida.

All Members have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

MOTION TO INSTRUCT CONFEREES ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. OBEY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

Mr. LEWIS of California. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Lewis of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2346 be instructed as follows:

(1) To agree, within the scope of conference, to funding levels that will result in a total funding level in the conference report that does not exceed the total funding level provided in the Senate amendment.

(2) To insist on the House funding levels for each account under title I of the House bill (related to defense matters).

(3) To insist on the House funding levels for each account under chapter 9 of title II of the House bill (related to military construction).

(4) To recede to section 1305 of the Senate amendment (related to detainee photographic records protection).

(5) To not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 48 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, let me begin my remarks by saying that I'm pleased that until last week, we appeared to be following regular order by actually having an open meeting of House and Senate conferees.

As I and the vast majority of Republicans have suggested several times through this process, we want this troop funding bill to be an up-and-down vote and, ideally, a bipartisan vote.

I want to commend my colleagues, Chairman OBEY and Chairman MURTHA, for producing a bill that accurately reflected the real needs and priorities of the troops deployed in Iraq and Afghanistan. While the House-passed bill wasn't perfect, it did garner bipartisan support, including that of 168 Republican Members.

Unfortunately, what I'm hearing and reading about, the final ''deal'' that was struck between Chairman OBEY and Senator INOUYE leads me to believe that the final package will not enjoy the same bipartisan support. As reported, the deal struck by the two Appropriations chairmen would do the following:

First, cut over $4.6 billion from Defense and MilCon from the House-passed levels.

Further, it would increase foreign operations funding by $5.2 billion over the House-passed levels, and $2.6 billion over the Senate-passed bill.

Further, it would include $5 billion in funding for the IMF to secure a whopping $108 billion of loans; in essence, the IMF would be funded at levels some $30 billion above the troop funding level. So we have troop funding, on the one hand, that has been reduced, and we've got a sizable expansion of foreign aid.

Further, the bill includes $1 billion of new spending for what we have been calling ''Cash for Clunkers'' on the floor. That amount was not in the bill as it passed the House either.

Now, let me shift gears and briefly explain the motion before us. It's a straightforward motion that insists on the House funding levels of $84.5 billion for the defense and military construction portions of the supplemental.

Further, it also insists on the lower top line for overall funding levels of $91.3 billion contained in the Senate-passed bill for the entire supplemental.

Further, it requires the text of the conference agreement be available in an electronic, downloadable and searchable form for 48 hours prior to consideration by the House. This language is identical to the motion unanimously adopted and subsequently ignored by my friends in the majority

when considering our massive stimulus bill.

Finally, this motion insists on the Senate position regarding prohibition on the release of detainee photos sponsored by Senators GRAHAM and LIEBERMAN.

Clearly, the focus of this supplemental funding bill should be on the troops, not IMF, not foreign aid funding, not Cash for Clunkers, or just using the emergency circumstances to buy down fiscal year 2010 spending.

Madam Speaker, I urge the adoption of the motion.

I reserve my time.

Mr. OBEY. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I don't particularly care how people vote on this motion. Motions to instruct conferees are notorious, and they have been for many years, for simply being a device by which we either make political statements around here or express first preferences. I don't really have any objection to either. I think it's a legitimate thing to do in a legislative body.

I intend to vote ''no'' on the amendment, but I don't have any problem with any Member who decides that there are certain pieces of this motion that they would like to send a message to the conferees on. And so, as far as I'm concerned, people can vote any way they want.

Mr. LEWIS of California. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. LEWIS of California. In view of your delightful mood today, we could probably bypass all this discussion and, as you've said, expedite the schedule. I do want to recognize my friend, Mr. LUNGREN, but if you want to, you know——

Mr. OBEY. I think that would be a very good idea. It would give us more time to do our real work, which is to prepare for the conference this afternoon.

Mr. LEWIS of California. You've got the floor, Mr. Chairman.

Mr. OBEY. I thank the gentleman for his very wise comments.

Let me simply say that I don't have any objection to several provisions in this motion. I do have to say one thing, however. The effect of this motion would be to substantially increase the likely amount of money approved by the conference for the Defense Department, and to substantially reduce the amount of money provided for the State Department.

I have always had difficulty understanding why people are willing to spend hundreds of billions of dollars to wage war but are resistant to spending a tiny amount in comparison in order to prevent war or to extricate ourselves from war. In fact, the conference report that is likely to come back will probably exceed the numbers in this motion for bringing State Department personnel more immediately into Iraq, into Afghanistan and into Pakistan. We are trying to convert that operation from, essentially, a military operation to a much more balanced operation, which includes much greater effort on the diplomatic side to extricate ourselves from that war. That requires money. It requires facilities. As many military experts have said, you cannot win this if you just deal with it militarily.

So, with that one point, I would simply say, Madam Speaker, that I would reserve the balance of my time until the gentleman is ready to close.

Mr. LEWIS of California. Madam Speaker, I am pleased to recognize the gentleman from California, DAN LUNGREN, for 4 minutes.

Mr. DANIEL E. LUNGREN of California. I thank my ranking member.

Madam Speaker, I rise in support of this motion to instruct for the reasons articulated by the gentleman from California.

□ 1045

But let me talk about another subject that is covered in this bill and one that is of extreme importance. It goes to the question of how we handle those who are at Guantanamo at the present time.

This issue has erupted around this country because people are beginning to understand the ramifications of closing Guantanamo and bringing people here to the United States whose only connection to the United States is that they were caught on the battlefield with the intention of killing Americans. Now, why is it important whether or not we keep Guantanamo open or whether we bring these people to the United States?

We got a little bit of an insight into why it's important by the report by a colleague of ours, Mr. ROGERS from Michigan, who, when he was in Afghanistan recently and visited our base there, went to the prison there where we are holding people who we actually captured on the battlefield. He observed the fact that now we have FBI agents Mirandizing, that is, giving Miranda rights statements to those we have found on the battlefield.

In other words, Madam Speaker, what we have done is we have transposed the universe in which these people are being detained from one of a combat atmosphere to one of a criminal proceeding in the United States.

Now, why is that important? It's important because this is happening for the first time in the history of the United States. We did not do this, obviously, during the Revolutionary War. We did not do it during any war we fought, not the Civil War, not World War I, not World War II. If we had followed this same thinking in World War II, our courts would have been overwhelmed. People forget we have had 2 million POWs that we held during World War II, over 400,000 of them in the United States. Never was it thought that they had all of the rights under the Constitution.

But this question has basically been treated by Federal courts in the past with this perspective: the connection you have to the United States is what determines your coverage under the Constitution. That's why someone coming over the border illegally doesn't have the right to all of the constitutional protections because the only connection to the United States is trying to get in illegally.

Here we have people sitting at Guantanamo whose only connection to the United States is that we have reason to believe that they wanted to kill Americans anywhere in the world. So now what we're saying is if we take them from Guantanamo and put them in the United States, they have a connection to the United States. They were brought here involuntarily. And the legal arguments that for years have presented a barrier from their obtaining all constitutional rights, that barrier is pulled down.

So while this bill has language in it, this conference report, as it's being worked on, has language in it with respect to Guantanamo, I don't think we have focused in on what this means. Yes, there's a concern about the threat they may pose to Americans, and that arises out of the fact that some say, well, they could escape from the prisons and then we're told, oh, we've got these prisons they can't escape from.

But it is more than that. It is that they may be released at the direction of Federal judges, and the only reason they would be released is that they somehow now have access to all of our constitutional rights.

So the American people need to understand that we may have a President who says, no, we don't want to release them. We have an Attorney General who testified, no, we're going to make sure they're not released based on everything we do.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. Madam Speaker, I yield the gentleman another 2 minutes.

Mr. DANIEL E. LUNGREN of California. The Attorney General can testify before our committee, as he did 2 weeks ago, that they're going to take all steps to make sure people aren't released in the United States who are suspected terrorists. They cannot promise that. Once they bring them to the United States and the judgment of the Federal courts is they are now under the protection of all constitutional rights, we are no longer talking about them as illegal enemy combatants, who never before have gotten the protection of the Geneva Convention. The Geneva Convention, in part, says you will have these protections so long as you act under the laws that have been recognized for warfare. One of them is wear a uniform. One of them is don't attack innocent civilians as a particular strategy and tactic.

So what we're doing is we're turning it all upside down and we're saying somehow we are protecting our values by doing something we have never done

before. We are jeopardizing the national security interests of the United States. We are putting Americans, innocent Americans, at risk by doing this.

Mr. LEWIS of California. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I will be happy to yield.

Mr. LEWIS of California. I very much appreciate the point that the gentleman is making. It's an important one. The issue, per se, has almost been denied by the other side when we had these discussions in committee and otherwise.

It should be known by your public and my public that four of these people were released to Bermuda just this morning, we've learned. Now, that's a British entity. But, indeed, what's next? Our territories? And indeed further, we know that Ghailani was sent to New York for trial. So these people, very dangerous people, could be in serial released in the United States.

Madam Speaker, I would be glad to yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. I appreciate that.

And here's what people have to understand. There is a difference between holding someone to try them for war crimes or any other crime, and then you do have them within a criminal justice system. In the past it's been a military tribunal. Remember what happened when Abraham Lincoln was assassinated. We established a military tribunal here in the District of Columbia that actually tried those individuals, and they were executed. That was a military tribunal. For what? Murdering a President of the United States in time of war. Now what we are saying is those rights were not sufficient. If that were to happen today, suddenly we would say we have to do it now within the context of the full panoply of constitutional rights, and we are directing that by voluntarily saying we're going to close down Guantanamo.

If anybody has looked at the prisons and jail systems across the United States and compared it with Guantanamo, it is of the highest standard of any of our incarceration units there is. Guantanamo happens to be a place that is not sovereign American territory. That's the important distinction.

I thank the gentleman for his time.

Mr. LEWIS of California. Madam Speaker, it's my intention to yield to Mr. FRELINGHUYSEN, but I would like to make this point to the Speaker as well as to the Members: the words just spoken were the words of the former Attorney General of California, DAN LUNGREN. I would suggest that all of us read them with care in the CONGRESSIONAL RECORD.

Madam Speaker, I am proud to yield 4 minutes to my colleague RODNEY FRELINGHUYSEN of New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of the motion to instruct conferees providing for supplemental appropriations for ongoing operations in Afghanistan and Iraq.

I support the portion of these instructions that would require the Secretary of Defense to certify if the release of photographs of detainees would endanger citizens of the U.S. or members of the armed services. We send our soldiers, sailors, marines, and airmen abroad to protect our security. We owe it to them to make sure that we do not do anything that puts them in needless jeopardy.

And I also strongly support the notion that we need to endorse the higher House funding levels for defense and military construction. Absolutely needed. If we are going to believe the administration and congressional leadership, this will be the last supplemental bill to fund the needs of our soldiers in Iraq and, may I add, their mission, those soldiers' mission, expanded mission, in Afghanistan. Personally, I find that hard to believe.

This supplemental should not be considered in a vacuum. What should not be lost in all of this is that our President is proposing a defense budget that barely keeps up with inflation and specifically contains a significant cut in our ballistic missile program, at a time when North Korea and Iran are testing their capabilities and, quite honestly, testing our resolve.

And, lastly, Madam Speaker, I have concerns about the expanded spending authority of the International Monetary Fund, who would be eligible to tap that fund in terms of drawing rights. And what's more bizarre is that under the recent agreements that we've been reading about, the United States of America now is eligible, shall we say, like other Third World countries, to have its own drawing rights, which is totally bizarre and inappropriate.

Madam Speaker, our first responsibility as Members is to protect our constituents, including those in the military. This motion to instruct helps achieve that mission and other important missions.

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

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 3 minutes to my colleague from the committee, JACK KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding.

Madam Speaker, I stand in support of this amendment and certainly appreciate the gentleman for introducing it. But I wanted to talk specifically about the Guantanamo Bay prison and why that's important because I strongly believe that if we did not have it, we would need to invent it. It is that important to American security. Mr. LUNGREN has talked about it a little bit.

We have had about 500 prisoners there who have been processed and released and sent back to their countries either to be detained in their countries or to be watched by host countries. Twelve percent of those have actually gone back into combat, which is disturbing. But we have had 500 prisoners move in and out. We have got about 240 left, and they're the worst of the worst. These are folks who were basically caught in an act of war trying to kill American citizens.

Our foreign allies, particularly those in Europe, who have given so much criticism about closing Guantanamo Bay, none of them have opened up their doors and said, hey, we'll take these Sunday school teachers and Boy Scouts, because they know that they're not Sunday school teachers and Boy Scouts. So I think that not closing down Guantanamo Bay is the right thing to do. But I also wanted to talk about the points Mr. LUNGREN made about the Miranda rights of prisoners.

Prior to 9/11, America generally treated acts of terrorism as breaking the law. Case in point: the 1993 bombing of the World Trade Center and the USS Cole. These were not seen as acts of war. Therefore, the perpetrators of those crimes got lawyers. They had Miranda rights. They had all the courtesies of the U.S. Government, the U.S. justice system. That is not what we need to be doing right now. After 9/11 we realized that these acts of terrorism weren't just tactical but strategic acts of war, and therefore we have moved over to let's treat soldiers as they are, war criminals.

Mr. LUNGREN had mentioned that the assassins of Abraham Lincoln were tried by a military tribunal. It's the same situation when President Roosevelt was President: we found six Nazi spies on Long Island, and I believe five of them were actually executed, the sixth one cooperated, but it was all through a military tribunal. So what is it that President Obama sees that President Lincoln and President Roosevelt and really all our entire U.S. judicial history, all the judges have signed off on it? Why is it that suddenly we want to go over to Afghanistan and Iraq and give Miranda rights to prisoners of war?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. Madam Speaker, I am glad to yield the gentleman 1 additional minute.

Mr. KINGSTON. I thank the chairman.

Therefore, the first thing they're going to be trying to say is, I am not going to say anything until you give me a lawyer. And then they're going to come home to America and they're going to be all lawyered up. It's going to cost taxpayers money. It's going to hurt our investigations and interrogations. We're not going to be able to get the intelligence that we need, the background information that will prevent future terrorist attacks.

There was a lot of criticism by this administration about the Bush-Cheney administration, but I will say one thing about it: during 9/11, and I think those of us on the floor, most of us, were here then, we felt assured that we

would have another attack on American soil. That did not happen. And I remember those dark days. We all felt like there would be another domestic attack. That was prevented, in part, because of what we were able to find out from prisoners who were being held and detainees at Guantanamo Bay.

So I wanted to make those points, Madam Speaker, and I thank the gentleman for yielding the floor.

Mr. LEWIS of California. Madam Speaker, I am proud to yield 3 minutes to my colleague from Missouri, ROY BLUNT.

□ 1100

Mr. BLUNT. I thank the gentleman for yielding.

Madam Speaker, I certainly want to talk about the comments that have already been made on Guantanamo. It's a facility that should be kept open. Clearly, a campaign promise is easier to make than is the reality of the world we live in. Nobody wants these people. Nobody in my State, nobody in any neighboring State. Other countries don't want these people. They are dangerous. They are enemies of the United States. They are not people who have a right, with the actions they've taken, to have the protections that have already been so well-discussed by Mr. KINGSTON, by Mr. LUNGREN and by others. Frankly, the fact that there is not money in this supplemental, at least as I understand at this point, to close that facility is a good thing. I'm glad the chairman and the others worked to see that that was not in there. This is a debate that suddenly is a lot harder, from the administration's point of view, than it was during the campaign.

Troops in the field need our support. The House acted quickly. It was a large bipartisan vote to support the troops in the field. Where is that bill now? That bill is in a committee somewhere. They're trying to figure out what else can be added to a bill designed to support our troops. People talking on those topics understand that Members of Congress have a history of supporting our troops in the field—our troops in Iraq, our troops in Afghanistan.

So, suddenly, well, maybe, we could also put more money in the International Monetary Fund, a fund in which we would put that money by increasing our debt. We all know that one of the sources of that debt right now is foreign borrowing, borrowing from foreign countries. Some of those countries we borrow from, like China, actually would then qualify to get the money back under the IMF. To borrow money from China to give it to China is not what we ought to be doing. If we were even going to talk about that, it shouldn't be in a military supplemental. It should be in a bill focused on that specific promise that the President apparently has recently made, and it deserves a debate of its own.

I hope it does not come back to the floor as part of this bill. I hope we get the job done of supporting our troops.

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Thank you. I appreciate that.

Madam Speaker, I want to speak briefly about the narrow aspect of the motion to instruct that would require us to recede to the Senate language in the Senate amendment that would restrict access to the photographs of detainees that have been swept up in the field of battle since 2001. These photographs are of a sensational nature. They will be used to spur actions by radical jihadists that will be dangerous to our troops.

If you will remember back recently, there was a cartoon that was very disrespectful to Mohammed. The reaction to that cartoon was irrational given the nature of what went on. How much worse would the reaction be to these actual photographs of the detainees and of their being treated however they were treated? Our own commanders on the ground, General Petraeus and General Odierno, have both said, in their professional judgment, that the release of these photographs will help recruit additional terrorists—additional jihadists—to the team and that the release of these photographs will be used to spur actions against our military and against our troops in the field, who might not otherwise be there. So I don't think it's too much of a stretch to say that the release of these photographs, in all likelihood, will result in additional deaths and injuries to American troops that don't have to occur.

The Senate language would restrict access to these photographs, which is the right issue, and the White House has agreed that these photographs should not be released. I encourage my colleagues on both sides of the aisle to support our motion to instruct because it does make sense not to release these photographs.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I would like to touch on the issue of Gitmo as well. I've been there a couple of times. Those people are well-treated, particularly when you consider that they are enemy combatants, that they are part of a group that has declared war on this country. Throughout the history of mankind, when a group declares war on another group and the group on which they've declared war is humane enough to take prisoners, then they are held until the group of which they're a part says that we're no longer at war.

Here, there are people in this country and in the administration who do not understand that these people still want to kill us. Look at the pleading of Khalid Sheikh Mohammed. In his words: We are terrorists to the bone.

You release those people. You bring them into the United States. We've already heard that the Supreme Court majority is wanting to give them rights to which they're not or should not be entitled. That is why Justice Scalia said in his dissent, This opinion will cost American lives. That was a bold statement by Scalia, but he is right. We should not allow this to hurt American soldiers and American people and put innocent lives at risk even though it may get some applause overseas from people who would not mind seeing America disappear.

I want to touch very quickly on the photographs. We believe in America that guilty people should be punished and that people who torture prisoners inhumanely have been punished and are being punished; but if those photographs are released, there will be blood on this administration's hands for punishing innocent soldiers who had nothing to do with it, and we should not have or allow this administration to hurt innocent soldiers.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to a member of the Appropriations Committee, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Speaker, I appreciate the opportunity to speak on the supplemental. It's actually something that I voted on not so long ago, but things have changed. Things have changed radically. In fact, it seems that the Obama administration has included in this supplemental a request for $108 billion, taking money away from defense and putting it into the International Monetary Fund. Now, they call that the IMF. A lot of people don't know what the IMF is, but here we are taking money away from our defense spending, away from our soldiers and away from our taxpayers, and we're going to put it into this International Monetary Fund.

Exactly what does that do?

Well, that allows some of our good friends, like Iran and Venezuela, to access this money to build their country and their programs and to use it according to the dictates of the way they run their countries. These are not only our competitors, but they are the countries that do the most they can to cause us trouble. So why in the world do we want to levy more taxes on our taxpayers, take the money that was for defense and give it away to our enemies? It doesn't make any sense.

This should not be included in the defense supplemental. This should be about taking care of our men and women in uniform. It should be about taking care of their equipment, their needs, their education, and the training that they need, not about giving money away to the international community to be used in who knows what way by who knows what country.

So as strong as I am on defense—and I've always been a strong defender. I've been on the Armed Services Committee for 9 years. I have three sons who've graduated from the Naval Academy. This will not stand. I will not vote for a supplemental that is giving money to some foreign country, money that should go to our soldiers.

GENERAL LEAVE

Mr. LEWIS of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the motion to instruct.

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

There was no objection.

Mr. LEWIS of California. Madam Speaker, if I could inquire of my colleague: Do you have any additional speakers?

Mr. OBEY. Just one briefly, myself.

Mr. LEWIS of California. Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I had not wanted to take a lot of time here today, but I am moved to take a couple of minutes to respond to a couple of things that I've heard on the floor today.

We have heard several lectures about the President's fiscal policy and about his economic policy and about his international economic policy. I find it kind of difficult to take economic lectures from the same folks who have driven this country's economy into the ditch.

The President has inherited a very dicey situation both internationally and domestically. It is always hard in life to clean up other people's messes. It is especially hard to do that when you have the responsibilities as heavy as those that weigh on the shoulders of the President of the United States.

I don't understand why he should be expected to take lectures from the people who helped put the economy into the ditch or, for that matter, to take lectures from the same people who brought us the most unnecessary war in America's history, the people who took $6 trillion in projected budget surpluses and turned them into the largest deficits in the history of the Republic, the people who are now sniping at virtually everything that the President does to try to deal with both his international challenges and his domestic challenges.

I don't think anybody wants to see any of those prisoners at Guantanamo ''released'' into the United States. I do think we have a legitimate question about where they should be tried and about where they should be imprisoned after they are found guilty. Because we wanted to have more specific answers from the administration on that score, this committee has already removed all of the money that could be used to close Guantanamo until we do get a specific plan from the administration.

Having said that, I would suggest that the average American family is much more in danger of being hit by the flu pandemic than they are of actually being hit by any person who would be imprisoned in a maximum security prison here in the United States. I, frankly, would be kind of interested to see some of those terrorists exposed to the wonderful ''charms'' of some of our prison inmates in our own prisons. I don't think they would like the experience very much; but nonetheless, that is not what is at issue here.

What is at issue is simply whether or not we will go about our business of going to conference and of producing a supplemental appropriation bill that will meet the basic needs of our troops and that will meet our basic diplomatic necessities as well. That's why I think there is a problem with this motion.

This motion, by the time it sets aside money for military construction and defense, would not leave us with enough money on the table to respond sufficiently to the pandemic flu problem. It would not leave us with enough money on the table to deal with the necessity to provide assistance to Mexico in order to deal with the drug problem there, which is certainly a national security threat to us, and it certainly would not leave us with sufficient funds to strengthen and buttress our political and diplomatic activities in Afghanistan and in Pakistan. It would not leave us with enough money, for instance, to fully fund the funding for the new Embassy in Pakistan, which is desperately needed given the fact that we just had a bombing in Peshawar of the Pearl Hotel where most of the American diplomats stayed. We need to protect diplomats just as much as we need to protect soldiers. That's what the conference will try to do if we can ever get to it.

So I would simply say, Madam Speaker, as I said earlier, I intend to vote against this motion, but I am not going to be particularly bothered if other people want to vote for it because they supported one piece or another of this proposal. I, myself, would probably support two of the provisions in here but not all of them. So Members are certainly free to vote however they prefer. This is a place where we like to state our first preferences as often as possible, but sooner or later, we have to compromise. That means most of us, including the ranking member and the Chair, will not be able to get all of the first preferences that we would prefer.

So, if the gentleman is prepared to close, I will yield back my time.

□ 1115

Mr. LEWIS of California. Madam Speaker, I, for one, am looking forward to a number of celebrations. One of those celebrations that I hope to very much participate in in the near future will involve the gentlelady who happens to be the Speaker at this moment.

But having talked about celebrations, I think it would be most interesting when we reach the point where the leadership on the other side of the aisle, including my own committee, would stop presuming that every problem in the world can easily be set aside because you can blame the past President about this. As I remember, I think we had a vote in the House in which there was broadly based bipartisan support, for example, for the incursion of Iraq in support of the then-President.

I must say we have had a lot of conversation about items that are not directly in this bill today having to do with Guantanamo. If I'm not mistaken, that issue would not be before us if the current President had not decided that he was going, and publicly committed, to his closing of Guantanamo. That's creating this horrendous problem.

Setting all that aside as I close, Madam Speaker, the bill before us or the item before us is an item that involves the conference that's about to take place between the Senate and the House having to do with the supplemental funding that was designed originally to give support for our efforts in Afghanistan and Iraq and, indeed, a very bipartisan support here in the House.

My consternation is that it appears as though we've set aside that bipartisan support for the convenience of the leadership and, indeed, will have a conference with the Senate that involves two things: a significant reduction of about $5 billion in the money available to support our troops; and, above and beyond that, for all intents and purposes, about that sum of money is transferred for foreign aid, for funding for IMF, for providing access to all kinds of countries who are not friendly to the United States by way of funding that would be supported by our taxpayers.

Mr. VAN HOLLEN. Madam Speaker, I rise today in support of the President's decision not to make these photographs public for the reasons he has already expressed. Namely, the publication of these photos would not provide us with any additional benefit and may inflame anti-American sentiment and endanger our troops. However, the proper mechanism for this is through the courts or by issuing a Presidential Executive order, not through Congress.

The Freedom of Information Act (FOIA) has been an essential tool for promoting a more open, transparent, and accountable government. The Congress should not be addressing each separate FOIA request on an ad hoc basis. Amending FOIA through the legislative process sets an unwise precedent. I would urge my colleagues to allow the courts to rule on this very important matter.

Mr. LEWIS of California. With that, Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. LEWIS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. 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, 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 11 o'clock and 18 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1155

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 11 o'clock and 55 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to instruct on H.R. 2346, and motion to suspend on H.R. 1687.

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

MOTION TO INSTRUCT CONFEREES ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct on H.R. 2346, offered by the gentleman from California (Mr. LEWIS) which the Chair will put de novo.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 267, nays 152, not voting 14, as follows:

[Roll No. 329]

YEAS—267

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hinojosa
Hodes
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (GA)
Johnson, Sam
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rahall
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Scalise
Schauer
Schmidt
Schock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—152

Ackerman
Andrews
Baird
Baldwin
Becerra
Berkley
Berman
Blumenauer
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards (MD)
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones
Kanjorski
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sestak
Sherman
Sires
Slaughter
Snyder
Speier
Stupak
Sutton
Tauscher
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—14

Baca
Boswell
Delahunt
Ellison
Hill
Himes
Kagen
Kennedy
Lewis (GA)
Radanovich
Richardson
Sánchez, Linda T.
Stark
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1223

Messrs. KILDEE, CUMMINGS, PAYNE, SCOTT of Virginia, RUPPERSBERGER, BLUMENAUER, BECERRA, AL GREEN of Texas, ROTHMAN, CLEAVER, CROWLEY, TOWNS, GUTIERREZ, FATTAH, PALLONE, NADLER of New York, LARSON of Connecticut, JONES, ENGEL, ACKERMAN, Ms. MCCOLLUM, Mrs. MALONEY, Ms. VELÁZQUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WASSERMAN SCHULTZ, Ms. FUDGE, and Ms. ESHOO changed their vote from ''yea'' to ''nay.''

Messrs. WITTMAN, ALTMIRE, WALZ, SALAZAR, BROUN of Georgia, RAHALL, Mrs. HALVORSON, and Ms. CORRINE BROWN of Florida changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in

the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

RALPH REGULA FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1687, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. BOCCIERI) that the House suspend the rules and pass the bill, H.R. 1687, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 330]

YEAS—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
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
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, 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
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Baca
Boswell
Braley (IA)
Delahunt
Garrett (NJ)
Hensarling
Hill
Himes
Kagen
Kennedy
Lewis (GA)
McHenry
Radanovich
Richardson
Sánchez, Linda T.
Sherman
Slaughter
Sullivan

□ 1232

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the 'Ralph Regula Federal Building and United States Courthouse'.''.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2346, SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Without objection, the Chair appoints the following conferees on H.R. 2346:

Messrs. OBEY, MURTHA, Ms. DELAURO, Mrs. LOWEY, Messrs. EDWARDS of Texas, LEWIS of California, YOUNG of Florida, and Ms. GRANGER.

PAKISTAN ENDURING ASSISTANCE AND COOPERATION ENHANCEMENT ACT OF 2009

Mr. BERMAN. Mr. Speaker, pursuant to House Resolution 522, I call up the bill (H.R. 1886) to authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 522, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House report 111–143, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1886

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009'' or the ''PEACE Act of 2009''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Declaration of principles.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN

Sec. 101. Purposes of assistance.
Sec. 102. Authorization of assistance.
Sec. 103. Multilateral support for Pakistan.
Sec. 104. Pakistan Democracy and Prosperity Fund.
Sec. 105. Authorization of appropriations.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

Sec. 201. Sense of Congress.
Sec. 202. Purposes of assistance.
Sec. 203. Authorization of assistance.
Sec. 204. Pakistan Counterinsurgency Capabilities Fund.

Sec. 205. Exchange program between military and civilian personnel of Pakistan and certain other countries.
Sec. 206. Limitation on United States military assistance to Pakistan.
Sec. 207. Authorization of appropriations.
TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Comprehensive regional security strategy.
Sec. 302. Monitoring and evaluation of assistance.
Sec. 303. Auditing.
Sec. 304. Requirements for civilian control of United States assistance for Pakistan.
Sec. 305. Sense of Congress.
Sec. 306. Reports.
Sec. 307. Sunset.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Affairs of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat—

(A) al Qaeda; and

(B) other terrorist organizations, as such term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) FCR.—The term ''FCR'' means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

SEC. 3. FINDINGS.

Congress finds the following:

(1) The Islamic Republic of Pakistan has been a critical ally of the United States for more than 4 decades.

(2) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule after almost 9 years under a military dictatorship.

(3) After the September 11, 2001, terrorist attacks against the United States, Pakistan chose to partner with the United States in the fight against al Qaeda, the Taliban, and other extremist and terrorist groups.

(4) Since 2001, the United States has contributed more than $12,000,000,000 to Pakistan to strengthen Pakistan's governance, economy, education system, healthcare services, and military, so as to bring freedom and opportunities to the people of Pakistan while helping to combat terrorism and to counter a domestic insurgency.

(5) The United States requires a balanced, integrated, countrywide strategy that provides assistance throughout Pakistan and does not disproportionately focus on military assistance or one particular area or province.

(6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—Pakistan's FATA, parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) Pakistan's security forces have recently begun taking concerted action against those who threaten Pakistan's security and stability, with military operations in the Bajour agency in the FATA and in the Swat, Buner, and Dir districts in the NWFP.

(8) The displacement of over 1,000,000 Pakistanis poses a grave humanitarian crisis and requires the immediate attention of the United Nations, and the strong support of donor nations, to provide food, water, shelter, medicine, sanitation and other emergency services and supplies to the displaced, along with longer-term development assistance. The humanitarian crisis highlights the need for Pakistan to develop an effective national counterinsurgency strategy, in order to mitigate such displacement.

SEC. 4. DECLARATION OF PRINCIPLES.

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and material well-being of the people of Pakistan.

(2) United States assistance to Pakistan is intended to supplement, not supplant, Pakistan's own efforts in building a stable, secure, and prosperous Pakistan, and United States assistance will be wholly ineffective without Pakistan's own serious efforts to improve the health, education, and living standards of its population, including maintaining or increasing the financial resources devoted to such efforts.

(3) The United States supports Pakistan's struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,600 soldiers since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(4) The United States intends to work with the Government of Pakistan—

(A) to build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, through strengthening Pakistan's parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) to promote long-term development and infrastructure projects, including in healthcare, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;

(D) to encourage sustainable economic development in Pakistan and the integration of Pakistan into the global economy in order to improve the living conditions of the people of Pakistan;

(E) to ensure that the people of Pakistan, including those living in areas governed by the FCR, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(F) to expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(G) to ensure transparency of and provide effective accountability for all United States assistance and reimbursements provided to Pakistan;

(H) to take steps to improve Pakistan's counterterrorism financing and anti-money laundering laws to comply with international standards, to include applying for ''Financial Action Task Force'' observer status and adhering to the United Nations International Convention for the Suppression of the Financing of Terrorism;

(I) to establish a counterinsurgency and counterterrorism strategy to prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere, and ensure that madrasas in Pakistan are not used to incite terrorism;

(J) to ensure that Pakistan has strong and effective law enforcement and national defense forces, under civilian leadership, with sufficient and appropriate security equipment and training to effectively defend Pakistan against internal and external threats;

(K) to ensure access of United States investigators to individuals suspected of engaging in worldwide proliferation of nuclear materials, as necessary, and restrict such individuals from travel or any other activity that could result in further proliferation;

(L) to help Pakistan meet its commitment to not support any person or group that conducts violence, sabotage, or other activities meant to instill fear or terror in Pakistan's neighboring countries; and

(M) to help Pakistan gain control of its undergoverned areas and stop any support, direction, guidance to, or acquiescence in the activities of, any person or group that engages in acts of violence or intimidation against civilians, civilian groups, or governmental entities.

TITLE I—DEMOCRATIC, ECONOMIC, AND SOCIAL DEVELOPMENT ASSISTANCE FOR PAKISTAN

SEC. 101. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to demonstrate unequivocally the long-term commitment of the United States to the people of Pakistan and Pakistan's democratic institutions;

(2) to support the consolidation of democracy, good governance, and the rule of law in Pakistan;

(3) to help build the capacity of law enforcement forces in Pakistan to combat terrorism and violent militancy and expeditiously investigate, arrest, and prosecute alleged criminals, consistent with the rule of law and due process;

(4) to further the sustainable and effective economic and social development of Pakistan and the improvement of the living conditions of the people of Pakistan, especially in areas of direct interest and importance to their daily lives;

(5) to strengthen regional ties between Pakistan and its neighbors by offering concrete nonmilitary assistance for issues of mutual economic and social concern;

(6) to strengthen Pakistan's public education system, increase literacy, expand opportunities for vocational training, and help create an appropriate national curriculum for all schools in Pakistan;

(7) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods;

(8) to strengthen respect for internationally recognized human rights in efforts to stabilize the security environment in Pakistan; and

(9) to promote the rights and empowerment of women and girls in Pakistan, including efforts to increase access to basic healthcare services to address Pakistan's high maternal mortality rate and to increase girls' and women's access to education.

SEC. 102. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—To carry out the purposes of section 101, the President is authorized to provide assistance for Pakistan to support the activities described in subsection (b).

(b) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (a) include the following:

(1) FORTIFYING DEMOCRATIC INSTITUTIONS.—To support, notwithstanding any other provision of law, democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen the National Parliament of Pakistan, including—

(i) assistance to parliamentary committees to enhance the capacity to conduct public hearings and oversee government activities, including national security issues and the military budget, to solicit input on key public policy issues, and to oversee the conduct of elections;

(ii) support for the establishment of constituency offices and otherwise promote the responsibility of members of parliament to respond to constituents; and

(iii) strengthening of the role of parliamentary leadership;

(B) support for voter education and civil society training, including training with grassroots organizations to enhance the capacity of the organizations to advocate for the development of public policy;

(C) support for political parties, including increasing their capacity and protecting their right to carry out political activities without restriction (other than reasonable administrative requirements commonly applied in democratic countries) and fostering the responsiveness of such parties to the needs of the people of Pakistan;

(D) support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities, including supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector, audit offices, inspectors general offices, third party monitoring of government procurement processes, whistle-blower protections, and anticorruption agencies; and

(E) in particular, support for efforts by the Government of Pakistan to promote governance reforms in the FATA, including—

(i) extension of the Political Parties Act;

(ii) local experimentation with methods to transition from the FCR; and

(iii) long-term development of durable and responsive political institutions.

(2) ENHANCEMENT AND STRENGTHENING OF THE JUDICIAL SYSTEM AND LAW ENFORCEMENT.—To support, notwithstanding any other provision of law, Pakistan's efforts to expand the rule of law and build the capacity, transparency, and trust in government institutions, at the national, provincial, and local levels, including assistance such as—

(A) support for the rule of law and systemic improvement of judicial and criminal justice institutions, including—

(i) management of courts;

(ii) enhanced career opportunities and professional training for judges, public defenders, and prosecutors; and

(iii) efforts to enhance the rule of law to all areas in Pakistan where the writ of the government is under heightened challenge by terrorists and militants, including through innovations in the delivery of judicial services that enhance the legitimacy of state institutions;

(B) support for professionalization of the police, including—

(i) training regarding use of force;

(ii) education and training regarding human rights;

(iii) training regarding evidence preservation and chain of custody; and

(iv) training regarding community policing;

(C) support for independent law enforcement agencies, such as the Intelligence Bureau of the Ministry of Interior, responsive to civilian control, including—

(i) enhanced coordination with judicial processes;

(ii) enhancement of forensics capabilities;

(iii) data collection and analyses;

(iv) case tracking and management;

(v) financial intelligence functions; and

(vi) maintenance of data systems to track terrorist of criminal activity; and

(D) strengthening the capacity of the police and other civilian law enforcement agencies to provide a robust response to threats from extremists and terrorists along the frontier and elsewhere in Pakistan, including—

(i) the development of an elite rapid reaction force which could be deployed on short notice to secure areas that are threatened by militancy; and

(ii) facilitating improved counterterrorism and counterinsurgency coordination between local government officials, the police, paramilitary, and military leaders.

(3) SUPPORT FOR BROAD-BASED AND SUSTAINABLE ECONOMIC DEVELOPMENT.—To support economic development in Pakistan by—

(A) promoting energy sector reform and development;

(B) expanding assistance for agricultural and rural development, including farm-to-market roads, systems to prevent spoilage and waste, and other small-scale infrastructure improvements that will enhance supply and distribution networks;

(C) increasing employment opportunities, including support to small and medium enterprises, microfinance and microenterprise activities, and in particular programs to improve the lives of women and girls;

(D) preventing youth from turning to extremism and militancy, and promoting the renunciation of such tactics and extremist ideologies, by providing economic, social, educational, and vocational opportunities and life-skills training to at-risk youth; and

(E) increasing investment in infrastructure, including construction of roads, water resource management systems, irrigation channels, and continued development of a national aviation industry and aviation infrastructure.

(4) SUPPORT TO INCREASE LOCAL CAPACITY.—To increase the capacity and improve the sustainability of Pakistan's national, provincial, and local governmental and nongovernmental institutions, including assistance to—

(A) increase and improve the capacity of Pakistan's national, provincial, and local governmental institutions by—

(i) providing technical assistance to all ministries to improve transparency and ability to respond to the needs of the people of Pakistan; and

(ii) promoting the implementation of fiscal and personnel management, including revenue tracking and expenditure systems; and

(B) enhance the capacity of Pakistan's nongovernmental and civil society organizations to respond to the needs of the people of Pakistan by—

(i) increasing support for local nongovernmental organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations in Pakistan;

(ii) providing training and education to local nongovernmental and civil society organizations on ways to identify and improve the delivery of services to the people of Pakistan; and

(iii) promoting local ownership and participation, including encouraging communities to contribute a percentage of the value of United States projects or activities carried out under this title in the form of labor, in-kind materials, or other provisions.

(5) SUPPORT FOR PUBLIC EDUCATION SYSTEM.—To support Pakistan's public education system, including—

(A) implementation of a national education strategy, to include both primary and secondary education, focused on literacy and civic education, including—

(i) programs to assist development of modern, nationwide school curriculums for public, private, and religious schools that incorporate relevant subjects, such as math, science, literature, and human rights awareness, in addition to agricultural education and training;

(ii) enhancement of civic education programs focused on political participation, democratic institutions, and tolerance of diverse ethnic and religious groups; and

(iii) support for the proper oversight of all educational institutions, including madrasas, as required by Pakistani law, including registration with the Ministry of Education and regular monitoring of curriculum by the Ministry of Education to ensure students in Pakistan receive a comprehensive education;

(B) initiatives to enhance the access to education for women and girls, and to increase women's literacy, with special emphasis on helping girls stay in school;

(C) funding to the Government of Pakistan to use to increase immediately teacher salaries and to recruit and train teachers and administrators, as well as develop formalized salary scales with merit-based pay increases;

(D) establishment of vocational and technical programs to enhance employment opportunities;

(E) encouragement of United States and Pakistani public-private partnerships to increase investment in higher education and technical training opportunities;

(F) construction and maintenance of libraries and public schools, including water sanitation, perimeter walls, and recreation areas;

(G) provision of textbooks and other learning materials and food assistance for student meals; and

(H) provision of software to educational institutions and students at the lowest possible cost, specifically targeting universities that specialize in information technology, and women's colleges and women's secondary schools.

(6) SUPPORT FOR HUMAN RIGHTS.—To promote respect for and compliance with internationally recognized human rights, including assistance such as—

(A) programs to strengthen civil society organizations that promote internationally recognized human rights, including religious freedom, freedom of expression, and freedom of association, and that support human rights monitoring;

(B) promotion of education regarding internationally recognized human rights;

(C) programs designed to end traditional practices and punishments that are inconsistent with internationally recognized human rights norms and protections, such as honor killings and other forms of cruel and unusual punishments;

(D) promotion of freedom of religion and religious tolerance, protection of religious minorities, and promotion of freedom of expression and association, including support for responsible independent media;

(E) promotion of nongovernmental organizations that focus on the protection of women and girls, including women-led organizations and programs that support the participation of women in the national, provincial, and local political process, and programs to end violence against women, including rape;

(F) technical, legal, and law enforcement assistance for the investigation of past disappearances of individuals in Pakistan and the development of a national data base of such individuals; and

(G) programs in support and protection of the rights of ethnic minorities in Pakistan, including Baluchis, Sindhis, and Pashtuns, to preserve their language, culture, traditional areas of inhabitancy, and to fight any direct or indirect discrimination.

(7) SUPPORT FOR REFUGEES AND INTERNALLY DISPLACED PERSONS.—It is the sense of Congress that—

(A) counterinsurgency operations being carried out by the Government of Pakistan should be designed to minimize civilian casualties and collateral damage to the people of Pakistan and to provide security for the delivery of humanitarian assistance to the affected civilian population;

(B) the United States should continue to provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence;

(C) the United States should support international efforts to coordinate assistance to refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(D) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, heath, education, infrastructure development, and environmental restoration in identified parts of the country where Afghan refugees have lived; and

(E) the Administrator of the United States Agency for International Development should evaluate the effectiveness of the livelihoods projects in the FATA in order to determine whether systems need to be put into place to improve programming in this key sector.

(8) SUPPORT FOR HEALTHCARE EFFORTS.—To provide urgently needed healthcare assistance to the people of Pakistan, including assistance to supplement the Government of Pakistan's efforts to eliminate diseases, including hepatitis, and to reduce the nation's high maternal and under-five mortality rates, including—

(A) support for repairing and building healthcare infrastructure, including purchase of equipment and training of health professionals, to ensure adequate access to healthcare for Pakistan's population, especially among its rural, poor, marginalized and disadvantaged segments; and

(B) promotion of efforts by the Government of Pakistan to reduce maternal mortality, including through the provision of maternal and newborn health services and development of community-based skilled birth attendants.

(9) SUPPORT FOR PUBLIC DIPLOMACY.—To implement a more effective public diplomacy strategy in Pakistan in order to ensure that the Pakistani public recognizes that it is in Pakistan's own interest to partner with the United States and other like-minded countries to combat militant extremism, as well as to promote a better understanding of the United States, including through the following:

(A) Partnering with the Government of Pakistan to highlight the negative behavior of insurgent groups and to encourage civil society, respected scholars, and other leaders to speak out against militancy and violence.

(B) Providing technical assistance to the Government of Pakistan to both disrupt and provide alternatives to the illegal FM radio stations used by insurgent groups in the FATA and adjacent districts of the NWFP.

(C) Expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State designed to promote mutual understanding and interfaith dialogue.

(D) Expansion of sister institution programs between United States and Pakistani schools and universities, towns and cities, and other organizations in such fields as medicine and healthcare, business management, environmental protection, information technology, and agriculture.

(E) Additional scholarships to enable students to study in the United States.

SEC. 103. MULTILATERAL SUPPORT FOR PAKISTAN.

To the extent that Pakistan continues to evolve toward civilian control of the government and to develop and implement comprehensive economic reform programs, the President should do the following:

(1) MULTILATERAL SUPPORT.—Take the lead in mobilizing international financial institutions, in particular the International Monetary Fund and affiliated institutions in the World Bank group, to provide timely and appropriate resources to help Pakistan.

(2) STABILIZATION ASSISTANCE.—In conjunction with other governments and international financial institutions (including the International Monetary Fund), support the implementation of a plan of the Government of Pakistan to attack structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Pakistan.

(3) CURRENCY STABILIZATION LOANS.—Provide leadership in supporting multilateral agreements to provide government-to-government loans for currency stabilization in Pakistan if the loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

SEC. 104. PAKISTAN DEMOCRACY AND PROSPERITY FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the ''Pakistan Democracy and Prosperity Fund'' (hereinafter in this section referred to as the ''Fund''), consisting of such amounts as may be appropriated or transferred to the Fund as provided in this section and which may be used for purposes of this title.

(b) TRANSFERS TO FUND.—The Fund shall consist of the following:

(1) Amounts appropriated to carry out this title.

(2) Amounts appropriated on or after the date of the enactment of this Act for ''Development Assistance'', ''Global Health and Child Survival'', and the ''Economic Support Fund'' for assistance for Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) that are transferred by the President to the Fund pursuant to subsection (d).

(3) To the extent or in the amounts provided in advance in appropriations Acts, amounts accepted by the President under subsection (c) that are transferred by the President to the Fund pursuant to subsection (d).

(c) ACCEPTANCE OF AMOUNTS FROM OUTSIDE SOURCES.—The President may accept funds from non-United States Government sources, including foreign governments, nongovernmental organizations, private business entities, and private individuals, for purposes of carrying out this title.

(d) STATUS OF AVAILABILITY OF AMOUNTS IN FUND.—The President is authorized to transfer to the Fund amounts under paragraphs (2) and (3) of subsection (b). Such amounts shall be merged with and shall be available for any purpose for which any of the amounts so transferred are available.

(e) REPORT.—The President shall transmit to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2018, a report on programs, projects, and activities carried out using amounts obligated and expended from the Fund.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this title $1,500,000,000 for each of the fiscal years 2010 through 2013.

(b) AVAILABILITY.—Amounts authorized to be appropriated to carry out this title for a fiscal year are—

(1) authorized to remain available until September 30 of the succeeding fiscal year; and

(2) in addition to amounts otherwise available for such purposes.

(c) SENSE OF THE CONGRESS.—It is the sense of Congress that United States assistance provided under this title should be made available on a proportional and equitable basis between the FATA and other regions of Pakistan.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

SEC. 201. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) United States security assistance for Pakistan should be used to improve relationships between United States military and Pakistani military personnel, including outreach to the ''lost generation'' of Pakistan's officers who did not attend United States-sponsored training as a result of restrictions placed on United States assistance for Pakistan due to Pakistan's possession of a nuclear device; and

(2) United States security assistance for Pakistan should be fully accountable, should be contingent on Pakistan ending support for terrorist groups, and should meet the national security needs of Pakistan.

SEC. 202. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to support Pakistan's paramount national security need to fight and win the ongoing counterinsurgency within its borders;

(2) to work with the Government of Pakistan to protect and secure Pakistan's borders and prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to develop knowledge of and appreciation for democratic governance and a military that is controlled by and responsible to democratically elected civilian leadership.

SEC. 203. AUTHORIZATION OF ASSISTANCE.

(a) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to carry out this title not less than $4,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013 are authorized to be made available for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded international military education and training (commonly known as ''E–IMET'').

(2) USE OF FUNDS.—Not less than 30 percent of the amount made available to carry out this subsection for a fiscal year may be used to pay for courses of study and training in counterinsurgency and civil-military relations.

(b) FOREIGN MILITARY FINANCING PROGRAM.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated to carry out this title, not less than $300,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013 are authorized to be made available for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) USE OF FUNDS.—Not less than 75 percent of the amount made available to carry out this subsection for a fiscal year may be used for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan. Such articles, services, and military education and training may include the following:

(A) Aviation maintenance and logistics support for United States-origin and United States-supported rotary wing aircraft and upgrades to such aircraft to include modern night vision and targeting capabilities.

(B) Intelligence, surveillance, and reconnaissance (ISR) ground and air manned and unmanned platforms, including sustainment.

(C) Command and control capabilities.

(D) Force protection and counter improvised explosive device capabilities, including protection of vehicles.

(E) Protective equipment, such as body armor and helmets, night vision goggles, and other individual equipment, including load-bearing equipment, individual and unit level first aid

equipment, ballistic eye protection, and cold weather equipment.

(F) Appropriate individual and unit level medical services and articles for the Pakistan Army, the Pakistan Frontier Corps, and other appropriate security forces.

(G) Assistance to enable the Pakistani military to distribute humanitarian assistance and establish a tactical civil-military operations capability, including a civil affairs directorate.

(3) RESTRICTION RELATING TO F–16 PROGRAM.—

(A) CONGRESSIONAL FINDING.—In accordance with the Letters of Offer and Acceptance signed between the United States and Pakistan in 2006, Congress finds that the Government of Pakistan is responsible for making the remaining payments on the 2006 sales relating to F–16 fighter aircraft and associated equipment with its own national funds, including the mid-life updates and munitions for such aircraft included in such Letters of Offer and Acceptance.

(B) RESTRICTION.—Subject to subparagraph (C), amounts authorized to be made available under this subsection for a fiscal year may not be used for the purchase of, or upgrade to, F–16 fighter aircraft or munitions for such aircraft.

(C) EXCEPTION.—Amounts authorized to be made available under this subsection for a fiscal year are authorized to be used for military construction pursuant to the security plan contained in the Letters of Offer and Acceptance signed between the United States and Pakistan in 2006.

(D) WAIVER.—The President may waive the restriction under subparagraph (B) with respect to amounts authorized to be made available under this subsection for a fiscal year, other than amounts authorized to be made available under paragraph (2) of this subsection, if the President certifies to the appropriate congressional committees not later than 15 days prior to exercising the authority of this subparagraph that the waiver is important to the national security interests of the United States.

(4) SECURITY ASSISTANCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for the proposed use of amounts authorized to be made available under this subsection for each of the fiscal years 2010 through 2013. Such plan shall include an assessment of how the use of such amounts complements or otherwise is related to amounts described in section 204.

(5) ADDITIONAL AUTHORITY.—Except as provided in section 3(a)(2) of the Arms Export Control Act and except as otherwise provided in this title, amounts authorized to be made available to carry out paragraph (2) for fiscal years 2010 and 2011 are authorized to be made available notwithstanding any other provision of law.

(6) DEFINITIONS.—In this section, the terms ''defense articles'', ''defense services'', and ''military education and training'' have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate Pakistan's establishment of a program to enable the Pakistani military to provide reconstruction assistance in areas damaged by combat operations.

SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.

(a) FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—For fiscal year 2010, the Department of State's Pakistan Counterinsurgency Capability Fund, hereinafter in this section referred to as the ''Fund'', shall consist of the following:

(A) Amounts appropriated to carry out this subsection.

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) PURPOSES OF FUND.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) TRANSFER AUTHORITY.—

(A) IN GENERAL.—The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense's Pakistan Counterinsurgency Fund.

(B) TREATMENT OF TRANSFERRED FUNDS.—Subject to the requirements of paragraph (4), transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense's Pakistan Counterinsurgency Fund.

(C) RELATION TO OTHER AUTHORITIES.—The authority to make transfers from the Fund under subparagraph (A) is in addition to any other transfer of funds authority of the Department of State. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) NOTIFICATION.—The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees in writing of the details of any such transfer.

(4) RESTRICTION.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund made available to carry out this subsection for any fiscal year may not be used to purchase F–16 fighter aircraft, to purchase mid-life updates for such aircraft, or to make payments on the sales of F–16 fighter aircraft and associated equipment described in section 203(b)(3)(A).

(B) EXCEPTION.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used for military construction activities.

(C) WAIVER.—The President may waive the restriction under subparagraph (A) with respect to amounts described in subparagraph (A) if the President certifies to the appropriate congressional committees not later than 15 days prior to exercising the authority of this subparagraph that the waiver is important to the national security interests of the United States.

(5) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010, $300,000,000 is hereby authorized to be appropriated to carry out this subsection.

(b) SUBMISSION OF NOTIFICATIONS.—Any notification required by this section shall be submitted in classified form, but may include a unclassified annex if necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

SEC. 205. EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.

(a) IN GENERAL.—The Secretary of State is authorized to establish an exchange program between—

(1) military and civilian personnel of Pakistan, and

(2)(A) military and civilian personnel of countries determined by the Secretary of State to be in transition to democracy, or

(B) military and civilian personnel of North Atlantic Treaty Organization member countries, in order to foster greater respect for and understanding of the principle of civilian rule of Pakistan's military. The program established under this subsection shall be known as the ''Pakistan Military Transition Program''.

(b) ELEMENTS OF PROGRAM.—The program authorized under subsection (a) may include—

(1) conferences, seminars, and other events;

(2) distribution of publications; and

(3) reimbursement of expenses of foreign military personnel participating in the program, including transportation expenses, translation services expenses, and administrative expenses relating to the program.

(c) ROLE OF NONGOVERNMENTAL ORGANIZATIONS.—Amounts authorized to be appropriated to carry out this title for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under subsection (a).

SEC. 206. LIMITATION ON UNITED STATES MILITARY ASSISTANCE TO PAKISTAN.

(a) PROHIBITION ON USE OF FUNDS.—None of the funds authorized to be appropriated for military assistance to Pakistan for fiscal year 2011 and each fiscal year thereafter may be obligated or expended if the President has not made the determinations described in subsection (b) for such fiscal year.

(b) DETERMINATIONS REGARDING ENHANCED COOPERATION BETWEEN THE UNITED STATES AND PAKISTAN.—The determinations referred to in subsection (a) are—

(1) a determination by the President at the beginning of each fiscal year that the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, including, as necessary, providing direct access to Pakistani nationals associated with such networks; and

(2) a determination by the President at the beginning of each fiscal year that the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and making progress towards combating terrorist groups, including taking into account the progress the Government of Pakistan has made with regard to—

(A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

(B) closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets;

(C) preventing cross-border attacks into neighboring countries; and

(D) strengthening counter-terrorism and anti-money laundering laws.

(c) WAIVER.—The President may waive the restriction under subsection (a) for any fiscal year if the President certifies to the appropriate congressional committees 15 days before the President exercises the authority of this subsection that the provision of military assistance to Pakistan is important to the national security interests of the United States.

(d) CONSULTATION AND WRITTEN JUSTIFICATION.—Not later than 5 days prior to making a determination described in subsection (b), the President shall consult with the appropriate congressional committees and, upon making such determination, shall submit to the appropriate congressional committees a written justification that specifies the basis upon which the President made such a determination, including an acknowledgment of the extent to which the Government of Pakistan has made progress with regard to subsection (b)(2). The justification shall be unclassified but may include a classified annex.

(e) GAO ANALYSIS AND REPORT.—Not later than 120 days after the President makes the determinations described in subsection (b), the

Comptroller General of the United States shall conduct an independent analysis of each of the determinations under subsection (b) and written justifications for such determinations under subsection (d) and shall submit to the appropriate congressional committees a report containing the results of the independent analysis.

(f) DEFINITIONS.—For purposes of this section—

(1) the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the term ''military assistance''—

(A) means assistance authorized under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program), including assistance authorized under section 203(b) of this Act and assistance authorized under part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.), other than assistance authorized under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.); but

(B) does not include assistance authorized under any provision of law that is funded from accounts within budget function 050 (National Defense).

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this title, other than section 204, $400,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2013.

(b) RELATION TO OTHER AVAILABLE FUNDS.—Amounts authorized to be appropriated to carry out this title for a fiscal year are in addition to amounts otherwise available for such purposes.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. COMPREHENSIVE REGIONAL SECURITY STRATEGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the achievement of United States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan's long-term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

(b) COMPREHENSIVE REGIONAL SECURITY STRATEGY.—The President shall develop a comprehensive regional security strategy to eliminate terrorist threats and close safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas of Pakistan and Afghanistan, including the FATA, NWFP, parts of Balochistan, and parts of Punjab.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the comprehensive regional security strategy required under subsection (b).

(2) CONTENTS.—The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(d) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committees on Foreign Affairs and Armed Services of the House of Representatives and the Committees on Foreign Relations and Armed Services of the Senate.

SEC. 302. MONITORING AND EVALUATION OF ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION RESEARCH.—The term ''impact evaluation research'' means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(2) OPERATIONS RESEARCH.—The term ''operations research'' means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(3) PROGRAM MONITORING.—The term ''program monitoring'' means the collection, analysis, and use of routine program data to determine how well a program is carried out and how much the program costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to successfully enhance democracy and the rule of law in Pakistan, defeat extremist elements, and ensure the protection of human rights, the President should establish a program to conduct impact evaluation research, operations research, and program monitoring to ensure effectiveness of assistance provided under title I of this Act;

(2) long-term solutions to Pakistan's security problems depend on increasing the effectiveness and responsiveness of civilian institutions in Pakistan, including the parliament and judicial system;

(3) a specific program of impact evaluation research, operations research, and program monitoring, established at the inception of the program, is required to permit assessment of the operational effectiveness of impact of United States assistance towards these goals; and

(4) the President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the Government of Pakistan.

(c) IMPACT EVALUATION RESEARCH, OPERATIONS RESEARCH AND PROGRAM MONITORING OF ASSISTANCE.—The President shall establish and implement a program to assess the effectiveness of assistance provided under title I of this Act through impact evaluation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance.

(d) REQUIREMENTS.—The program required under subsection (c) shall include—

(1) a delineation of key impact evaluation research and operations research questions for main components of assistance provided under title I of this Act;

(2) an identification of measurable performance goals for each of the main components of assistance provided under title I of this Act to be expressed in an objective and quantifiable form at the inception of the program;

(3) the use of appropriate methods, based on rigorous social science tools, to measure program impact and operational efficiency; and

(4) adherence to a high standard of evidence in developing recommendations for adjustments to the assistance to enhance the impact of the assistance.

(e) ASSISTANCE TO ENHANCE THE CAPACITY OF PAKISTAN.—In carrying out the program required under subsection (c), the President is authorized to provide assistance to enhance the capacity of the Government of Pakistan to monitor and evaluate programs carried out by the national, provincial, and local governments in Pakistan in order to maximize the long-term sustainable development impact of such programs.

(f) CONSULTATION WITH CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the President shall brief and consult with the appropriate congressional committees regarding the progress in establishing and implementing the program required under subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 105 for each of the fiscal years 2010 through 2013, up to 5 percent of such amounts for such fiscal year is authorized to be made available to carry out this section for the fiscal year.

SEC. 303. AUDITING.

(a) ASSISTANCE AUTHORIZED.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development shall audit, investigate, and oversee the obligation and expenditure of funds to carry out title I of this Act.

(b) REQUIREMENT FOR IN-COUNTRY PRESENCE.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient staff from each of the Offices of the Inspector General in Pakistan respectively to carry out subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under section 105 for each of the fiscal years 2010 through 2013, not less than $2,000,000 for each fiscal year is authorized to be made available to the Office of the Inspector General of the Department of State and not less than $2,000,000 for each fiscal year is authorized to be made available to the Office of the Inspector General of the United States Agency for International Development to carry out this section.

(2) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 304. REQUIREMENTS FOR CIVILIAN CONTROL OF UNITED STATES ASSISTANCE FOR PAKISTAN.

(a) REQUIREMENTS.—Any direct assistance provided or payments made on or after January 1, 2010, by the United States to the Government of Pakistan, and any information required by the United States prior to providing the assistance or making the payments, may only be provided or made to, or received from, civilian authorities of a government of Pakistan constituted through a free and fair election. For purposes of this subsection, a government of Pakistan constituted through a free and fair election is a government that is determined by the President to have been elected in a free and fair manner, taking into account the laws and constitution of Pakistan and internationally recognized standards.

(b) WAIVER.—The President may waive—

(1) the requirements under subsection (a), or

(2) the requirements under any other provision of law that restricts assistance to the government of any country whose duly elected head of government is deposed by military coup or decree, as such provision of law applies with respect to the Government of Pakistan,

if the President certifies to the appropriate congressional committees that the waiver is important to the national security interests of the United States.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall apply with respect to any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means

the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.

SEC. 305. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of State, with the concurrence of the Secretary of Defense, should establish a coordinated, strategic communications strategy to engage the people of Pakistan—one that is fully funded, staffed, and implemented—to help ensure the success of the measures authorized by this Act; and

(2) the strategy should have clear and achievable objectives, based on available resources, and should be overseen by the United States Chief of Mission in Pakistan.

SEC. 306. REPORTS.

(a) REPORT BY PRESIDENT.—

(1) IN GENERAL.—The President shall transmit to the appropriate congressional committees a report on assistance provided under titles I and II of this Act during the preceding fiscal year. The first report shall be transmitted not later than 180 days after the date of the enactment of this Act and subsequent reports shall be transmitted not later than December 31 of each year thereafter.

(2) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(A) A detailed description of the assistance by program, project, and activity, as well as by geographic area.

(B) A general description of the performance goals established under section 302 and the progress made in meeting the goals.

(C) An evaluation of efforts undertaken by the Government of Pakistan to—

(i) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;

(ii) close terrorist camps, including those of Jamaat-ud-Dawa, Lashkar-e-Taiba, and Jaish-e-Mohammed;

(iii) cease all support for extremist and terrorist groups;

(iv) prevent cross-border attacks;

(v) increase oversight over curriculum in madrasas, including closing madrasas with direct links to the Taliban or other extremist and terrorist groups; and

(vi) improve counter-terrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and steps taken to adhere to the United Nations International Convention for the Suppression of Financing of Terrorism.

(D) A detailed description of Pakistan's efforts to prevent proliferation of nuclear-related material and expertise.

(E) An assessment of whether assistance provided to Pakistan pursuant to this Act has directly or indirectly aided the expansion of Pakistan's nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan financial resources that would otherwise be spent for programs and activities unrelated to its nuclear weapons program.

(F) A description of the transfer or purchase of military equipment pursuant to title II of this Act, including—

(i) a list of equipment provided; and

(ii) a detailed description of the extent to which funds obligated and expended pursuant to section 203(b) meet the requirements of such section.

(G) An analysis of a suitable replacement for the AH–1F and AH–1S Cobra attack helicopters, which includes recommendations for sustainment, training, and any other matters determined to be appropriate.

(H) An assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration.

(b) REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than April 1, 2011, the Comptroller General of the United States shall submit to the appropriate congressional committees a report evaluating the effectiveness of security assistance provided to Pakistan under title II of this Act during fiscal years 2010 and 2011.

(2) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(A) A detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program).

(B) An assessment of the impact of the assistance on the security and stability of Pakistan.

(C) An evaluation of any issues of financial impropriety on behalf of personnel implementing the assistance.

(D) An assessment of the extent to which civilian authorities are involved in administration of the assistance provided by the United States.

SEC. 307. SUNSET.

The authority of this Act, other than section 104 and title IV of this Act, shall expire after September 30, 2013.

TITLE IV—DUTY-FREE TREATMENT FOR CERTAIN GOODS FROM RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN AND PAKISTAN

SEC. 401. SHORT TITLE.

This title may be cited as the ''Afghanistan-Pakistan Security and Prosperity Enhancement Act''.

SEC. 402. DEFINITIONS; PURPOSES.

(a) DEFINITIONS.—In this title:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) CATEGORY; TEXTILE AND APPAREL CATEGORY NUMBER.—The terms ''category'' and ''textile and apparel category number'' mean the number assigned under the U.S. Textile and Apparel Category System of the Office of Textiles and Apparel of the Department of Commerce, as listed in the HTS under the applicable heading or subheading (as in effect on September 1, 2007).

(3) CORE LABOR STANDARDS.—The term ''core labor standards'' means—

(A) freedom of association;

(B) the effective recognition of the right to bargain collectively;

(C) the elimination of all forms of compulsory or forced labor;

(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

(E) the elimination of discrimination in respect of employment and occupation.

(4) ENTERED.—The term ''entered'' means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(5) ENTITY.—The term ''entity'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, whether or not for profit;

(B) any governmental entity or instrumentality of a government; and

(C) any successor, subunit, or subsidiary of any entity described in subparagraph (A) or (B).

(6) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(7) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement concluded between the United States, Mexico, and Canada on December 17, 1992.

(8) RECONSTRUCTION OPPORTUNITY ZONE.—The term ''Reconstruction Opportunity Zone'' means any area that—

(A) solely encompasses portions of the territory of—

(i) Afghanistan; or

(ii) 1 or more of the following areas of Pakistan:

(I) the Federally Administered Tribal Areas;

(II) areas of Pakistan-administered Kashmir that the President determines were harmed by the earthquake of October 8, 2005;

(III) areas of Baluchistan that are within 100 miles of Pakistan's border with Afghanistan; and

(IV) the North West Frontier Province;

(B) has been designated by the competent authorities in Afghanistan or Pakistan, as the case may be, as an area in which merchandise may be introduced without payment of duty or excise tax; and

(C) has been designated by the President as a Reconstruction Opportunity Zone pursuant to section 403(a).

(b) PURPOSES.—The purposes of this title are—

(1) to stimulate economic activity and development in Afghanistan and the border region of Pakistan, critical fronts in the struggle against violent extremism;

(2) to reflect the strong support that the United States has pledged to Afghanistan and Pakistan for their sustained commitment in the global war on terrorism;

(3) to support the 3-pronged United States strategy in Afghanistan and the border region of Pakistan that leverages political, military, and economic tools, with Reconstruction Opportunity Zones as a critical part of the economic component of that strategy; and

(4) to offer a vital opportunity to improve livelihoods of indigenous populations of Reconstruction Opportunity Zones, promote good governance, improve economic and commercial ties between the people of Afghanistan and Pakistan, and strengthen the Governments of Afghanistan and Pakistan.

SEC. 403. DESIGNATION OF RECONSTRUCTION OPPORTUNITY ZONES.

(a) AUTHORITY TO DESIGNATE.—The President is authorized to designate an area within Afghanistan or Pakistan described in section 402(a)(8) (A) and (B) as a Reconstruction Opportunity Zone if the President determines that—

(1) Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in subsection (b);

(2) Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in subsection (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(c)) for designation as a beneficiary developing country under that section and is not ineligible under subsection (b) of such section; and

(3) designation of the area as a Reconstruction Opportunity Zone is appropriate taking into account the factors listed in subsection (c).

(b) ELIGIBILITY CRITERIA.—Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in this subsection if that country—

(1) has established, or is making continual progress toward establishing—

(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

(C) economic policies to—

(i) reduce poverty;

(ii) increase the availability of health care and educational opportunities;

(iii) expand physical infrastructure;

(iv) promote the development of private enterprise; and

(v) encourage the formation of capital markets through microcredit or other programs;

(D) a system to combat corruption and bribery, such as ratifying and implementing the United Nations Convention Against Corruption; and

(E) protection of core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety;

(2) is eliminating or has eliminated barriers to trade and investment, including by—

(A) providing national treatment and measures to create an environment conducive to domestic and foreign investment;

(B) protecting intellectual property; and

(C) resolving bilateral trade and investment disputes;

(3) does not engage in activities that undermine United States national security or foreign policy interests;

(4) does not engage in gross violations of internationally recognized human rights;

(5) does not provide support for acts of international terrorism; and

(6) cooperates in international efforts to eliminate human rights violations and terrorist activities.

(c) ADDITIONAL FACTORS.—In determining whether to designate an area in Afghanistan or Pakistan as a Reconstruction Opportunity Zone, the President shall take into account—

(1) an expression by the government of the country of its desire to have a particular area designated as a Reconstruction Opportunity Zone under this title;

(2) the capability of the country to establish a program in the area meeting the requirements of section 407(d)(3) based on assessments undertaken by the Secretary of Labor and the government of the country of such factors as—

(A) the geographical suitability of the area for such a program;

(B) the nature of the labor market in the area;

(C) skills requirements and infrastructure needs for operation of such a program in the area; and

(D) all other relevant information;

(3) whether the government of the country has provided the United States with a monitoring and enforcement plan outlining specific steps the country will take to cooperate with the United States to—

(A) facilitate legitimate cross-border commerce;

(B) ensure that articles for which duty-free treatment is sought pursuant to this title satisfy the applicable rules of origin described in section 404 (c) and (d) or section 405 (c) and (d), whichever is applicable; and

(C) prevent unlawful transshipment, as described in section 406(b)(4);

(4) the potential for such designation to create local employment and to promote local and regional economic development;

(5) the physical security of the proposed Reconstruction Opportunity Zone;

(6) the economic viability of the proposed Reconstruction Opportunity Zone, including—

(A) whether there are commitments to finance economic activity proposed for the Reconstruction Opportunity Zone; and

(B) whether there is existing or planned infrastructure for power, water, transportation, and communications in the area;

(7) whether such designation would be compatible with and contribute to the foreign policy and national security objectives of the United States, taking into account the information provided under subsection (d); and

(8) the views of interested persons submitted pursuant to subsection (e).

(d) INFORMATION RELATING TO COMPATIBILITY WITH AND CONTRIBUTION TO FOREIGN POLICY AND NATIONAL SECURITY OBJECTIVES OF THE UNITED STATES.—In determining whether designation of a Reconstruction Opportunity Zone would be compatible with and contribute to the foreign policy and national security objectives of the United States in accordance with subsection (c)(7), the President shall take into account whether Afghanistan or Pakistan, as the case may be, has provided the United States with a plan outlining specific steps it will take to verify the ownership and nature of the activities of entities to be located in the proposed Reconstruction Opportunity Zone. The specific steps outlined in a country's plan shall include a mechanism to annually register each entity by a competent authority of the country and—

(1) to collect from each entity operating in, or proposing to operate in, a Reconstruction Opportunity Zone, information including—

(A) the name and address of the entity;

(B) the name and location of all facilities owned or operated by the entity that are operating in or proposed to be operating in a Reconstruction Opportunity Zone;

(C) the name, nationality, date and place of birth, and position title of each person who is an owner, director, or officer of the entity; and

(D) the nature of the activities of each entity;

(2) to update the information required under paragraph (1) as changes occur; and

(3) to provide such information promptly to the Secretary of State.

(e) OPPORTUNITY FOR PUBLIC COMMENT.—Before the President designates an area as a Reconstruction Opportunity Zone pursuant to subsection (a), the President shall afford an opportunity for interested persons to submit their views concerning the designation.

(f) NOTIFICATION TO CONGRESS.—Before the President designates an area as a Reconstruction Opportunity Zone pursuant to subsection (a), the President shall notify Congress of the President's intention to make the designation, together with the reasons for making the designation.

SEC. 404. DUTY-FREE TREATMENT FOR CERTAIN NONTEXTILE AND NONAPPAREL ARTICLES.

(a) IN GENERAL.—The President is authorized to proclaim duty-free treatment for—

(1) any article from a Reconstruction Opportunity Zone that the President has designated as an eligible article under section 503(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(A));

(2) any article from a Reconstruction Opportunity Zone located in Afghanistan that the President has designated as an eligible article under section 503(a)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(B)); or

(3) any article from a Reconstruction Opportunity Zone that is not a textile or apparel article, regardless of whether the article has been designated as an eligible article under section 503(a)(1)(A) or (B) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1) (A) or (B)), if, after receiving the advice of the International Trade Commission pursuant to subsection (b), the President determines that such article is not import-sensitive in the context of imports from a Reconstruction Opportunity Zone.

(b) ADVICE CONCERNING CERTAIN ELIGIBLE ARTICLES.—Before proclaiming duty-free treatment for an article pursuant to subsection (a)(3), the President shall publish in the Federal Register and provide the International Trade Commission a list of articles which may be considered for such treatment. The provisions of sections 131 through 134 of the Trade Act of 1974 (19 U.S.C. 2151 through 2154) shall apply to any designation under subsection (a)(3) in the same manner as such sections apply to action taken under section 123 of the Trade Act of 1974 (19 U.S.C. 2133) regarding a proposed trade agreement.

(c) GENERAL RULES OF ORIGIN.—

(1) IN GENERAL.—The duty-free treatment proclaimed with respect to an article described in paragraph (1) or (3) of subsection (a) shall apply to any article subject to such proclamation which is the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones if—

(A) that article is imported directly from a Reconstruction Opportunity Zone into the customs territory of the United States; and

(B)(i) with respect to an article that is an article of a Reconstruction Opportunity Zone in Pakistan, the sum of—

(I) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan,

(II) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan, and

(III) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the article at the time it is entered into the United States; or

(ii) with respect to an article that is an article of a Reconstruction Opportunity Zone in Afghanistan, the sum of—

(I) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan,

(II) the cost or value of the materials produced in 1 or more countries that are members of the South Asian Association for Regional Cooperation,

(III) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan, and

(IV) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the article at the time it is entered into the United States.

(2) DETERMINATION OF 35 PERCENT FOR ARTICLES FROM RECONSTRUCTION OPPORTUNITY ZONES IN PAKISTAN AND AFGHANISTAN.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article described in paragraph (1)(B), for purposes of determining the 35-percent appraised value requirement under clause (i) or (ii) of paragraph (1)(B), not more than 15 percent of the appraised value of the article at the time the article is entered into the United States may be attributable to the cost or value of such United States materials.

(d) RULES OF ORIGIN FOR CERTAIN ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—

(1) IN GENERAL.—The duty-free treatment proclaimed with respect to an article described in paragraph (2) of subsection (a) shall apply to any article subject to such proclamation which is the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones in Afghanistan if—

(A) that article is imported directly from a Reconstruction Opportunity Zone in Afghanistan into the customs territory of the United States; and

(B) with respect to that article, the sum of—

(i) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Afghanistan,

(ii) the cost or value of the materials produced in 1 or more countries that are members of the South Asian Association for Regional Cooperation,

(iii) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and

(iv) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the product at the time it is entered into the United States.

(2) DETERMINATION OF 35 PERCENT FOR ARTICLES FROM RECONSTRUCTION OPPORTUNITY

ZONES IN PAKISTAN AND AFGHANISTAN.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article described in paragraph (1)(B), for purposes of determining the 35-percent appraised value requirement under paragraph (1)(B), not more than 15 percent of the appraised value of the article at the time the article is entered into the United States may be attributable to the cost or value of such United States materials.

(e) EXCLUSIONS.—An article shall not be treated as the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones, and no material shall be included for purposes of determining the 35-percent appraised value requirement under subsection (c)(1) or (d)(1), by virtue of having merely undergone—

(1) simple combining or packaging operations; or

(2) mere dilution with water or with another substance that does not materially alter the characteristics of the article or material.

(f) DIRECT COSTS OF PROCESSING OPERATIONS.—

(1) IN GENERAL.—As used in subsections (c)(1)(B)(i)(II), (c)(1)(B)(ii)(III), and (d)(1)(B)(iii), the term ''direct costs of processing operations'' includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the article, including—

(i) fringe benefits;

(ii) on-the-job training; and

(iii) costs of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the article.

(2) EXCLUDED COSTS.—As used in subsections (c)(1)(B)(i)(II), (c)(1)(B)(ii)(III), and (d)(1)(B)(iii), the term ''direct costs of processing operations'' does not include costs which are not directly attributable to the article or are not costs of manufacturing the article, such as—

(A) profit; and

(B) general expenses of doing business which are either not allocable to the article or are not related to the growth, production, manufacture, or assembly of the article, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions, or expenses.

(g) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section. The regulations may provide that, in order for an article to be eligible for duty-free treatment under this section, the article—

(1) shall be wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones; or

(2) shall be a new or different article of commerce which has been grown, produced, or manufactured in 1 or more Reconstruction Opportunity Zones.

SEC. 405. DUTY-FREE TREATMENT FOR CERTAIN TEXTILE AND APPAREL ARTICLES.

(a) DUTY-FREE TREATMENT.—The President is authorized to proclaim duty-free treatment for any textile or apparel article described in subsection (b), if—

(1) the article is a covered article described in subsection (b); and

(2) the President determines that the country in which the Reconstruction Opportunity Zone is located has satisfied the requirements set forth in section 406.

(b) COVERED ARTICLES.—A covered article described in this subsection is an article in 1 of the following categories:

(1) ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES.—An article that is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following textile and apparel category numbers, as set forth in the HTS (as in effect on September 1, 2007):

237	641	751
330	642	752
331	643	758
333	644	759
334	650	831
335	651	832
336	653	833
341	654	834
342	665	835
350	669	836
351	733	838
353	734	839
354	735	840
360	736	842
361	738	843
362	739	844
363	740	845
369	741	846
465	742	850
469	743	851
630	744	852
631	745	858
633	746	859
634	747	863
635	748	899
636	750	

(2) ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—The article is the product of 1 or more Reconstruction Opportunity Zones in Afghanistan and falls within the scope of 1 of the following textile and apparel category numbers, as set forth in the HTS (as in effect on September 1, 2007):

201	439	459
414	440	464
431	442	670
433	444	800
434	445	810
435	446	870
436	448	871
438		

(3) CERTAIN OTHER TEXTILE AND APPAREL ARTICLES.—The article is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following textile and apparel category numbers as set forth in the HTS (as in effect on September 1, 2007) and is covered by the corresponding description for such category:

(A) CATEGORY 239.—An article in category 239 (relating to cotton and man-made fiber babies' garments) except for baby socks and baby booties described in subheading 6111.20.6050, 6111.30.5050, or 6111.90.5050 of the HTS.

(B) CATEGORY 338.—An article in category 338 (relating to men's and boys' cotton knit shirts) if the article is a certain knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.20.1026, 6110.20.2067 or 6110.90.9067 of the HTS.

(C) CATEGORY 339.—An article in category 339 (relating to women's and girls' cotton knit shirts and blouses) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.20.1031, 6110.20.2077, or 6110.90.9071 of the HTS.

(D) CATEGORY 359.—An article in category 359 (relating to other cotton apparel) except swimwear provided for in subheading 6112.39.0010, 6112.49.0010, 6211.11.8010, 6211.11.8020, 6211.12.8010, or 6211.12.8020 of the HTS.

(E) CATEGORY 632.—An article in category 632 (relating to man-made fiber hosiery) if the article is panty hose provided for in subheading 6115.21.0020 of the HTS.

(F) CATEGORY 638.—An article in category 638 (relating to men's and boys' man-made fiber knit shirts) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.30.2051, 6110.30.3051, or 6110.90.9079 of the HTS.

(G) CATEGORY 639.—An article in category 639 (relating to women's and girls' man-made fiber knit shirts and blouses) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.30.2061, 6110.30.3057, or 6110.90.9081 of the HTS.

(H) CATEGORY 647.—An article in category 647 (relating to men's and boys' man-made fiber trousers) if the article is ski/snowboard pants that meets the definition included in Statistical Note 4 to Chapter 62 of the HTS, and is provided for in subheading 6203.43.3510, 6210.40.5031, or 6211.20.1525 of the HTS.

(I) CATEGORY 648.—An article in category 648 (relating to women's and girls' man-made fiber trousers) if the article is ski/snowboard pants that meets the definition included in Statistical Note 4 to Chapter 62 of the HTS, and is provided for in subheading 6204.63.3010, 6210.50.5031, or 6211.20.1555 of the HTS.

(J) CATEGORY 659.—An article in category 659 (relating to other man-made fiber apparel) except for swimwear provided for in subheading 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, or 6211.12.1020 of the HTS.

(K) CATEGORY 666.—An article in category 666 (relating to other man-made fiber furnishings) except for window shades and window blinds provided for in subheading 6303.12.0010 or 6303.92.2030 of the HTS.

(4) CERTAIN OTHER ARTICLES.—The article is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following statistical reporting numbers of the HTS (as in effect on September 1, 2007):

4202.12.8010	6210.20.3000	6304.99.1000
4202.12.8050	6210.20.7000	6304.99.2500
4202.22.4010	6210.30.3000	6304.99.4000
4202.22.7000	6210.30.7000	6304.99.6030
4202.22.8070	6210.40.3000	6306.22.9010
4202.92.3010	6210.40.7000	6306.29.1100
4202.92.6010	6210.50.3000	6306.29.2100
4202.92.9010	6210.50.7000	6306.40.4100
4202.92.9015	6211.20.0810	6306.40.4900
5601.29.0010	6211.20.0820	6306.91.0000
5702.39.2090	6211.32.0003	6306.99.0000
5702.49.2000	6211.33.0003	6307.10.2030
5702.50.5900	6211.42.0003	6307.20.0000
5702.99.2000	6211.43.0003	6307.90.7200
5703.90.0000	6212.10.3000	6307.90.7500
5705.00.2090	6212.10.7000	6307.90.8500
6108.22.1000	6212.90.0050	6307.90.8950
6111.90.7000	6213.90.0500	6307.90.8985
6113.00.1005	6214.10.1000	6310.90.1000
6113.00.1010	6216.00.0800	6406.99.1580
6113.00.1012	6216.00.1300	6501.00.6000
6115.29.4000	6216.00.1900	6502.00.2000
6115.30.1000	6216.00.2600	6502.00.4000
6115.99.4000	6216.00.3100	6502.00.9060
6116.10.0800	6216.00.3500	6504.00.3000
6116.10.1300	6216.00.4600	6504.00.6000
6116.10.4400	6217.10.1010	6504.00.9045
6116.10.6500	6217.10.8500	6504.00.9075
6116.10.9500	6301.90.0020	6505.10.0000
6116.92.0800	6302.29.0010	6505.90.8015
6116.93.0800	6302.39.0020	6505.90.9050
6116.99.3500	6302.59.3010	6505.90.9076
6117.10.4000	6302.99.1000	9404.90.2000
6117.80.3010	6303.99.0030	9404.90.8523
6117.80.8500	6304.19.3030	9404.90.9523
6210.10.2000	6304.91.0060	9404.90.9570
6210.10.7000		

(c) RULES OF ORIGIN FOR CERTAIN COVERED ARTICLES.—

(1) GENERAL RULES.—Except with respect to an article listed in paragraph (2) of subsection (b), duty-free treatment may be proclaimed for an article listed in subsection (b) only if the article is imported directly into the customs territory of the United States from a Reconstruction Opportunity Zone and—

(A) the article is wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones;

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in, or

(ii) the continuous filament fiber is extruded in,

1 or more Reconstruction Opportunity Zones;

(C) the article is a fabric, including a fabric classifiable under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in 1 or more Reconstruction Opportunity Zones; or

(D) the article is any other textile or apparel article that is cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more Reconstruction Opportunity Zones from its component pieces.

(2) SPECIAL RULES.—

(A) CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classifiable under 1 of the following headings or subheadings of the HTS shall be considered to meet the rules of origin of this subsection: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) CERTAIN KNIT-TO-SHAPE TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article that is wholly formed on seamless knitting machines or by hand-knitting in 1 or more Reconstruction Opportunity Zones shall be considered to meet the rules of origin of this subsection.

(C) CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D), an article classifiable under subheading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for an article classifiable under 1 of such subheadings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the rules of origin of this subsection if the fabric in the article is both dyed and printed in 1 or more Reconstruction Opportunity Zones, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(D) FABRICS OF SILK, COTTON, MAN-MADE FIBER, OR VEGETABLE FIBER.—Notwithstanding paragraph (1)(C), a fabric classifiable under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to meet the rules of origin of this subsection if the fabric is both dyed and printed in 1 or more Reconstruction Opportunity Zones, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(d) RULES OF ORIGIN FOR COVERED ARTICLES THAT ARE PRODUCTS OF 1 OR MORE RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—

(1) GENERAL RULES.—Duty-free treatment may be proclaimed for an article listed in paragraph (2) of subsection (b) only if the article is imported directly into the customs territory of the United States from a Reconstruction Opportunity Zone in Afghanistan and—

(A) the article is wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones in Afghanistan,

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in, or

(ii) the continuous filament fiber is extruded in,

1 or more Reconstruction Opportunity Zones in Afghanistan;

(C) the article is a fabric, including a fabric classifiable under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in 1 or more Reconstruction Opportunity Zones in Afghanistan; or

(D) the article is any other textile or apparel article that is cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more Reconstruction Opportunity Zones in Afghanistan from its component pieces.

(2) SPECIAL RULES.—

(A) CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classifiable under 1 of the following headings or subheadings of the HTS shall be considered to meet the rules of origin of this subsection: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) CERTAIN KNIT-TO-SHAPE TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article that is wholly formed on seamless knitting machines or by hand-knitting in 1 or more Reconstruction Opportunity Zones in Afghanistan shall be considered to meet the rules of origin of this subsection.

(C) CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D), an article classifiable under subheading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for an article classifiable under 1 of such subheadings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the rules of origin of this subsection if the fabric in the article is both dyed and printed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(D) FABRICS OF SILK, COTTON, MAN-MADE FIBER OR VEGETABLE FIBER.—Notwithstanding paragraph (1)(C), a fabric classifiable under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to meet the rules of origin of this subsection if the fabric is both dyed and printed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(e) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section.

SEC. 406. PROTECTIONS AGAINST UNLAWFUL TRANSSHIPMENT.

(a) DUTY-FREE TREATMENT CONDITIONED ON ENFORCEMENT MEASURES.—

(1) IN GENERAL.—The duty-free treatment described in section 405 shall not be provided to covered articles that are imported from a Reconstruction Opportunity Zone in a country unless the President determines that country meets the following criteria:

(A) The country has adopted—

(i) an effective visa or electronic certification system; and

(ii) domestic laws and enforcement procedures applicable to covered articles to prevent unlawful transshipment of the articles and the use of false documents relating to the importation of the articles into the United States.

(B) The country has enacted legislation or promulgated regulations that would permit U.S. Customs and Border Protection verification teams to have the access necessary to investigate thoroughly allegations of unlawful transshipment through such country.

(C) The country agrees to provide U.S. Customs and Border Protection with a monthly report on shipments of covered articles from each producer of those articles in a Reconstruction Opportunity Zone in that country.

(D) The country will cooperate fully with the United States to address and take action necessary to prevent circumvention, as described in Article 5 of the Agreement on Textiles and Clothing.

(E) The country agrees to require each producer of a covered article in a Reconstruction Opportunity Zone in that country to register with the competent government authority, to provide that authority with the following information, and to update that information as changes occur:

(i) The name and address of the producer, including the location of all textile or apparel facilities owned or operated by that producer in Afghanistan or Pakistan.

(ii) The telephone number, facsimile number, and electronic mail address of the producer.

(iii) The names and nationalities of the producer's owners, directors, and corporate officers, and their positions.

(iv) The number of employees the producer employs and their occupations.

(v) A general description of the covered articles of the producer and the producer's production capacity.

(vi) The number and type of machines the producer uses to produce textile or apparel articles at each facility.

(vii) The approximate number of hours the machines operate per week.

(viii) The identity of any supplier to the producer of textile or apparel goods, or fabrics, yarns, or fibers used in the production of textile or apparel goods.

(ix) The name of, and contact information for, each of the producer's customers in the United States.

(F) The country agrees to provide to U.S. Customs and Border Protection on a timely basis all of the information received by the competent government authority in accordance with subparagraph (E) and to provide U.S. Customs and Border Protection with an annual update of that information.

(G) The country agrees to require that all producers and exporters of covered articles in a Reconstruction Opportunity Zone in that country maintain complete records of the production and the export of covered articles, including materials used in the production, for at least 5 years after the production or export (as the case may be).

(H) The country agrees to provide, on a timely basis, at the request of U.S. Customs and Border Protection, documentation establishing the eligibility of covered articles for duty-free treatment under section 405.

(2) DOCUMENTATION ESTABLISHING ELIGIBILITY OF ARTICLES FOR DUTY-FREE TREATMENT.—For purposes of paragraph (1)(H), documentation establishing the eligibility of a covered article for duty-free treatment under section 405 includes documentation such as production records, information relating to the place of production, the number and identification of the types of machinery used in production, the number of workers employed in production, and certification from both the producer and the exporter.

(b) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) IN GENERAL.—

(A) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall promulgate regulations setting forth customs procedures similar in all material respects to the requirements of article 502(1) of the NAFTA as implemented pursuant to United States law, which shall apply to any importer that claims duty-free treatment for an article under section 405.

(B) DETERMINATION.—In order for articles produced in a Reconstruction Opportunity Zone to qualify for the duty-free treatment under section 405, there shall be in effect a determination by the President that Afghanistan or Pakistan, as the case may be—

(i) has implemented and follows, or

(ii) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

(2) CERTIFICATE OF ORIGIN.—A certificate of origin that otherwise would be required pursuant to the provisions of paragraph (1) shall not be required in the case of an article imported under section 405 if such certificate of origin would not be required under article 503 of the NAFTA, as implemented pursuant to United States law, if the article were imported from Mexico.

(3) PENALTIES.—If the President determines, based on sufficient evidence, that an entity has engaged in unlawful transshipment described in paragraph (4), the President shall deny for a period of 5 years beginning on the date of the determination all benefits under section 405 to the entity, any successor of the entity, and any other entity owned, operated, or controlled by the principals of the entity.

(4) UNLAWFUL TRANSSHIPMENT DESCRIBED.—For purposes of this section, unlawful transshipment occurs when duty-free treatment for a covered article has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for duty-free treatment under section 405.

(5) MONITORING AND REPORTS TO CONGRESS.—U.S. Customs and Border Protection shall monitor and the Commissioner responsible for U.S. Customs and Border Protection shall submit to Congress, not later than March 31 of each year, a report on the effectiveness of the visa or electronic certification systems and the implementation of legislation and regulations described in subsection (a) and on measures taken by Afghanistan and Pakistan to prevent circumvention as described in article 5 of the Agreement on Textile and Clothing.

(c) ADDITIONAL CUSTOMS ENFORCEMENT.—U.S. Customs and Border Protection shall—

(1) make available technical assistance to Afghanistan and Pakistan—

(A) in the development and implementation of visa or electronic certification systems, legislation, and regulations described in subsection (a)(1)(A) and (B); and

(B) to train their officials in anti-transshipment enforcement;

(2) send production verification teams to Afghanistan and Pakistan as necessary; and

(3) to the extent feasible, place Afghanistan and Pakistan on a relevant e-certification program.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out subsection (c), there are authorized to be appropriated to U.S. Customs and Border Protection $10,000,000 for each of the fiscal years 2010 through 2023.

SEC. 407. TECHNICAL ASSISTANCE, CAPACITY BUILDING, COMPLIANCE ASSESSMENT, AND REMEDIATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Finance and the Committee on Armed Services of the Senate; and

(B) the Committee on Ways and Means and the Committee on Armed Services of the House of Representatives.

(2) TEXTILE OR APPAREL PRODUCER.—The term ''textile or apparel producer'' means a producer of a covered article described in section 405(b) that is located in a Reconstruction Opportunity Zone.

(b) ELIGIBILITY.—

(1) PRESIDENTIAL CERTIFICATION OF COMPLIANCE BY AFGHANISTAN OR PAKISTAN WITH REQUIREMENTS.—Upon the expiration of the 16-month period beginning on the date on which the President designates an area within Afghanistan or Pakistan, as the case may be, as a Reconstruction Opportunity Zone under section 403(a), duty-free treatment proclaimed under section 404(a) or 405(a) for articles from such Reconstruction Opportunity Zone may remain in effect only if the President determines and certifies to Congress that Afghanistan or Pakistan, as the case may be—

(A) has implemented the requirements set forth in subsections (c) and (d) with respect to such Reconstruction Opportunity Zone; and

(B) has agreed to require textile or apparel producers in such Reconstruction Opportunity Zone to participate in the program described in subsection (d) and has developed a system to ensure participation in such program by such producers, including by developing and maintaining the registry described in subsection (c)(2)(A).

(2) EXTENSION.—

(A) INITIAL EXTENSION.—The President may extend the period for compliance by Afghanistan or Pakistan under paragraph (1) for an initial 6-month period if the President—

(i) determines that Afghanistan or Pakistan, as the case may be, has made a good faith effort toward implementing the requirements set forth in paragraph (1) (A) and (B) and has agreed to take additional steps towards implementing such requirements that are satisfactory to the President; and

(ii) provides to the appropriate congressional committees, not later than 30 days before the last day of the 16-month period specified in paragraph (1), a report identifying the additional steps that Afghanistan or Pakistan, as the case may be, has agreed to take as described in clause (i).

(B) SUBSEQUENT EXTENSIONS.—The President may extend the period for compliance by Afghanistan or Pakistan under paragraph (1) for subsequent 6-month periods if, with respect to each such extension, the President—

(i) provides an opportunity for public comment and a public hearing on the possible extension not later than 45 days before the last day of the existing 6-month extension;

(ii) consults with the Secretary of Labor and the appropriate congressional committees with respect to the possible extension not later than 45 days before the last day of the existing 6-month extension;

(iii) determines, taking into account any public comments and input received during the public hearing described in clause (i) and the consultations described in clause (ii), that extraordinary circumstances exist that preclude Afghanistan or Pakistan, as the case may be, from meeting the requirements set forth in paragraph (1) (A) and (B); and

(iv) publishes in the Federal Register a notice that describes—

(I) the extraordinary circumstances described in clause (iii);

(II) the reasons why the extraordinary circumstances preclude Afghanistan or Pakistan, as the case may be, from meeting the requirements set forth in paragraph (1) (A) and (B); and

(III) the steps Afghanistan or Pakistan, as the case may be, will take during the 6-month period of the extension to implement the requirements set forth in paragraph (1) (A) and (B).

(3) CONTINUING COMPLIANCE.—

(A) TERMINATION OF DUTY-FREE TREATMENT.—If, after making a certification under paragraph (1), the President determines that Afghanistan or Pakistan is no longer meeting the requirements set forth in paragraph (1) (A) and (B), the President shall terminate the duty-free treatment proclaimed under section 404(a) or 405(a).

(B) CONTINUATION OF DUTY-FREE TREATMENT NOTWITHSTANDING NONCOMPLIANCE.—

(i) INITIAL 6-MONTH CONTINUATION.—Notwithstanding subparagraph (A), if, after making a certification under paragraph (1), the President determines that Afghanistan or Pakistan is no longer meeting the requirements set forth in paragraph (1) (A) and (B), the President may extend the duty-free treatment proclaimed under section 404(a) or 405(a) for an initial 6-month period if the President—

(I) determines, after consultation with the Secretary of Labor and the appropriate congressional committees, that extraordinary circumstances exist that preclude Afghanistan or Pakistan, as the case may be, from continuing to meet the requirements set forth in paragraph (1) (A) and (B); and

(II) publishes in the Federal Register a notice, not later than 30 days after making the determination under subclause (I), that describes—

(aa) the extraordinary circumstances described in subclause (I); and

(bb) the reasons why the extraordinary circumstances preclude Afghanistan or Pakistan, as the case may be, from continuing to meet the requirements set forth in paragraph (1) (A) and (B).

(ii) SUBSEQUENT 6-MONTH CONTINUATION.—The President may extend the duty-free treatment proclaimed under section 404(a) or 405(a) for a subsequent 6-month period if, with respect to such extension, the President makes a determination that meets the requirements of clause (i)(I) and publishes in the Federal Register a notice that meets the requirements of clause (i)(II).

(C) SUBSEQUENT COMPLIANCE.—If the President, after terminating duty-free treatment under subparagraph (A), determines that Afghanistan or Pakistan, as the case may be, is implementing the requirements set forth in paragraph (1) (A) and (B) and meets the requirements of section 403, the President shall reinstate the application of duty-free treatment proclaimed under section 404(a) or 405(a).

(c) LABOR OFFICIAL.—

(1) IN GENERAL.—The requirement under this subsection is that Afghanistan or Pakistan, as the case may be, has designated a labor official within the national government that—

(A) reports directly to the President of Afghanistan or Pakistan, as the case may be;

(B) is chosen by the President of Afghanistan or Pakistan, as the case may be, in consultation with labor unions and industry associations; and

(C) is vested with the authority to perform the functions described in paragraph (2).

(2) FUNCTIONS.—The functions of the labor official shall include—

(A) developing and maintaining a registry of textile or apparel producers, and developing, in consultation and coordination with any other appropriate officials of the Government of Afghanistan or Pakistan, as the case may be, a system to ensure participation by such producers in the program described in subsection (d);

(B) overseeing the implementation of the program described in subsection (d);

(C) receiving and investigating comments from any interested party regarding the conditions

described in subsection (d)(2) in facilities of textile or apparel producers listed in the registry described in subparagraph (A) and, where appropriate, referring such comments or the result of such investigations to the appropriate authorities of Afghanistan or Pakistan, as the case may be, and to the entity operating the program described in subsection (d);

(D) assisting, in consultation and coordination with any other appropriate authorities of Afghanistan or Pakistan, as the case may be, textile or apparel producers listed in the registry described in subparagraph (A) in meeting the conditions set forth in subsection (d)(2); and

(E) coordinating, with the assistance of the entity operating the program described in subsection (d), a tripartite committee comprised of appropriate representatives of government agencies, employers, and workers, as well as other relevant interested parties, for the purposes of evaluating progress in implementing the program described in subsection (d), and consulting on improving core labor standards and working conditions in the textile and apparel sector in Afghanistan or Pakistan, as the case may be, and on other matters of common concern relating to such core labor standards and working conditions.

(d) TECHNICAL ASSISTANCE, CAPACITY BUILDING, COMPLIANCE ASSESSMENT, AND REMEDIATION PROGRAM.—

(1) IN GENERAL.—The requirement under this subsection is that Afghanistan or Pakistan, as the case may be, in cooperation with the entity designated by the Secretary of Labor under paragraph (3)(A)(i), has established a program meeting the requirements under paragraph (3)—

(A) to assess compliance by textile or apparel producers listed in the registry described in subsection (c)(2)(A) with the conditions set forth in paragraph (2) and to assist such producers in meeting such conditions; and

(B) to provide assistance to improve the capacity of the Government of Afghanistan or Pakistan, as the case may be—

(i) to inspect facilities of textile or apparel producers listed in the registry described in subsection (c)(2)(A); and

(ii) to enforce national labor laws and resolve labor disputes, including through measures described in paragraph (5).

(2) CONDITIONS DESCRIBED.—The conditions referred to in paragraph (1) are—

(A) compliance with core labor standards; and

(B) compliance with the labor laws of Afghanistan or Pakistan, as the case may be, that relate directly to core labor standards and to ensuring acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

(3) REQUIREMENTS.—The requirements for the program are that the program—

(A) is operated by an entity that—

(i) is designated by the Secretary of Labor, in consultation with appropriate officials of the Government of Afghanistan or Pakistan, as the case may be;

(ii) operates independently of the Government of Afghanistan or Pakistan, as the case may be;

(iii) has expertise relating to monitoring of core labor standards;

(iv) if the entity designated under clause (i) is an entity other than the International Labor Organization, is subject to evaluation by the International Labor Organization at the request of the Secretary of Labor, including—

(I) annual review of the operation of the program; and

(II) annual recommendations to the entity operating the program, the Government of Afghanistan or Pakistan, as the case may be, and the Secretary of Labor to improve the operation of the program;

(v) prepares the annual report described in paragraph (4);

(B) is developed through a participatory process that includes the labor official described in subsection (c) of Afghanistan or Pakistan, as the case may be, and appropriate representatives of government agencies, employers, and workers;

(C) assess compliance by each textile or apparel producer listed in the registry described in subsection (c)(2)(A) with the conditions set forth in paragraph (2) and identify any deficiencies by such producer with respect to meeting such conditions, including by—

(i) conducting site visits to facilities of the producer;

(ii) conducting confidential interviews with workers and management of the facilities of the producer; and

(iii) providing to management and workers, and where applicable, worker organizations of the producer, on a confidential basis—

(I) the results of the assessment carried out under this subparagraph; and

(II) specific suggestions for remediating any such deficiencies;

(D) assist the textile or apparel producer in remediating any deficiencies identified under subparagraph (C);

(E) conduct prompt follow-up site visits to the facilities of the textile or apparel producer to assess progress on remediation of any deficiencies identified under subparagraph (C); and

(F) provide training to workers and management of the textile or apparel producer, and where appropriate, to other persons or entities, to promote compliance with paragraph (2).

(4) ANNUAL REPORT.—The annual report referred to in paragraph (3)(A)(v) is a report, by the entity operating the program, that is published (and available to the public in a readily accessible manner) on an annual basis, beginning 1 year after Afghanistan or Pakistan, as the case may be, has implemented a program under this subsection, covering the preceding 1-year period, and that includes the following:

(A) The name of each textile or apparel producer listed in the registry described in subsection (c)(2)(A) that has been in operation in the Reconstruction Opportunity Zone for at least 1 year and has been identified as having met the conditions under paragraph (2).

(B) The name of each textile or apparel producer listed in the registry described in subsection (c)(2)(A) that has been in operation in the Reconstruction Opportunity Zone for at least 1 year and has been identified as having deficiencies with respect to the conditions under paragraph (2), and has failed to remedy such deficiencies.

(C) For each textile or apparel producer listed under subparagraph (B)—

(i) a description of the deficiencies found to exist and the specific suggestions for remediating such deficiencies made by the entity operating the program;

(ii) a description of the efforts by the producer to remediate the deficiencies, including a description of assistance provided by any entity to assist in such remediation; and

(iii) with respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this subparagraph.

(D) For each textile or apparel producer identified as having deficiencies with respect to the conditions described under paragraph (2) in a prior report under this paragraph, a description of the progress made in remediating such deficiencies since the submission of the prior report, and an assessment of whether any aspect of such deficiencies persists.

(5) CAPACITY BUILDING.—The assistance to the Government of Afghanistan or Pakistan referred to in paragraph (1)(B) shall include programs—

(A) to review the labor laws and regulations of Afghanistan or Pakistan, as the case may be, and to develop and implement strategies for improving such labor laws and regulations;

(B) to develop additional strategies for protecting core labor standards and providing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, including through legal, regulatory, and institutional reform;

(C) to increase awareness of core labor standards and national labor laws;

(D) to promote consultation and cooperation between government representatives, employers, worker representatives, and United States importers on matters relating to core labor standards and national labor laws;

(E) to assist the labor official of Afghanistan or Pakistan, as the case may be, designated pursuant to subsection (c) in establishing and coordinating operation of the committee described in subsection (c)(2)(E);

(F) to assist worker representatives in more fully and effectively advocating on behalf of their members; and

(G) to provide on-the-job training and technical assistance to labor inspectors, judicial officers, and other relevant personnel to build their capacity to enforce national labor laws and resolve labor disputes.

(e) COMPLIANCE WITH ELIGIBILITY CRITERIA.—

(1) COUNTRY COMPLIANCE WITH CORE LABOR STANDARDS ELIGIBILITY CRITERIA.—In making a determination of whether Afghanistan or Pakistan is meeting the eligibility requirement set forth in section 403(b)(1)(E) relating to core labor standards, the President shall consider any reports produced under subsection (d)(4) and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

(2) PRODUCER ELIGIBILITY.—

(A) IDENTIFICATION OF PRODUCERS.—

(i) IN GENERAL.—Except as provided in clause (ii), beginning 2 years after the President makes the certification under subsection (b)(1), the President shall identify on a biennial basis whether a textile or apparel producer listed in the registry described in subsection (c)(2)(A) and in operation for at least 1 year has failed to comply with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards.

(ii) EXCEPTION.— The President may identify a textile or apparel producer at any time under clause (i) if the evidence warrants such a review.

(B) ASSISTANCE TO PRODUCERS; WITHDRAWAL, ETC., OF DUTY-FREE TREATMENT.—For each textile or apparel producer that the President identifies under subparagraph (A), the President shall seek to assist such producer in coming into compliance with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards. If, within a reasonable period of time, such efforts fail, the President shall withdraw, suspend, or limit the application of duty-free treatment to textile and apparel covered articles of such producer.

(C) REINSTATING DUTY-FREE TREATMENT.—If the President, after withdrawing, suspending, or limiting the application of duty-free treatment under subparagraph (B) to articles of a textile or apparel producer, determines that such producer is complying with core labor standards and with the labor laws of Afghanistan or Pakistan, as the case may be, that directly relate to and are consistent with core labor standards, the President shall reinstate the application of duty-free treatment under section 405 to the textile and apparel covered articles of such producer.

(D) CONSIDERATION OF REPORTS.—In making the identification under subparagraph (A) and the determination under subparagraph (C), the President shall consider the reports made available under subsection (d)(4).

(f) REPORTS BY THE PRESIDENT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this section during the preceding 1-year period.

(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall include the following:

(A) An explanation of the efforts of Afghanistan and Pakistan, the President, and entity designated by the Secretary of Labor to carry out this section.

(B) A summary of each report produced under subsection (d)(4) during the preceding 1-year period and a summary of the findings contained in such report.

(C) Identifications made under subsection (e)(2)(A) and determinations made under subsection (e)(2)(C).

(g) EVALUATION AND REPORT BY SECRETARY OF LABOR.—

(1) EVALUATION.—The Secretary of Labor shall evaluate the monitoring program established under this section to determine ways to improve adoption and adherence to core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety. To the extent that producers of nontextile or nonapparel articles described in section 404 have established operations in Reconstruction Opportunity Zones, the report shall also evaluate options for expanding the program to include such producers.

(2) REPORT.—Not later than 1 year after the date on which Afghanistan or Pakistan, as the case may be, has implemented a program under this section, the Secretary of Labor shall submit to the appropriate congressional committees a report that contains the results of the evaluation required under paragraph (1) and recommendations to improve the program under this section and, if applicable, to expand the program to include producers of nontextile or nonapparel articles.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out this subsection.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (other than subsection (g)) $20,000,000 for the period beginning on October 1, 2009, and ending on September 30, 2023.

SEC. 408. PETITION PROCESS.

Any interested party may file a request to have the status of Afghanistan or Pakistan reviewed with respect to the eligibility requirements listed in this title, and the President shall provide for this purpose the same procedures as those that are provided for reviewing the status of eligible beneficiary developing countries with respect to the designation criteria listed in subsections (b) and (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)).

SEC. 409. LIMITATIONS ON PROVIDING DUTY-FREE TREATMENT.

(a) IN GENERAL.—

(1) PROCLAMATION.—Except as provided in paragraph (2), and subject to subsection (b) and the conditions described in sections 403 through 407, the President shall exercise the President's authority under this title, and the President shall proclaim any duty-free treatment pursuant to that authority.

(2) WAIVER.—The President may waive the application of this title if the President determines that providing such treatment is inconsistent with the national interests of the United States. In making such determination, the President shall consider—

(A) obligations of the United States under international agreements;

(B) the national economic interests of the United States; and

(C) the foreign policy interests of the United States, including the economic development of Afghanistan and the border region of Pakistan.

(b) WITHDRAWAL, SUSPENSION, OR LIMITATION OF DUTY-FREE TREATMENT.—The President may withdraw, suspend, or limit the application of the duty-free treatment proclaimed under this title upon consideration of the factors set forth in section 403 (b) and (c) of this Act, and section 502 (b) and (c) of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)). In taking any action to withdraw, suspend, or limit duty-free treatment with respect to producers receiving benefits under section 404 or 405, the President shall consider the information described in section 403(d) relating to verification of the ownership and nature of the activities of such producers and any other relevant information the President determines to be appropriate.

(c) NOTICE TO CONGRESS.—The President shall advise Congress—

(1) of any action the President takes to waive, withdraw, suspend, or limit the application of duty-free treatment with respect to Reconstruction Opportunity Zones in Afghanistan or Pakistan or enterprises receiving benefits under section 404 or 405; and

(2) if either Afghanistan or Pakistan fails to adequately take the actions described in section 403 (b) and (c) of this Act or section 502 (b) and (c) of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)).

SEC. 410. TERMINATION OF BENEFITS.

Duty-free treatment provided under this title shall remain in effect through September 30, 2024.

SEC. 411. CUSTOMS USER FEES.

(a) IN GENERAL.—The Secretary of the Treasury shall increase the amount of fees charged and collected under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) for the provision of customs services in connection with imports and travel from Afghanistan and Pakistan as necessary to meet the requirements of subsection (b).

(b) MINIMUM AMOUNT.—The amount of the increase in fees charged and collected under the authority of subsection (a)—

(1) shall not be less than $12,000,000 for the period beginning on the date of the enactment of this Act and ending at the close of September 30, 2014; and

(2) shall not be less than $105,000,000 for the period beginning on the date of the enactment of this Act and ending at the close of September 30, 2019.

(c) RULE OF CONSTRUCTION.—The amount of the increase in fees charged and collected under the authority of subsection (a) shall be in addition to the amount of fees that would otherwise be charged and collected under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) for the provision of customs services in connection with imports and travel from Afghanistan and Pakistan.

(d) TERMINATION OF AUTHORITY.—The authority provided under subsection (a) terminates at the close of the date on which the aggregate amount of the increase in fees charged and collected under the authority of subsection (a) equals $105,000,000.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment in the nature of a substitute printed in part B of the report, if offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) or her designee, which shall be considered read, and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. 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 H.R. 1886.

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

There was no objection.

Mr. BERMAN. Mr. Speaker, at this time I would like, for purposes of opening general debate, to yield to the chairman of the House Armed Services Committee, whom we have worked very closely with in putting together a bill that we can now bring to the floor, a very good bill. His help and the help of his staff, working with our staff, has really been just indispensable to the progress of this effort.

I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the chairman of the House Armed Services Committee.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Speaker, this measure before the House today is very well one of the most important pieces of legislation that we will pass regarding national security.

I first must compliment the chairman, compliment his staff, as well as the staff of the Armed Services Committee, who worked diligently to craft this piece of legislation. It's very important because Pakistan is very important. Pakistan is important to the Middle East and our intentions there. Their cooperation, of course, is so very, very important. This legislation gives economic and democratic development assistance to that country.

What is, of course, of great interest to me is the security assistance that we have given Pakistan, some $400 million. I will leave it to the chairman, the very able chairman, to go into the details, but I must say that it not only provides for training and financing, one part that seems to be overlooked so often is the part that deals with the international military education, which has for a period of time missed out with this country of Pakistan, which again is back on our radar, and hopefully will be of great benefit to them as well as to us. It requires certain milestones to be met.

Under the able leadership of this chairman, this is an excellent bill. I wholly endorse it. I certainly hope that we will get a very, very strong vote because the future of Pakistan is a centerpiece that we need to be successful for our efforts in that part of the world.

With that, I again thank the chairman and compliment him, as well as all those who worked on it.

Mr. BERMAN. Mr. Speaker, I thank the gentleman from Missouri, the chairman of the committee, for his kind comments, and I yield myself 3 minutes.

Mr. Speaker, the United States has an enormous stake in the security and stability of Pakistan. We can't allow al Qaeda or any other terrorist group that threatens our national security to operate with impunity in the tribal regions or any other part of Pakistan.

Nor can we permit the Pakistani state and its nuclear arsenal to be taken over by the Taliban.

To help prevent this nightmare scenario, we need to forge a true strategic partnership with Pakistan and its people, strengthen Pakistan's democrat government, and work to make Pakistan a source of stability in a volatile region. H.R. 1886 is designed to help achieve these critical goals.

This legislation would significantly expand democratic, economic, and social development assistance to help lay the foundation for a stronger, more stable Pakistan. The bill provides funding to strengthen the capacity of Pakistan's democratic institutions including its Parliament, judicial system, and law enforcement agencies. It calls for increased assistance for Pakistan's public education system, emphasis on access for women and girls. To help ensure that U.S. assistance actually reaches the Pakistani people, it requires increased auditing, greater monitoring, and better evaluation.

H.R. 1886 also provides critical security assistance to help the government of Pakistan in its fight against the extremists that threaten the national security of both Pakistan and the United States. To strengthen civilian control of the military, H.R. 1886 requires that all assistance flow through the Pakistan's elected civilian government. And to support the administration's request for additional flexibility to address Pakistan's urgent security needs, the bill authorizes funds for the Pakistan Counterinsurgency Capability Fund, or PCCF. The legislation includes some important accountability provisions to ensure that Pakistan is using our security assistance in a manner consistent with U.S. national security interests. An annual Presidential determination is required that determines whether or not Pakistan is cooperating with the United States on nonproliferation, is meeting its commitment to combat terrorist groups, and has made progress towards that end.

Contrary to what some have suggested, these are not rigid or inflexible conditions that severely constrain the military. We appreciate the urgency of the situation in Pakistan and the need for appropriate flexibility. We are simply asking Pakistan to follow through with the commitments it has already made. If their President is unable to make these determinations, then we should be asking ourselves much deeper questions about what we really hope to achieve in Pakistan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I yield myself 1 additional minute.

If their President is unable to make these determinations, as I mentioned, we should be asking the deeper question of why are we doing this. By including these accountability provisions in this bill, we lay down an important marker that Congress will no longer provide a blank check. We've had extensive conversation with the administration, with the Armed Services Committee, as I mentioned earlier, and have made a number of changes to make this legislation and this effort work better.

I want to re-enforce the notion this is not a partisan product. This is a bipartisan bill. We are honored to have two of the most thoughtful and experienced Members from the minority side, Mr. ROYCE and Mr. KIRK, as original cosponsors of this legislation, and we hope that their actions and this debate will persuade a majority of both parties that this is an effort worth supporting.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in opposition to H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, and I yield myself such time as I may consume.

Mr. Speaker, at the beginning of this debate, it's important to emphasize that Congress and the administration are united in our goals toward Pakistan. We want a long-term partnership with a modern, a prosperous, a democratic Pakistan that is at peace with itself and at peace with its neighbors. And we want a Pakistan that does not provide safe haven to al Qaeda, the Taliban, and other militant extremist groups.

□ 1245

Mr. Speaker, I appreciate the hard work that has gone into my good friend Chairman BERMAN's bill. I also recognize that both amendments in committee, as well as the manager's amendment, have made this a somewhat less objectionable instrument than it was at the outset, but it is still worthy of being objected to.

However, concerns remain, and these are not just my concerns, but they are concerns that, I understand, the White House, the Defense Department and our own intelligence agencies continue to have with H.R. 1886. These concerns are particularly acute in light of the current Pakistani military offensive against the Taliban and against other extremists in the North-West Frontier Province as well as the fact that the new policy is still evolving.

Rather than a forward-looking bill that addresses the current leadership and the current dynamics in Pakistan, this bill before us, H.R. 1886, focuses on past actions and failures attributed to the Pakistani Government, punishing the new leadership for the sins of its predecessors. That is why I will be offering a comprehensive substitute which parallels the results of the administration's strategic review and which fully funds its request for critical nonmilitary and certain military assistance to Pakistan.

Unlike the underlying bill, our measure provides the necessary flexibility for all U.S. agencies to respond quickly and to respond effectively to rapidly unfolding developments on the ground while still retaining robust accountability and congressional oversight of these programs.

As Members will recall, on March 27, the President announced a new strategy to guide U.S. policy in Afghanistan and Pakistan. This strategy focused our efforts, the U.S. efforts, toward meeting a core goal: to disrupt, to dismantle and to defeat al Qaeda and its safe havens in Pakistan, and to prevent their return to Afghanistan or Pakistan.

As our intelligence agencies have made clear, the threats emanating from al Qaeda and from their allies in Pakistan directly endanger our homeland security, the survival of Pakistan as a modern nation-state and the security of our friends and allies around the world.

The President as well as all of his top advisers, including Secretary of State Clinton and Secretary of Defense Gates, insist that this new strategy is intended to be a framework, not a straitjacket, for U.S. policy. That is why Secretary Clinton has emphasized that the democratically-elected government in Pakistan shares our goals with respect to tackling militancy, and that is why she urged that Congress not legislate onerous conditionality that might undercut our efforts to work with Pakistanis who share the interests of the United States. That is also why Ambassador Holbrooke noted before our committee this May that certain legislative conditionality could prove seriously counterproductive.

While the authors of H.R. 1886 may have sought to empower our Pakistani partners to undertake the formidable task of fighting and winning against violent extremists, it does the opposite. Further, accountability measures for Afghanistan and Pakistan must be tightly linked to the new U.S. strategy for the region rather than outdated assessments of the situation in Pakistan and preconceived notions about the response from our Pakistani partners.

Mr. Speaker, we have gone down this road before. I recall during the Iraq debate in the last Congress Members expressed great distrust for the judgment of General Petraeus, and they sought to prejudge the surge strategy before it could even be implemented. Let us hope that this will not be repeated with respect to Pakistan and Afghanistan, as General Petraeus is now the chief of Central Command, leading the efforts of the Department of Defense in these countries and, in fact, in the broader theater.

Why does the executive branch need great flexibility in trying to execute a strategy in Pakistan? Look what is happening on the ground right now. Six weeks of fighting between the Pakistani troops and the Taliban insurgencies have forced 2 million people from their homes in the Swat Valley and in other northwestern areas.

According to Islamabad, since the operation began on April 26, 1,305 militants have been killed; 120 have been arrested; 105 soldiers have died; and 306 have been injured. In response, the extremists have launched a wave of suicide bombings and other attacks in Lahore and elsewhere across the country.

As one Pakistani writer noted, ''The terrorist backlash is principally aimed at draining public support from the army's offensive in Swat and to rattle the political and military establishments, weaken national resolve and erode public support for the anti-militancy campaign.''

Fortunately, Pakistan's democratic government has responded with firmness and with new resolve to persevere and to succeed in our mission. Perhaps even more importantly, anti-Taliban sentiment among the Pakistani people appears to be increasing in response to the mayhem that has been unleashed by the militants. But these gains are fragile, Mr. Speaker. Winning the peace could yet prove elusive. There could be little doubt that the political and military challenges ahead for the government and for the people of Pakistan are, indeed, profound.

That is why it is so important to provide this administration with flexible authorities to carry out its new strategy for Afghanistan and Pakistan, focusing on the strategic importance of Pakistan to the United States and to the world and focusing on the need for increased security, for increased governance and for development assistance to help us meet these vitally important goals.

Finally, the rule for this bill made in order a self-executing mechanism whereby House Resolution 1318, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones, ROZs, in Afghanistan and Pakistan, will be incorporated into the text of H.R. 1886 even though that legislation has never even been marked up in committee.

While I support the concept of ROZs, this highly irregular maneuver is not the appropriate approach to take on this serious matter. Although we share the majority's goal, we believe that the Republican substitute that I will offer later in this debate affords the best means for the United States Congress and for the U.S. administration to work together to develop an integrated and effective assistance plan to advance our mutual interests in a democratic, stable and prosperous Pakistan that is a strong partner in the struggle against extremism and that maintains responsible controls over its nuclear weapons technology.

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

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 3 minutes to the chairman of the Middle East and South Asia Subcommittee, the gentleman with whom I just traveled to Pakistan, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the legislation before us. I want to thank Chairman BERMAN for allowing me to work closely with him on this bill and, more importantly, for his producing such an excellent piece of legislation.

Some may be surprised that I am an enthusiastic supporter of this bill to assist Pakistan. Over the years, I have been, unashamedly, one of the most persistent and aggressive critics of Pakistan's government and of the previous administration's policies for dealing with it. I remain deeply concerned about much of Islamabad's behavior, ranging from its cozy relations with native terrorist groups to its obsessive belief that India intends to devour Pakistan. None of Pakistan's governments have demonstrated a persuasive commitment to internal political or economic reform or to anything approaching real acceptance of the rule of law.

Pakistan has been, at best, an obstreperous partner on the subject of proliferation, and like many, I fail to understand what possible reason they could have that could justify the stonewalling we've faced regarding the A.Q. Khan proliferation network. I continue to believe that Pakistan's interest in F–16 aircraft is akin to a fetish.

Nevertheless, I am a strong supporter of the bill. Why? Very simply, it is time our partnership with Pakistan connects directly to the Pakistani people. Our previous strategy of depending wholly upon the government of Pakistan to fight a war most of its people detest is not sustainable, and I believe it has contributed significantly to the political instability in that country.

This bill sets the stage for the United States to work with Pakistan to promote long-term development and infrastructure projects in all areas of Pakistan, to establish a real counterinsurgency and counterterrorism strategy and to ensure U.S. access to individuals suspected of engaging in nuclear proliferation. This legislation will help Pakistan gain control of its under-governed areas, and it will ensure accountability for all U.S. assistance to Pakistan.

In addition to requiring the President to develop a real security strategy and to regularly report back to Congress on the effectiveness of our military assistance, the act prohibits such assistance until Pakistan demonstrates its commitment to shared security goals. There are also strong oversight and audit requirements for the State Department and for USAID, and there is a requirement for the U.S. Comptroller General to report independently on the effectiveness of our security assistance.

This bill is a tremendous step forward for us in our efforts to bring peace and stability to South Asia. I would hope that every Member would support this legislation. I thank the chairman.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time, I am pleased to yield 5 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member of the Subcommittee on the Middle East and South Asia.

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, first of all, let me congratulate our chairman on crafting a bill that, in large part, is very good. It increases aid to Pakistan by triple in some areas, and I think it's very positive. It deals with economic and humanitarian assistance that will help Pakistan build schools, roads and hospitals, and it will help Pakistan's economic infrastructure. All of that is good. I know that the President and the administration support that as well.

But unfortunately—here comes the ''but'' part—unfortunately, the chairman and our Democrat colleagues decided to load this bill up with ill-conceived provisions to micromanage U.S. security assistance to Pakistan, as the ranking member just said. This is not just my opinion. The Secretary of Defense, Mr. Gates, and the chairman of the Joint Chiefs of Staff, Mr. Mullen, wrote the Armed Services Committee last month. Here is what they said:

''The degree of conditionality and limitations on security assistance to Pakistan'' in H.R. 1886 ''severely constrains the flexibility necessary for the executive branch and the Department of Defense given the fluid and dynamic environment that exists in Pakistan.''

Mr. BERMAN. Will the gentleman yield? After yesterday, why wouldn't you?

Mr. BURTON of Indiana. I will in a minute. Do you remember last night when I asked you to yield? But that's okay. I will yield to you in a minute just to show you what kind of a guy I am.

Anyhow, this is a very difficult time over there. I would like to say to my chairman, if he could see this—Mr. Chairman, I hope that you can see this. It's very important that we look at the situation on the ground in Pakistan right now.

The green area is the area that the government controls. The brown area is the area that the Taliban controls. The tan area is where there is a strong Taliban presence. The yellow is where there are federally supported tribal areas. Of course, up here in the north is the blue North-West Frontier Province.

If we lose this, if we lose this here, you've got a heck of a problem in Afghanistan. That's the entire border with Afghanistan. If you lose that, then the President's goal to stabilize and to win the war in Afghanistan is going to go right down the tubes, and this micromanaging that you're doing in this bill is not going to be helpful.

Now, in the past, I have not agreed with Senator KERRY. In fact, I can't remember ever agreeing with Senator KERRY. But just to let you know that there is some bipartisan opposition, I want to read to you what he said. Senate Foreign Relations Chairman JOHN

KERRY, Democrat of Massachusetts, the author of similar Senate legislation, Senate bill 962, said, it's ''overly restrictive'' and ''counterproductive.''

''It sends a message in the Pakistani body politic that the people of Pakistan say, 'Well . . . we're just doing their (U.S.) bidding, we're their lackeys, we're not in control.' ''

I think that's counter to the kind of message that we want to send to Pakistan right now.

□ 1300

This is a very difficult time. This is not just a debate between the chairman and the ranking member and me. This is war and peace. It's the survivability of Pakistan as an independent country. It's winning or losing the war in Afghanistan. And we have to remember that Pakistan is a nuclear power. If the Taliban is successful in this area, not only will Afghanistan go down the tubes, but in likelihood, they will have control of some nuclear weapons. I know we've got precautions that are being taken to stop that. But in the event this takes place and we lose control of those nuclear weapons, we've got a real possible conflagration for the whole area in that part of the world.

So I would like to say to the chairman, and I hope in conference committee this is changed, that this micromanaging that you're doing to try the tell the Pakistani Government how to conduct its military operations in Pakistan, that that is limited or stopped.

Mr. BERMAN. Will the gentleman yield?

Mr. BURTON of Indiana. I will be happy to yield.

Mr. BERMAN. This isn't for a polemic. It's really just to take what you said.

Number one, I agree completely with the urgency of it. If I didn't—we don't have a lot of money—we would not be authorizing these sums. We share your sense of the urgency of the situation.

Secondly, the letter you cite is correct. The letter is not correct, but the existence of the letter is correct. But it was addressed to a bill that had been introduced. Since the introduction of the bill, we have gone through elaborate negotiations with the House Armed Services Committee. To deal with some of the issues that letter was concerned about, we have worked through, both in the supplemental and in the authorizing committee——

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. I will give the gentleman an additional 1 minute because we do want to clarify Senator KERRY's statements.

Mr. BURTON of Indiana. Let me just say to my colleague that there is an unnecessary limitation relating to Pakistan's F–16 program that could be dealt with by nonlegislative means, which you're dealing with that in this bill. It shows that there is no trust: a limitation on State Department-funded assistance unless Pakistan meets certain conditions relating to nonproliferation, counterterrorism, and other issues.

Mr. BERMAN. Good things.

Mr. BURTON of Indiana. I don't understand you.

Mr. BERMAN. Ensuring that the mission that we are equipping and training for is committed to a counterinsurgency, not an arms race in South Asia.

Mr. BURTON of Indiana. All I can say, if you read the bill and you listen to the debate and listen to even what Senator KERRY says, with whom I don't agree with very much, you see that there is too much micromanaging in this bill.

This is a war over there, and we should be supporting our ally in every way possible so the Taliban isn't victorious.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield to someone who, like the previous speaker, the gentleman from Indiana, has spent a great deal of time in Pakistan looking at the situation. She chairs the Pakistan Caucus. She joined our congressional delegation in Pakistan in the month of April and speaks with great knowledge and experience on this subject, the gentlelady from Texas, Ms. SHEILA JACKSON-LEE, for 3 minutes.

Ms. JACKSON-LEE of Texas. I thank very much the distinguished chairman of the full committee for both his insight and his leadership, and my good friend, the subcommittee chairman, Mr. ACKERMAN, and my doubly good friend, Mr. BURTON, who was just on the floor of the House who shares with me this commitment to Pakistan.

Mr. Speaker, the reason why we must go forward today is for the very reason that our colleagues have been addressing themselves to our colleagues, if you will. We have a crisis, a dire crisis in Pakistan. There is no time for us to quarrel over what really are minimal differences, if you will. Right now, as we speak, 2½ million people are homeless. They are fleeing the conflicts in the Swat area that has been initiated by the Pakistani Government that is standing not for America, but is standing for the freedom of her people. And we must applaud these actions.

We must look to the leadership of the President, the leadership of the Secretary of State, who has a strong commitment to Pakistan, the policies of this new government. Our government is to recognize Pakistan as an ally. And so 1886 is a bill that recognizes comprehensively that we have an equal ally that is fighting against terrorism within their borders.

I have been to Peshawar, Islamabad, and any number of the sites visiting with leaders around the Nation. I have been to the schools that are trying to replace the madrasas. And in this legislation, we have, for example, a Pakistan development and prosperity fund.

Just 3 weeks ago, a hundred-plus members of the Pakistani community met in New York to talk about how they can provide social services to that nation. As we speak, there are medical doctors from the Pakistani-American community that are leaving their homes here in the United States to go to Pakistan to help these refugees.

So let us look at the big picture that this legislation provides. The prosperity fund, yes, there are conditionalities, but I would suggest that they are refrained from the issues that the distinguished Member in the other body spoke to, and we're going to work even further.

But if our colleagues appreciate the fact that there are dire conditions that the Pakistan military is fighting the terrorists, they will help us pass 1886. This bill refers, itself, to the nuclear materials and requires the protecting of those materials. Do we want to leave that willy-nilly?

This particular legislation also, in essence, helps to protect women and girls, to provide more resources for women and girls. It helps to deradicalize the youth. This legislation is a stopgap to the crisis and the emergency.

I ask my colleagues to read it. This bill should be passed.

I urge you to support H.R. 1886, The Pakistan Enduring Assistance and Cooperation Enhancement Act. H.R. 1886 establishes a new, more positive framework for U.S.-Pakistan relations. The legislation establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship. The bill is comprised of three titles.

The first title provides Economic, Social and Democratic Development Assistance for Pakistan; the second title provides Security Assistance for Pakistan; and the third title requires the President to develop a regional security strategy; provides for enhanced monitoring, evaluation, and auditing of U.S. assistance; requires a Presidential report on Pakistan, including an evaluation on Pakistan's progress in counterterrorism and an assessment of whether assistance provided to Pakistan is in any way facilitating the expansion of Pakistan's nuclear weapons program; and requires that all assistance to Pakistan be provided through a civilian government in Pakistan established by free and fair elections.

Pakistan is a critical ally of the United States. For too long, however, our relationship with Pakistan has been one of fits and starts, depending on events in the region and who happens to be in power in Pakistan. It is time for us the United States to forge a truly strategic partnership with Pakistan, one that goes beyond our mutual interest today in counterinsurgency and counterterrorism and speaks to the everyday needs of the average Pakistani.

H.R. 1886 accomplishes these objectives. The legislation would significantly expand economic, social and democracy assistance to help lay the foundation for a stronger, more stable Pakistan. In particular, the bill authorizes a Pakistan Democracy and Prosperity Fund, a permanent fund in the U.S. Treasury for which the United States, along with other interested nations, nongovernmental organizations and even private citizens, can contribute

to the prosperous future of Pakistan. The fund also provides additional flexibility to the State Department in order to provide such assistance, thereby responding to the ever dynamic situation Pakistan faces with its on going efforts to counter a domestic insurgency and provide humanitarian care for its displaced people.

As much as we must focus on the internal conflicts in Pakistan, we must not forget the external issues affecting the region as a whole and the need for stabilization.

Over the years, U.S. assistance to Pakistan has fluctuate with political events, sending mixed messages and leading most Pakistanis to question both our intentions and our staying power. Today, many Pakistanis believe the United States will cut and run when it serves our purpose, a belief which undermines our longterm efforts to defeat extremists, foster democratic change, and support transparent and accountable institutions that promote security and stability in Pakistan.

However, the status quo is not working: many in the United States believe we are paying too much and getting too little—and most Pakistanis believe exactly the opposite. Without changing this baseline, there is little likelihood of drying up popular tolerance for anti-U.S. terrorist groups or persuading Pakistani leaders to devote the political capital necessary to deny such groups sanctuary and covert material support.

The bill helps bridge a sustainable U.S.-Pakistan partnership through an increased focus on public diplomacy and engagement. H.R. 1886 authorizes a new exchange program for Pakistani civil servants and military officers in order to foster greater respect for and understanding of the principle of civilian rule in Pakistan's military. By building bridges to Pakistan and its people, the legislation is intended to provide a new, more positive framework for U.S.-Pakistan relations. Finally, the bill authorizes an extensive increase in military assistance to help Pakistan wage an effective counterinsurgency campaign against those forces that threaten Pakistan's national security.

This legislation establishes a new, more positive framework for U.S.-Pakistan relations. The legislation establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship.

RECONSTRUCTION OPPORTUNITY ZONES

It is important to note that the rule incorporated into this bill a modified version of H.R. 1318, Afghanistan-Pakistan Security and Prosperity Enhancement Act. These provisions create Reconstruction Opportunity Zones (ROZs) in Afghanistan and Pakistan, where non-tradesensitve exports would be permitted to enter the U.S. duty-free.

From a broader foreign policy perspective, the ROZ initiative constitutes an affirmation of the importance of the United States attaches to Pakistan and Afghanistan via a long term effective economic program that is directly aimed at improving the lives of its people. ROZs work toward achieving counterinsurgency policy goals, as job creation in these areas would counter al-Qaeda and Taliban recruitment efforts by offering alternatives to joining the insurgency. Such job creation and will serve as positive reinforcement for young people on a path toward building a solid future in Pakistan where these young people would otherwise turn to extremism as their way of life.

Moreover, it should be noted that the AFL–CIO does not oppose ROZs, as these zones assist in achieving the delicate balance of helping Pakistan establish a better economy, while simultaneously respecting trade restrictions here in the United States. On the premise of a new friendship between the United States and Pakistan, we need to support H.R. 1886. The ROZ initiative open avenues for employment and job growth in Afghanistan and Pakistan, and its impact will help shut down paths that lead to terrorism, warlords and the drug trade. Additionally, I was a co-sponsor of the original ROZ bill and maintain its importance.

AMENDMENT LANGUAGE

I have worked tirelessly with Chairman BERMAN to include several key provisions in this important legislation. First, I am pleased that the Chairman has included language from my past amendments in the legislation which states that the United States recognizes the recent major efforts that Pakistan has taken in the SWAT area. Second, my language included in the former manager's amendment includes language on page 40 in section 206 which states that any limitations on the dispensation of military funds to Pakistan should be modified or reconsidered if Pakistan has made rapid compliance with the objectives contained in the section (i.e., those objectives that lead to cooperation with the United States). Additionally, the legislation includes important language on page 19 that funding for education must be used for the education of school girls between the ages of 10–20 and that the money should be used to make sure that these girls stay in school.

I have also worked closely on the Manager's Amendment to H.R. 1886, which includes important language that funding for rehabilitation programs is designed to deter military insurgence. It is imperative that United States security assistance for Pakistan should be used for the creation of militant rehabilitation programs designed to rehabilitate insurgents and to prevent youth from turning to militancy from the onset. Such militant rehabilitation programs shall be implemented by moderate Islamic clerics, in keeping with Islamic tradition. United States security assistance for Pakistan should further be used to create incentives for steering insurgents away from militancy by providing financial support and job assistance for those militants who effectively renounce their subscription to militancy. I would urge that my colleagues support the Manager's Amendment. I believe that it contains language that would be of benefit to the Pakistani people.

CODELS TO PAKISTAN

I have been to Pakistan many times. My belief in this country and its relationship with the United States drove me to co-chair the Pakistan Caucus. This year alone, I have participated in two Congressional Delegation Trips to Pakistan, and I am very passionate about diplomatic relations between our two countries.

Benazir Bhutto, shortly before her death, said that "The next few months are critical to Pakistan's future direction as a democratic state committed to promoting peace, fighting terrorism and working for social justice. Democracy is necessary to peace and to undermining the forces of terrorism." I had the pleasure of knowing the late Benazir Bhutto and losing her in death was truly a tragedy felt beyond Pakistan. She made this statement over two years ago, yet is relevant today more than ever.

On May 19, 2009, Secretary of State Hillary Clinton announced $110 million in emergency assistance for the South Asia nation of Pakistan, including aid for civilians fleeing a military offensive against Taliban militants in the northwest. The United Nations refugee agency issued a report stating that more than 1.4 million people in the North West Frontier Province (NWFP) have been registered as displaced since May 2, describing the flood as the largest and swiftest to take place anywhere in the world in recent years.

The newly-registered internally displaced persons (IDP) took the total number of those who have fled their homes in the SWAT valley and surrounding areas to 2 million.

I am hopeful that the $110 million in emergency assistance will get to the people on the ground and will be of assistance to them. It is important that the people of Pakistan see that the aid is coming from America to give a face to this aid. It is essential t global security and the security of the United States.

The surge of IDPs followed the launch of a military offensive in late April. President Asif Ali Zardari acted after U.S. officials stepped up warnings that Islamabad's willingness to tolerate and negotiate peace deals with the militants was endangering both Pakistan and the wider region. The Taliban fighting spread to NWFP districts and SWAT.

President Obama's new approach to Pakistan is different than anything that has been tried before. America has expressed that it will support the democratically-elected government and it will have a clear and transparent relationship.

In conclusion, I urge you to support H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act, which seeks to and effectively establishes a new, more positive and enduring framework for U.S.-Pakistan relations.

Ms. ROS-LEHTINEN. Before yielding time to my distinguished friend from Florida, I would like to clarify that Senator KERRY was indeed referring to the bill as amended to the text we're considering today. And further, much reference has been made to the Armed Services Committee, as the gentleman knows from Florida, but the Armed Services minority did not sign off on the bill before us due to pending concerns.

And with that, I am proud to yield 5 minutes to the gentleman from Florida (Mr. MILLER), the ranking member on the Armed Services Subcommittee on Terrorism and Unconventional Threats.

Mr. MILLER of Florida. I thank the ranking member, and I appreciate you bringing up the fact that our friends on the majority are, again, talking about the bipartisan efforts that have been made with the Armed Services Committee, all of the extensive negotiations that have taken place. I serve on the Armed Services Committee. I am the ranking member, as Ms. ROS-

LEHTINEN just said. There has been absolutely no negotiation with any member of the minority side of the House Armed Services Committee.

You know, it sounds like a great thing to support when you look at the bill, at least the title of the bill, but when you start looking at it, reading it, listening to the people who it actually is going to affect, like General David Petraeus who I met at CENTCOM last week and had an opportunity to talk to him about these specific issues, he said it is going to tie their hands, not allow us to do what we need to do and the military needs to do to train and assist in this very important issue.

Nobody, I think, has any qualms or quarrels with the majority side saying this is something that needs to be done. The issue is a jurisdictional problem with regards to whether State or DOD has input or actually controls what goes on in this program.

Look, I've been to Pakistan and Afghanistan three times in the last year. I understand what's going on there. I know how hard the Pakistanis are fighting to control what's going on in their country. We need to do what we can do to help with the counterinsurgency problem. But it's my understanding that the President does not support this particular piece of legislation and, as has already been said on the floor today, that Senator KERRY does not support this particular piece of legislation.

So those are the facts. Others may not want to necessarily address those facts and say that they are, in fact, true, but they are. And I heard a Member on the floor of the House yesterday trying desperately to get Members to understand and believe that Foreign Service members, as a whole, are actually on the front lines.

Look, the State Department cannot compel any State Department employee to go into a combat zone. This is a DOD issue. This is a counterinsurgency issue. It needs to be in the basket, if you will, of the Department of Defense. The majority's tendency to use diplomacy for every single thing should not result in a career State Department bureaucrat running a military counterinsurgency operation. It just shouldn't be so.

Look, as I said, they can't legally compel their people to go into a combat zone, but what they do is they use money for programs to fly Muslim people from the United States of America to Sweden to talk about issues in regards to Islamic outreach, which I have serious concerns with that particular program, but that's the State Department and that's what they want to do. I think they probably would have thought that the diplomatic efforts that Pakistan made in the Swat Valley was the thing that we should have done. It was not something that should have been done, and we know the Taliban broke the truce real quickly after that was done.

But look, the Department of State should not be taking the lead in this vital issue. It should be the Department of Defense. And I think that, ultimately, Members of this body on both sides of the aisle understand that.

So I urge a defeat of this flawed particular piece of legislation.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. ACKERMAN) may control the time of the gentleman from California (Mr. BERMAN).

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from California (Ms. WATSON.)

Ms. WATSON. I rise today in support of H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act, called PEACE, of 2009.

Since President Barack Obama took the reins of our Nation, he has begun to lead us in a new era of foreign policy based on the theme: listen, learn, then lead.

This bill introduced by Chairman BERMAN is the beginning of this new era of American foreign policy which will give the President the tools he needs to bring peace and long-lasting stability to Pakistan. The PEACE Act authorizes the President to provide assistance for Pakistan to enhance economic development, human rights, cultural and educational programs, the judicial system, and democratic institutions in order to strengthen civilian rule and long-term stability.

This bill does not allow Pakistan to use any of this assistance to upgrade or buy new F–16s or upgrade its nuclear arsenal. The reporting requirements in the PEACE Act provide the necessary oversight provisions which require Pakistan's government and the Obama administration to inform Congress on the progress and uses of our assistance.

I urge my colleagues to support H.R. 1886.

Ms. ROS-LEHTINEN. I reserve the balance of our time.

Mr. ACKERMAN. Mr. Speaker, I am pleased at this time to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague, Mr. Speaker, and I rise in support of H.R. 1886, the Pakistan Enduring Assistance Cooperation Act, and I congratulate our chairman, Mr. BERMAN, for his leadership.

This bill is a national security bill. It authorizes military assistance to help Pakistan disrupt and defeat al Qaeda and insurgent elements, including the Taliban, and requires that the majority of such assistance be focused on critical counterinsurgency and counterterrorism efforts.

□ 1315

Additionally, the bill requires that all military assistance flow through the democratically elected Government of Pakistan.

The legislation includes accountability measures for military assistance, including a requirement that the Government of Pakistan demonstrate a sustained commitment to combating terrorism. The bill aligns Pakistan's defense goals with ours by conditioning military aid. Specifically, the bill provides $400 million a year in military aid on the condition that Pakistan cooperate in dismantling nuclear supply networks and fighting terrorist groups. The bill will not provide funding for Pakistan to build its forces on the eastern border with India, as the real threat lies on the western border. To this end, the bill would bar the use of foreign military financing to buy or upgrade F–16 fighter jets with the exception of money to finish a 2006 deal.

I understand the concerns about Pakistan's commitment to fighting terrorism. I myself have concerns about Pakistan's nuclear arsenal and its past history of proliferation. This is why, at my request, the report language accompanying this bill specifically mentions the A.Q. Khan proliferation network as a source of concern in the United States and that representatives of the United States must have access to him because they have not interviewed him.

Pakistan, Mr. Speaker, is a key partner in South Asian security. Clearly, recent events in the Swat Valley demonstrate that stability in the region is not just an American concern. We must move ahead with clear expectations and goals, as this bill enumerates, to ensure that U.S. aid is being used in the most effective manner possible. Ultimately, this will benefit both the Pakistani people and U.S. strategic interests. This bill, H.R. 1886, does that; and I urge my colleagues to support it.

Ms. ROS-LEHTINEN. Mr. Speaker, before yielding to my good friend from Texas, I would like to point out, as the previous speaker noted, this is supposed to be a national security bill, yet the majority tagged on a trade bill to it, and then, under the rule, attaches it to the State bill.

I am proud to yield 2 minutes to the gentleman from Texas (Mr. BRADY), the ranking member on the Ways and Means Subcommittee on Trade.

Mr. BRADY of Texas. Mr. Speaker, I rise in opposition to this bill due to the last-minute addition of the Pakistan Afghanistan Recovery Opportunity Zone bill.

While I commend Congressman VAN HOLLEN for his hard work and his strong commitment to this very important legislation, I am concerned the bill fails to encourage significant investment in the Afghan and Pakistan regions under the new trade program. And I say that as someone who believes that trade can be a powerful tool to help developing countries lift themselves up out of poverty. Unfortunately, I believe this bill will discourage economic development and investment because it includes some dangerous eligibility criteria that will drive away investment and require each firm, including U.S. firms, there

to meet labor standards that could exceed U.S. law in such a way that will create a dangerous precedent that could be applied to our own free-trade agreements, making U.S. labor laws vulnerable to challenge from foreign countries.

And the scope of the eligible products in the bill, unfortunately, have been whittled down—I know there have been difficult negotiations to try and broaden that—and it imposes fees on certain Pakistan products in return for sales of others; again, sort of, I think, a tradeoff that has been difficult to swallow.

I am concerned that this measure, despite its excellent intentions—and again, very hard work from Congressman VAN HOLLEN—will fall short of its objectives to bring economic stability to this very difficult region.

I would point out, too, we are doing a lot to open up America to foreign countries. We've had six votes to open up America to foreign sales, but no votes to open up other countries to what we sell. It's not enough to buy American; we need to sell American products throughout the world. And in this economic recession, we have three pending trade agreements that would allow us to sell $11 billion of American products around the world to create jobs here in the United States that are being held up, not brought to a vote on the floor. We need to get our priorities right. As we help lift countries up, let's lift American jobs up as well.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. BERMAN) reclaims his time from the gentleman from New York (Mr. ACKERMAN).

There was no objection.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 3 minutes to the ranking member of the Terrorism Nonproliferation and Trade Subcommittee of the Foreign Affairs Committee, a cosponsor of the legislation and another member of the congressional delegation that went to Pakistan last month. In fact, everybody who went to Pakistan with me is supporting this bill. I should have taken more people. But I yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I rise in support of this very important legislation, and I think there are a few points that we should keep in mind.

The first is that Pakistan is a tinderbox; its government is very weak, and social and economic trends are moving in the wrong direction and that is fostering extremism. The Pakistan Government has killed many militants over the last few weeks, but the insurgency remains potent. And, clearly, Pakistan is going to be troubled for some time.

Second, this region is the center of international terrorism. And most importantly, Pakistan has a growing nuclear arsenal. Now, we can either stay engaged and try to shape events, or go to the sidelines and see a bad situation become a possible disaster.

Third, to date, Pakistan has taken us for a ride. Since 9/11, we have provided Pakistan with some $12.3 billion. We spent billions before that. I've been to Pakistan a number of times; I have seen what has happened without conditions. I have also seen the need there. A school that I visited in the North-West Frontier has now been blown up, and madrasas now educate kids there in jihad. I have been to Peshawar. I've been to the regions where this militancy has to be confronted.

Little has improved without conditions, and there has been significant waste and corruption. So this legislation is the proposal we have with the best conditions. It best conditions that aid. It takes the position that while we must work with the Pakistani Government, our experience demands greater accountability from that government. No blank checks. That the Pakistan Government denounces this bill's conditions, frankly, should be a selling point.

I do, however, have one significant reservation. The trade provision that the Rules Committee majority added to this bill is sheer window dressing. As this bill goes to conference with the Senate, as the process continues, this trade provision must be liberalized. Increasing trade should be an important goal.

In short, the situation in Pakistan is dire, and with its nuclear arsenal, the stakes could not be any higher. We need all the accountability we can get. And that's why I support this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so proud to yield 3 minutes to the gentleman from Michigan (Mr. CAMP), the ranking member on the Committee on Ways and Means.

Mr. CAMP. I thank the gentlewoman for yielding.

I strongly oppose H.R. 1886, in particular, language inserted at the Rules Committee to create a new, but poorly designed, trade preference program for Afghanistan and Pakistan.

While I would support a well-designed program to create jobs and spur economic development, this legislation is deeply flawed. First, it brings virtually no economic benefit because the product mix is stingy—an economic fig leaf that should fool no one.

My second objection is even more fundamental. While the bill is light on commercial benefits, it is heavy on intrusive, impractical labor requirements that could exceed U.S. law. Now, I very much support improving labor conditions; but these new, unnecessarily onerous labor criteria would impede investment and won't improve labor conditions.

Specifically, this legislation requires the Secretary of Labor to designate any entity to conduct firm-level inspections in Afghanistan and Pakistan to ensure compliance with ''core labor standards,'' even an NGO hostile to trade. This vague language subjects firms to arbitrary standards that could exceed U.S. law—I repeat, that could exceed U.S. law. Given the dire security situation there, having inspectors go from door to door, even cottage to cottage, to enforce such standards strains credibility.

Moreover, this standard exceeds the labor provisions in other preference programs and even our trade agreements negotiated under the bipartisan May 10 standard for FTAs both lauded by the Speaker and Chairman RANGEL. It could be viewed as a precedent to justify the inclusion of similar language, not only in new trade agreements, but perhaps even in efforts to revise existing ones, which would, of course, apply to us as well, leaving the United States vulnerable to challenges that our labor laws don't meet this standard.

I am also concerned about the payfor. For every dollar of duty relief that reconstruction opportunity zone exports from these countries receive, other Pakistani and Afghan exports have to pay at least that amount in increased fees, making these countries potentially worse off than they are right now.

Lastly, I am disappointed that this is my first opportunity to explain my concerns. This bill was not even considered by the Ways and Means Committee, which, again, it's not about the committee but again this denies the American people their voice. This is not the return to regular order we were promised by the Speaker. And I fear this is not the last time this month I will be on the floor raising that concern.

The provision also subverts the prerogatives out of the House by turning an aid bill into a revenue measure, ripe for mischief when it gets to the other side of the Capitol.

Because of all of this, I strongly oppose the legislation in its current form. I urge my colleagues to vote against the measure.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the principal cosponsor of the legislation, the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank the chairman.

I want to praise the chairman and his team for putting together a bipartisan bill regarding our assistance to Pakistan. This is a very critical region for the United States and assistance is authorized under this legislation, and necessary. But as was stated before, when Colin Powell called the President of Pakistan right after September 11, he offered a choice: you're either with us or against us. And President Musharraf picked well. Under that arrangement, we did provide $12 billion to Pakistan but largely without strings attached. And the Pakistani effort against the militants, especially in the frontier autonomous region, was initially aggressive but then petered out. The United States was providing $16 million a month to the Pakistani military but after 2005 was receiving little benefit.

Under the new government, that is, unquestionably, a democratic government, I think we have a more stable partner to deal with in the war on terror, specifically in what the Pentagon would call the ''al Qaeda core.'' With this new government really representing the essence of the Pakistani middle class, we now take on their true aspirations in which the central issue for the long term is not nuclear competition with India, but how quickly Pakistan is falling behind India's rising economic growth.

In that view, then, a bunch of radicals ruining the economic and business climate of Pakistan is a mortal danger to the future income of Pakistanis. On that basis, a war on terror is solidly grounded in democracy, in the Pakistani middle class, and the joint interest to the United States. But this bill reflects what we have learned over the last 5 years, that strings should be attached, that benchmarks should be established, that we should have accountability in that very difficult part of the world.

I will also praise this bill because it is probably the only free trade bill this Congress will adopt, and it represents a true bipartisan will that will help add to the employment of Pakistan and stability of that country.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the vice Chair of the Subcommittee on Terrorism, Nuclear Nonproliferation, and International Trade of the Foreign Affairs Committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, thank you very much.

This is really the most critical, the most important piece of legislation facing us right now. The situation in Pakistan is very tenuous; it is very critical. We have before us a very significant piece of legislation that has been expertly crafted. Yes, trade is a part of it because trade is important at this time to make sure that we are able to help sustain the economy of Pakistan at this very critical time.

Pakistan is in a fragile situation. Military aid is in here, yes, because Pakistan needs this. But we have the safeguards here because, let me just say, the other side mentioned something a little while back about the Department of Defense and their role. Let us go back for an example in Afghanistan.

In Afghanistan, we do not want another repeat of the very significant problem that the Department of Defense had in Afghanistan with losing—yes, losing—significant military equipment to the Taliban.

□ 1330

The U.S. taxpayers deserve better, and in this bill we are giving them better. We are giving the oversight. In essence, we are making sure that aid that we give to Pakistan is properly used, that oversight is in place, that benchmarks are in place. We're making sure that any entity that is being used, whether it's military or certainly their nuclear weapons, do not fall into terrorists' hands or into other hands. We've made sure, under the leadership of Ms. LEE, who's on this committee, with the chairman's manager's amendment, that we have safeguards in here to make sure that none of these funds are used to even expand their nuclear capacity.

This is an extraordinary bill at an extraordinary time. It is heavily bipartisan, and I commend the chairman on an excellent piece of legislation.

The SPEAKER pro tempore. The gentleman from California has 7½ minutes remaining. The gentlewoman from Florida has 6½ minutes remaining.

Ms. ROS-LEHTINEN. I yield myself as much time as I may consume.

Mr. Speaker, as we have noted here on the floor, too often the relationship between the United States and Pakistan has been characterized by mutual frustration engendered by a growing trust gap. And while the leaderships of the two countries place a high value on our relationship, their publics and their legislatures have viewed each other with suspicion and depicted each other as unreliable allies. But with the advent of a new administration, both in Pakistan and in the United States, we're offered a window of opportunity to redefine, to recalibrate relations.

Both sides need to guard against unrealistic expectations but be prepared to engage in an honest dialogue; and therein lies the rub, Mr. Speaker. As a Pakistani civil society leader and a close confidant of the late Benazir Bhutto has said, ''Conditioning aid turns on its head the very rationale for assistance to stabilize Pakistan and empower it to deal more effectively with security challenges. An approach that treats Pakistan from the paradigm of 'hired help' rather than 'valued ally' is deeply counterproductive. It only reinforces the transactional nature of ties that are so resented by Pakistanis.''

Mr. Speaker, our overarching goal should and, indeed, must be—do no harm. Unfortunately, the bill before us could hamper, rather than help, vital U.S. security and strategic objectives regarding Pakistan and Afghanistan.

With that, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 2 minutes to a member of the committee, my friend from California, the gentlewoman BARBARA LEE.

Ms. LEE of California. Mr. Speaker, first let me thank the chairman for his very effective work on this bill and for your leadership and for really bringing this forward to the committee so that all of us could have an opportunity to weigh in, and talk about, and amend, and include many of the provisions that we believe allowed us to come to this floor today to support this bill.

I believe, like many believe, that addressing Pakistan, rather than an escalation of the war in Afghanistan, is a much more effective way to address terrorism and our national security. I'm greatly encouraged by the goals of this legislation, which aims to put United States ''smart power'' to work, which many of us have been talking about for many years. The smart power. This helps to reshape our relationship with Pakistan based on a long-term commitment to social, economic and political development. The legislation integrates key benchmarks and limitations absent in previous aid packages which resulted in really $10 billion in United States aid since 2001, yielding little or no results or progress on many fronts in Pakistan. So you can imagine why some of us initially were very skeptical of this.

This legislation also seeks to reshape the U.S.-Pakistan relationship by shifting unconditional United States military assistance away from this historical trend of exclusively unconditional military assistance. I want to make that point very clear. This is not unconditional. This is conditional. And it also provides a two-to-one ratio in terms of the development assistance, economic assistance, social and democratic priorities, which we all believe we should support.

Simply put, this bill really reflects the sentiments shared by many of my colleagues, that the national security of our Nation hinges upon much more than military might. Instead, it hinges upon the success of diplomatic and development efforts around the globe.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BERMAN. I yield the gentlewoman 30 additional seconds.

Ms. LEE of California. Let me just say that as a supporter of nonproliferation efforts all of my life, I am very pleased and want to thank Chairman BERMAN for working with myself and other members of the committee to address the concerns regarding the potential expansion of Pakistan's nuclear program. I wanted to make sure that the possible fungibility of these funds was not a factor. In President Obama's bold and brilliant speech in Cairo last week, he strongly reaffirmed America's commitment to seek a world in which no nation holds nuclear weapons. So we wanted to make sure that that was the case here with Pakistan in this bill and that we minimized any type of fungibility of funds.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from California (Mr. ROHRABACHER), the ranking member of the Subcommittee on International Organizations, Human Rights and Oversight.

Mr. ROHRABACHER. I rise in opposition to this effort to send billions of more dollars to Pakistan. I have reached my threshold with Pakistan. We have sent them billions upon billions of dollars, and we still have an anti-American sentiment all the way through that government. They were

our friends during the Cold War. Yes, they sided with us against the Soviet Union. The Cold War is over. It is long over. And since that time, the leaders of Pakistan have allied themselves with the most radical elements of Islam who hate the United States; and the Pakistani officials and the ISI, their CIA, have been working in conjunction with these radical Islamicists in Saudi Arabia and elsewhere ever since. We should not be sending them billions and billions of more dollars. We should be seeking, instead, to start relying on relationships with India, Russia and other countries that will be more reliable allies. I'm sorry that I'm having to say that we should be writing off a country like this. Let's focus on Afghanistan and quit sending billions of dollars to Pakistanis.

Mr. BERMAN. Mr. Speaker, I yield myself 15 seconds.

Just remember, a decision at this point to give up on Pakistan, it is Pakistan that is providing sanctuary for the people who are fighting us in Afghanistan. It is Pakistan who has nuclear weapons.

I now yield 2 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Mr. Chairman.

I'm supporting this legislation because it addresses both war and peace. And if I may, I'd like to focus on the peace initiative because, truth be told, the great issue of our time is not whether a superpower can police the world. A superpower can police the world. The great issue of our time is whether a superpower can bring peace to the world.

This piece of legislation helps us not only with war but also with peace because it helps us with economic development. It helps us to give people the opportunity to take care of themselves and sustain themselves, but it also helps us with education. The wealth of a nation is the education of its people. It helps us to bring the peace and stability that will be needed when the war is over. War can help us to provide a certain degree of security, but it won't provide the salvation that we need to have the peace.

I support this bill because it helps us when the war is over to have the peace and stability that Pakistan will need. I thank you, Mr. Chairman. It's a great piece of legislation.

The SPEAKER pro tempore. The gentlewoman from Florida has 3½ minutes remaining.

Ms. ROS-LEHTINEN. At this point I am very pleased to yield 2 minutes to Mr. HUNTER of California.

Mr. HUNTER. Mr. Speaker, let me say this: I have served in Iraq two times as a United States Marine, and I served in Afghanistan once. When I was over there in 2007, I was fighting, and in October of 2007, word came across from here in the States that said several hundred State Department employees expressed their resentment over a policy that could force them to serve in Iraq or they might lose their jobs. They actually called going over to Iraq and Afghanistan a potential death sentence. So these are State Department employees, diplomats—the same ones we're asking to go to Pakistan and Afghanistan, which is arguably the most dangerous area right now in the entire world. We're asking them to go over, the exact same people who called going over to Iraq a potential death sentence.

I would equate this to sending diplomats to Katrina-destroyed New Orleans in 2005 instead of the National Guard. We're going to send diplomats to Louisiana. We aren't going to send the National Guard. We aren't going to send emergency services. We're going to send diplomats. So as opposed to giving General Petraeus, as the President asked for, funding to help out in Pakistan and Afghanistan, we're going to send diplomats so they can talk to the Taliban and they can talk to al Qaeda. They can talk to the mad men who cut off people's heads. That's what the State Department is going to do.

This is the wrong move. The Republicans have it right this time. Give the President full authority, Let him come up with a plan, and let General Petraeus implement that. The Republican substitute is the right way to go. We need to make sure that Pakistan is fighting for Pakistan and that Pakistan doesn't think it's only fighting for American dollars. That's what we need to do.

Once more, as a United States Marine that saw State Department ineptness and cowardice while I was in Afghanistan, it's almost personally insulting that we're going to pull the funding from General Petraeus and give it to those State Department cronies.

The SPEAKER pro tempore. The gentlewoman from Florida has 1½ minutes remaining. The gentleman from California has 3¼ minutes remaining.

Mr. BERMAN. Mr. Chairman, I am very pleased to yield 2 minutes to the gentlewoman who has made a significant contribution to this legislative effort, the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Speaker, I want to thank Chairman BERMAN for working with me so closely to include provisions in H.R. 1886 to ensure that the empowerment, protection and human rights of women are an important purpose for our aid to Pakistan and to help address the high rate of maternal mortality in Pakistan.

As Secretary of State Clinton noted earlier this year, the status of women and girls is a key indicator of whether or not progress is even possible in a society. We simply can't solve the global problems confronting us—from the worldwide financial crisis to the risk of climate change, chronic hunger, disease, poverty—when the energies and talents of hundreds of millions of people, half the world's population is left behind.

According to the World Health Organization, maternal mortality is an indicator of disparity and inequity between men and women and reflects a woman's so-called place in society and their ultimate access to social health, nutritional services and to economic opportunities. In this case, Pakistan's maternal mortality rate speaks of the great challenges facing Pakistani women.

□ 1345

Over 400 women die per 100,000 live births in Pakistan, and, for comparison, that is compared to 11 per 100,000 in the United States.

It is the aim of my amendment to make clear that the U.S. aid authorized in this bill addresses this challenge. We need to make it unmistakably clear, Mr. Speaker, that addressing that nation's high child and maternal mortality rates is a key part of our assistance to Pakistan. We know that these interventions will save these women's lives and ultimately save the nation.

Again, I thank the chairman for his support.

The SPEAKER pro tempore. The gentleman from California (Mr. BERMAN) has 1¼ minutes remaining and the right to close, and the gentlewoman from Florida (Ms. ROS-LEHTINEN) has 1½ minutes remaining.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I feel like I am experiencing deja vu. The seemingly same arguments that opponents of General Petraeus and his Iraq surge strategy used just under 2 years ago about Iraqis and the Iraqi government and their commitment to fighting extremist groups, they are making an appearance today in this Chamber with respect to Pakistan.

U.S. commanders have just begun to assess the situation on the ground to determine the need to implement that new strategy, and some of the speakers today are already tying the U.S.' hands while prejudging the response of Pakistan. We should be focusing on success, on prevailing against al Qaeda, prevailing against the Taliban, not anticipating failure.

While the authors of this bill seek to empower our Pakistani partners to confront insurgency and militarism, I feel that this bill will actually inadvertently have a counterproductive impact by potentially making the Pakistani government appear subservient to the United States, as Senator KERRY suggested. This bill could weaken Pakistani democracy as well as could potentially fuel paranoia, wild conspiracy theories that help give rise to that country's visceral and deep-seated anti-American feelings.

So I urge my colleagues to look at this bill, examine carefully what we are doing to our military, what we are doing to this new administration, and come to the correct conclusion that they should oppose this bill.

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

Mr. Speaker, just a few points. There was reference here to the F–16s. There is nothing in this bill that prohibits the Pakistanis from deciding to buy more F–16s. Two years ago they signed a contract indicating that that is what they were going to do. What this legislation does is say other than some specific adjustments particularly to deal with utilizing the F–16s they already have, in the counterinsurgency, we are not going to give our taxpayer dollars for a weapons system, an airplane, whose counterinsurgency interests are far less important than other equipment or training we could be providing.

Secondly, Admiral Mullen came to see me about the problems of utilizing the traditional security assistance program for providing the kind of equipment that is needed for the counterinsurgency in Pakistan. As a result of the case he made, we have created and worked with the Armed Services Committee to create an entire fund that waives every provision of law in the foreign military financing program so that we can get this equipment and training to the Pakistanis.

Pakistan is an urgent problem, but doing it right, not just doing it carelessly, is the way to go. I urge that this bill be supported.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for affording me this opportunity to address the Rules Committee and explain my amendment to H.R. 1886, the ''Pakistan Enduring Assistance and Cooperation Act''.

My amendment is a simple but important addition to this important legislation, which I believe can be supported by every member of this Committee.

My amendment would foster counterterrorism efforts in Pakistan with the creation of militant rehabilitation programs designed to rehabilitate insurgents and to prevent youth from turning to militancy from the onset. Financial support and job opportunities will be provided to graduates of the rehabilitation programs as incentives for steering insurgents away from militancy.

H.R. 1886 establishes a new, more positive framework for U.S.-Pakistan relations. The legislation establishes a set of principles that should govern the U.S.-Pakistan relationship, including the actions that the two countries should take to maintain a robust, relevant and lasting relationship. The bill is comprised of three titles.

The first Title provides Economic, Social and Democratic Development Assistance for Pakistan; the second Title provides Security Assistance for Pakistan; and the third Title requires the President to develop a regional security strategy; provides for enhanced monitoring, evaluation, and auditing of U.S. assistance; requires a Presidential report on Pakistan, including an evaluation on Pakistan's progress in counterterrorism and an assessment of whether assistance provided to Pakistan is in any way facilitating the expansion of Pakistan's nuclear weapons program; and requires that all assistance to Pakistan be provided through a civilian government in Pakistan established by free and fair elections.

I urge you to support my amendment.

Mr. DRIER. Mr. Speaker, this week we are considering a number of foreign policy bills that affect critically important issues. Yesterday we considered H.R. 2410, the State Department Reauthorization Act. Today we are considering two proposals, which have been joined together in one bill, H.R. 1886, to provide assistance to Pakistan. The first proposal provides funding to help Pakistan develop its institutions and provide economic development for its people, in order to help combat the growing terrorist threat that is within its borders and that fuels the conflict in Afghanistan. The second proposal also seeks to bolster development in Pakistan, as well as Afghanistan, by creating duty-free zones along their shared border to encourage new investment and provide access to the U.S. market.

These are all very worthy ideas. Foreign assistance, particularly capacity building, plays a critical role in bolstering our national security, when it is done right. By helping our partners in the developing world to strengthen the rule of law, build transparent and accountable institutions, and spur the kind of economic development that improves standards of living, we help to tear down the foundations of terrorism and tyranny and combat the radicalism that threatens the safety of all Americans.

Our efforts in Pakistan are particularly important, not only because of the implications for the war in Afghanistan, where our troops are in harm's way, but because it is a nuclear-armed state. The stakes couldn't be higher. If Pakistan's democratically elected government were to be taken over by the terrorists in their midst, the consequences would be almost unthinkable. Creating economic opportunity and real alternatives to terrorism in Pakistan and elsewhere in the developing world is a vital national security concern. Unfortunately, the bills that we are considering this week are fundamentally flawed. The State Department Reauthorization bill, rather than pursuing meaningful reform to make our foreign assistance more effective, simply expanded government spending and bureaucracy at an untenable rate. It also included a number of highly controversial provisions, yet the rule did not provide for debate or consideration of amendments on those issues. As a result, I could not support this bill.

The two proposals on Pakistan before us today are even more problematic. The first, while providing vital funding in a key region, ties the hands of our military and attempts to micromanage interagency efforts from 7000 miles away. This is a counterproductive and potentially fatal error to make. The second proposal, which proposes new duty-free zones for textile and household products, is counterproductive as well.

While the idea behind it is a very good one, the actual program proposed has three key flaws—it excludes the top products that are made in Pakistan, rendering the program ineffective; it imposes such restrictive and unworkable labor provisions that it undermines the proposed program and sets a very bad precedent for future trade preference bills; and finally, it imposes new tariffs on the very Pakistani businesses that we are trying to help, in order to pay for the elimination of tariffs in other categories of products. This bill would take with one hand while it attempts to appear to give with the other. This is not a workable proposal. It will not spur development in Pakistan, and could actually hurt those companies that are currently creating the only economic opportunity that exists in Pakistan. It would also set a very dangerous precedent for future attempts to spur development and poison our efforts to create opportunity elsewhere in the developing world.

All three foreign policy proposals before us this week represent nothing more than three very unfortunate missed opportunities. I am truly disappointed that we have not had the opportunity to get these bills right, as they deal with such critically important issues. I hope very much that in the future, we can have an open, bipartisan process that allows us to effectively and appropriately deal with the key national security issue of foreign assistance.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of the Afghanistan-Pakistan Security and Prosperity Enhancement Act. The legislation, originally introduced as H.R. 1318, was subsequently incorporated into H.R. 1886, to authorize Democratic, Economic and Social Development Assistance for Pakistan, introduced by Congressman BERMAN, the Chairman of the Committee on Foreign Affairs. This legislation is aimed at protecting our homeland and those of our allies in the fight against Al-Qa'ida and the Taliban in Afghanistan and Pakistan by providing tools for economic development.

We worked with the Bush Administration to craft the framework of this legislation. This initiative was subsequently embraced by President Obama who specifically incorporated it into his counterinsurgency strategy for Pakistan and Afghanistan. This bill authorizes the President of the United States to designate specific trade zones, known as Reconstruction Opportunity Zones (ROZs), in Afghanistan and in certain regions of Pakistan to create economic opportunities.

These ROZs will allow qualified businesses duty-free access into U.S. markets for designated products, thereby providing significant employment opportunities where few currently exist. A ROZ program could go a long way to bolster economic development in this critical region of the world where extremists have tried to exploit the lack of economic opportunities to gain recruits for their radical agenda.

Enhanced security efforts by the United States, as well as a strong foreign and military assistance program, are needed to disrupt and weaken Al-Qa'ida and the Taliban. These extremist groups exploit the poor socio-economic conditions, such as high unemployment, in the border areas, to gain adherents to their nefarious causes. With no meaningful alternatives, young men in particular are vulnerable to their entreaties.

This legislation was endorsed by the Washington Post in an editorial on March 22, 2009. Moreover, in a letter to the Speaker this week, Ambassador Richard Holbrooke, the State Department, Special Representative for Afghanistan and Pakistan, reiterated the Administration's support and noted that ''ROZs are an important component of the President's comprehensive national security strategy in Afghanistan and Pakistan, and we need enactment of ROZ legislation as quickly as possible to help facilitate success.''

I urge all Members of the House to support this valuable program and vote for this bill today. I ask unanimous consent to insert, into the RECORD, the speech of President Obama, the letter of Ambassador Holbrooke and the Washington Post editorial with my statement.

DEPARTMENT OF STATE,
Washington, DC, June 10, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives.

DEAR MADAM SPEAKER: Thank you for giving me the opportunity on Monday to discuss legislation creating Reconstruction Opportunity Zones (ROZs) in Afghanistan and Pakistan, and to reiterate the Administration's support. As you know, the House version (H.R. 1318) of this bipartisan legislation is sponsored by Representative Chris Van Hollen. Allow me to reaffirm, in writing, the key points, in the hope they will be useful as you proceed.

First, let me emphasize that ROZs are a vital component of our policy toward Pakistan in a moment of great challenge, indeed crisis, for that critically important nation. Pakistan's stability and security are directly related to our own national security and the ROZ legislation addresses issues central to the very area in which, at present, there are well over 2 million internal refugees and in which the Taliban and al-Qaeda are operating.

Military power alone cannot bring peace to Afghanistan and Pakistan. ROZs are an important component of the President's comprehensive national security strategy in Afghanistan and Pakistan, and we need enactment of ROZ legislation as quickly as possible to help facilitate success. As the President put it earlier this year in calling for Congress to enact this bipartisan bill, ROZs will ''develop the economy [in the border regions] and bring hope to places plagued by violence.''

By spurring economic growth and job creation, ROZs will provide legitimate job opportunities in high-unemployment, high-poverty areas in Pakistan and Afghanistan where livelihood choices are extremely limited. We need ROZs now—economic opportunities must be expanded to quickly follow up military operations with economic development to prove to populations in critical targeted areas that there are benefits to defeating the militants. Simply put, ROZs are crucial to the ''build'' part of our ''clear-hold-build'' counterinsurgency efforts and will help us to assist the Governments of Pakistan and Afghanistan to create conditions on the ground that will help marginalize the insurgents.

ROZs will enhance our ''whole of government'' strategy and will be a highly visible example of U.S. commitment to the long-term prosperity of the Afghan and Pakistani peoples. On my trips to Pakistan and Afghanistan, I hear a constant refrain from all quarters in these societies about the importance of this legislation, including the signal its passage would send about the strength of the long-term relationships between our peoples.

Thank you again for your leadership. I am committed to working with you and other Congressional leaders to quickly enact Pakistan and Afghanistan ROZs into law.

Sincerely,

RICHARD C. HOLBROOKE,
Special Representative for Afghanistan and Pakistan.

[From the Washington Post, Mar. 22, 2009]

PLOWSHARES FOR PEACE

As the Obama administration formulates its strategy for Pakistan and Afghanistan, pretty much everyone agrees that spurring the economy in both countries—creating jobs—is key to defusing militancy. The usual prescription is more foreign aid, which is sure to figure in any new plan. But what doesn't always get acknowledged in these discussions is that such aid often doesn't do much good. The United States wasted billions of dollars in Iraqi reconstruction aid, and given the dangerous environment—which discourages inspection and monitoring—you can expect a rerun in Afghanistan and Pakistan. A more effective way to boost both economies would be to allow them to export their products tariff-free into the United States. But that idea arouses the enmity of U.S. labor unions, which means that it's not going to get far in a Democratic Congress.

Enter Rep. Chris Van Hollen, Montgomery County Democrat and member of the House leadership, with a practical alternative. Mr. Van Hollen, with co-sponsors, has introduced legislation to create ''reconstruction opportunity zones'' within both countries. Certain products, including some (not all) textiles, produced within the zones would enjoy duty-free access to the U.S. market for 15 years. This would encourage investment by local businessmen, who best know the terrain, and create jobs. There's no better formula for discouraging Taliban recruitment.

It's not a magic formula, of course. The investment areas have to be drawn widely enough to make the prospect of investment realistic; if you limit them to the most intense battle zones, you're not going to see many jobs created. The bigger they are, though, the likelier the bill will arouse union opposition, so the politics are tricky. Mr. Van Hollen and his co-sponsors—including Reps. Sander M. Levin (D–Mich), Peter Hoekstra (R–Mich.) and Mark Steven Kirk (R–Ill.)—have tried to find the sweet spot, and their bill also insists that any factories in the zones meet core international standards in their treatment of workers.

Maybe the strongest argument for the opportunity zones is that there is no down side; the worst that could possibly happen is they don't trigger much investment. But they would immediately provide a signal of U.S. commitment—the governments of both countries strongly support the idea—and they could have a substantial positive effect reasonably quickly, at almost no cost to the U.S. Treasury. Congress and the administration should get behind this idea.

OBAMA ANNOUNCES NEW AFGHANISTAN, PAKISTAN STRATEGIES

President BARACK OBAMA. Good morning. Please be seated.

Before I begin today, let me acknowledge, first of all, Your Excellencies, all the ambassadors who are in attendance. I also want to acknowledge both the civilians and our military personnel that are about to be deployed to the region. And I am very grateful to all of you for your extraordinary work.

I want to acknowledge General David Petraeus, who's here, and has been doing an outstanding job at CENTCOM. We appreciate him. I want to thank Bruce Riedel. Bruce is down at the end here, who has worked extensively on our strategic review.

I want to acknowledge Carl Eikenberry, who's here, and is our ambassador designate to Afghanistan, and to my national security team. Thanks for their outstanding work.

Today, I'm announcing a comprehensive new strategy for Afghanistan Pakistan. And this marks the conclusion of careful policy review led by Bruce that I ordered as soon as I took office. My administration has heard from our military commanders as well as our diplomats. We consulted with the Afghan and Pakistani governments, with our partners, and our NATO allies and with other donors and international organizations. We've also worked closely with members of Congress here at home.

And now I'd like to speak clearly and candidly to the American people. The situation is increasingly perilous. It's been more than seven years since the Taliban was removed from power yet war rages on and insurgents control parts of Afghanistan and Pakistan. Attacks against our troops, our NATO allies, and the Afghanistan government has risen steadily.

And, most painfully, 2008 was the deadliest year of the war for American forces. Many people in the United States and many in partner country that have sacrifices so much have a simple question. What is our purpose in Afghanistan? Of so many years, they ask why do our men and women still fight and die there? They deserve a straightforward answer.

So let me be clear. Al Qaida and its allies, the terrorists who planned and supported the 9/11 attacks are in Pakistan and Afghanistan. Multiple intelligence estimates have warned that Al Qaida is actively planning attacks on the United States homeland from its safe haven in Pakistan. And if the Afghan government falls to the Taliban or allows Al Qaida to go unchallenged, that country will again be a base for terrorists who want to kill as many of our people as they possibly can.

The future of Afghanistan is inextricably linked to the future of its neighbor Pakistan. In the nearly eight years since 9/11, Al Qaida and its extremist allies have moved across the border to remote areas of the Pakistani frontier. This almost certainly includes Al Qaida's leadership, Osama bin Laden and Ayman al-Zawahiri. They have used this mountainous terrain as a safe haven to hide, to train terrorists, and communicate with followers, to plot attacks, and to send fighters to support the insurgency in Afghanistan.

For the American people, this border region has become the most dangerous place in the world. But this is not simply an American problem, far from it. It is, instead, international security challenge of the highest order.

Terrorist attacks in London, in Bali were tied to Al Qaida and its allies in Pakistan as were attacks in North Africa and the Middle East, in Islamabad and in Kabul. If there is a major attack on an Asian, European, or African city it, too, is likely to have ties to Al Qaida leadership in Pakistan.

The safety of people around the world is at stake. For the Afghan people, the return to Taliban rule would condemn their country to brutal governance, international isolation, a paralyzed economy, and the denial of basic human rights to the Afghan people, especially, women and girls.

A return in force of Al Qaida terrorists who would accompany the core Taliban leadership would cast Afghanistan under the shadow of perpetual violence.

Obama: As president, my greatest responsibility is to protect the American people. We are not in Afghanistan to control that country or to dictate its future. We are in Afghanistan to confront a common enemy that threatens the United States, our friends, and our allies and the people of Afghanistan and Pakistan who have suffered the most at the hands of violent extremists.

So I want the American people to understand that we have a clear and focused goal to disrupt, dismantle, and defeat Al Qaida in Pakistan and Afghanistan and to prevent their return to either country in the future. That's the goal that must be achieved. That is a cause that could not be more just.

And to the terrorists who oppose us, my message is the same. We will defeat you.

To achieve our goals, we need a stronger, smarter, and comprehensive strategy. To focus on the greatest threat to our people, America must no longer deny resources to Afghanistan because of the war in Iraq. To enhance the military, governance, and economic capacity of Afghanistan and Pakistan,

we have to marshal international support. And to defeat an enemy that heeds no border or laws of war, we must recognize the fundamental connection between of future of Afghanistan and Pakistan which is why I've appointed Ambassador Richard Holbrooke, who is here, to serve as special representative from both countries and work closely with General Petraeus to integrate our civilian and military efforts.

Let me start by addressing the way forward in Pakistan. The United States has great respect for the Pakistani people. They have a rich history and have struggled against long odds to sustain their democracy. The people of Pakistan want the same things that we want. An end to terror, access to basic services, the opportunity to live their dreams and the security that can only come with the rule of law. The single greatest threat to that future comes from Al Qaida and their extremist allies. And that is why we must stand together.

The terrorist within Pakistan's border are not simply enemies of America or Afghanistan. They are a grave and urgent danger to the people of Pakistan. Al Qaida and other violent extremists have killed several thousand Pakistanis since 9/11. They've killed many Pakistani soldiers and police. They assassinated Benazir Bhutto. They've blown up buildings, derailed foreign investment, and threatened the stability of the state.

So make no mistake, Al Qaida and its extremist allies are a cancer that risks killing Pakistan from within.

It's important for the American people to understand that Pakistan needs our help in going after Al Qaida. This is no simple task. The tribal regions are vast, they are rugged, and they are often ungoverned. And that's why we must focus on military assistance on the tools, training, and support that Pakistan needs to root out the terrorists.

And after years of mixed results, we will not and cannot provide a blank check. Pakistan must demonstrate its commitment to rooting out Al Qaida and the violent extremists within its borders.

We will insist that action be taken, one way or another, when we have intelligence about high-level terrorist targets. The government's ability to destroy these safe havens is tied to its own strength and security. To help Pakistan weather the economic crisis, we must continue to work with the IMF, the World Bank, and other international partners.

To lessen tensions between two nuclear-armed nations that too often teeter on the edge of escalation and confrontation, we must pursue constructive diplomacy with both India and Pakistan. To avoid the mistakes of the past, we must make clear that our relationship with Pakistan is grounded in support for Pakistan's democratic institutions and the Pakistani people.

And to demonstrate through deeds as well as words a commitment that is enduring, we must stand for lasting opportunity.

Now a campaign against extremism will not succeed with bullets or bombs alone. Al Qaida offers the people of Pakistan nothing but destruction. We stand for something from the time.

So, today, I'm calling upon Congress to pass a bipartisan bill co-sponsored by John Kerry and Richard Lugar that authorizes $1.5 billion in direct support to the Pakistani people every year over the next five years, resources that will build schools, roads, and hospitals, and strengthen Pakistan's democracy.

I'm also calling on Congress to pass a bipartisan bill co-sponsored by Maria Cantwell and Chris Van Hollen and Peter Hoekstra that creates opportunity zones in the border regions to develop the economy and bring hope to places plagued with violence.

And we will ask our friends and allies to do their part, including, at the donors' conference in Tokyo next month.

Obama: I don't ask for this support lightly. These are challenging times. Resources are stretched. But the American people must understand that this is a down payment on our own future because the security of American and Pakistan is shared. Pakistan's government must be a stronger partner in destroying these safe havens, and we must isolate Al Qaida from the Pakistani people.

These steps in Pakistan are also indispensable to our efforts in Afghanistan which will see no end to violence if insurgents move freely back and forth across the border. Security demands a new sense of shared responsibility, and that's why we will launch a standing, trilateral dialogue among the United States, Afghanistan, and Pakistan.

Our nations will meet regularly with Secretaries Clinton and Secretary Gates leading our effort. Together, we must enhance intelligence sharing and military cooperation along the border while addressing issues of common certain like trade, energy, and economic development.

This is just one part of a comprehensive strategy to prevent Afghanistan from becoming the Al Qaida safe haven that it was before 9/11. To succeed, we and our friends and allies must reverse the Taliban's gains and promote a more capable and accountable Afghan government.

Our troops have fought bravely against a ruthless enemy. Our civilians have made great sacrifices. Our allies have born a heavy burden. Afghans have suffered and sacrifices for their future. But for six years, Afghanistan has been denied the resources that it demands because of the war in Iraq.

Now, we must make a commitment that can accomplish our goals. I've already ordered the deployment of 17,000 troops that have been requested by General McKiernan for many months. These soldiers and Marines will take the fight to the Taliban in the south and the east and give us a great capacity to partner with Afghan security forces and to go after insurgents along the border.

This push will also help provide security in advance of the important presidential elections in Afghanistan in August. At the same time, we will shift the emphasis of our mission to training and increasing the size of Afghan security forces so that they can eventually take the lead in securing their country.

Mr. STARK. Mr. Speaker, I rise today in opposition to the Pakistan Enduring Assistance and Cooperation Enhancement Act (H.R. 1886). I do commend the strong funding levels for development assistance, education, and health care contained in the legislation and if the bill consisted only of this type of humanitarian support I would gladly vote for it. I cannot, however, support authorizing over $1 billion per year in military aid to a nation that has already suffered under a military dictatorship and continues to experience daily violence.

The people of Pakistan do need our help to strengthen their democratic institutions, educate their citizens, and provide social and economic opportunity. What they do not need is an influx of guns, tanks, and other weapons that will lead to further destabilization and violence.

I urge all of my colleagues to stand for peace and vote against this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, today we will vote on a historic piece of legislation that will refocus American foreign policy and forge a true partnership with Pakistan and its people. H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, will triple U.S. economic assistance to Pakistan, with a focus on the rights of women and religious minorities, strengthening democratic institutions, and improving Pakistan's public education system.

I am especially proud to pass this bill because of its focus on public education. The Enduring Assistance and Cooperation Enhancement Act will help Pakistan develop a national curriculum for public, private and religious schools and will expand educational opportunities for women and girls. I recently read a very important book; Three Cups of Tea is an inspirational story about a journey to Pakistan and the feats of one of the most inspirational people of our generation: Greg Mortenson. Upon my visit to Afghanistan several months ago, I saw the truth in Mortenson's message: that the poverty and lack of opportunity in countries like Pakistan and Afghanistan can incite hatred against the United States and lead to acts of terrorism. That is why I am proud of my colleagues for realizing that sticks, alone, will not fight terrorism. We can also fight terrorism by building schools, buying books, and helping children—especially girls—increase life's prospects through education. I commend Chairman BERMAN for introducing this important bill and urge my colleagues to join me in passing it and helping bring peace, stability, and opportunity to Pakistan's people.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I have a substitute amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute offered by Ms. ROS-LEHTINEN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States-Pakistan Security and Stability Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress supports the following elements outlined in the President's White Paper of the Interagency Policy Group's Report on United States Policy Toward Afghanistan and Pakistan:

(A) The core goal of the United States must be to disrupt, dismantle, and defeat al Qaeda and its affiliated networks and their safe havens in Pakistan.

(B) The threat that al Qaeda poses to the United States and its allies in Pakistan—including the possibility of extremists obtaining fissile material—is all too real.

(C) The United States must overcome its trust deficit with Pakistan and demonstrate that it is a reliable, long-term partner.

(2) The Government of Pakistan is facing significant security and socio-economic challenges that set the conditions for greater radicalization and may threaten Pakistan's viability. Such challenges include the following:

(A) Al Qaeda's and other extremist groups' campaign of violent attacks throughout Pakistan, including the Red Mosque incident, the assassination of Benazir Bhutto, and the bombing of the Marriott Hotel in Islamabad.

(B) Pakistan's population growth at a rate of approximately 2 percent a year, with nearly half of its 172 million residents illiterate, under the age of 20, and living near or below the poverty line.

(3) Security and stability to Pakistan is further complicated given the prevalence of ungoverned spaces between Pakistan and Afghanistan in which state control has not been fully exercised given ethnic and tribal affiliations.

(4) The security and stability of Pakistan is vital to the national security of the United States, and the consequences of failure poses a grave threat to the security of the American people, the region, and United States allies.

(5) The objectives of United States policy toward Pakistan are to empower and enable Pakistan to—

(A) develop into a prosperous and democratic state that is at peace with itself and with its neighbors;

(B) actively confront, and deny safe haven to, al Qaeda, the Taliban, and other extremists;

(C) implement the economic, legal, and social reforms required to create an environment that discourages violent Islamic extremism; and

(D) maintain robust command and control over its nuclear weapons technology.

SEC. 3. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR PAKISTAN.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of the Supplemental Appropriations Act of 2009, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan which shall be composed of the elements specified in subsection (b).

(b) ELEMENTS.—The comprehensive interagency strategy and implementation plan required by subsection (a) shall contain at least the following elements:

(1) A description of how United States assistance described in section 4 will be used to achieve the objectives of United States policy toward Pakistan.

(2) Progress toward the following:

(A) Assisting efforts to enhance civilian control and a stable constitutional government in Pakistan and promote bilateral and regional trade and economic growth.

(B) Developing and operationally enabling Pakistani security forces so they are capable of succeeding in sustained counter-insurgency and counter-terror operations.

(C) Shutting down Pakistani safe havens for extremists.

(D) Improving Pakistan's capacity and capability to ''hold'' and ''build'' areas cleared of insurgents to prevent their return.

(E) Developing and strengthening mechanisms for Pakistan-Afghanistan cooperation.

(3) A financial plan and description of the resources, programming, and management of United States foreign assistance to Pakistan, including the criteria used to determine their prioritization.

(4) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.

(c) INTELLIGENCE SUPPORT.—The President, after consultation with the Director of National Intelligence, shall provide intelligence support to the development of the comprehensive interagency strategy and implementation plan required by subsection (a).

(d) UPDATES OF STRATEGY.—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required by subsection (a), as necessary.

SEC. 4. AUTHORIZATION OF ASSISTANCE FOR PAKISTAN.

(a) FOREIGN ASSISTANCE ACT OF 1961.—There is authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), $1,500,000,000 or such sums as may be necessary for each of the fiscal years 2010 through 2013.

(b) PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.—There is authorized to be appropriated to the President, for the purposes of building a more effective counterinsurgency capability in Pakistan's security forces, up to $700,000,000 for the Pakistan Counterinsurgency Capability Fund, for fiscal year 2010.

(c) USE OF FUNDS.—Amounts authorized to be appropriated under this section or otherwise made available to carry out this Act shall be used to the maximum extent practicable as direct expenditures for programs, projects, and activities, subject to existing reporting and notification requirements.

SEC. 5. CONGRESSIONAL BRIEFING AND NOTIFICATION REQUIREMENTS.

(a) BRIEFING.—Not later than 30 days after the date of the transmission of the comprehensive interagency strategy and implementation plan required by section 3, and quarterly thereafter through December 1, 2013, the President, acting through the Secretary of State and the Secretary of Defense, shall brief the appropriate congressional committees on the status of the comprehensive interagency strategy and implementation plan.

(b) NOTIFICATION.—The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any assistance described in section 4 as budgetary support to the Government of Pakistan or to any persons, agencies, instrumentalities, or elements of the Government of Pakistan and shall describe the purpose and conditions attached to any such budgetary support assistance. The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any other type of assistance described in section 4.

SEC. 6. DEFINITION.

In this Act, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

Amend the title so as to read: ''A bill to require the President to develop a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to House Resolution 522, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the substitute amendment reflects input from, and was drafted in coordination with, the ranking members of the Committees on Appropriations, on Armed Services, on Homeland Security and Intelligence. In so doing, this approach emulated to some degree the administration's interagency strategic review.

The substitute recognizes that of all the foreign policy challenges facing the United States, stabilizing and reforming Pakistan may be one of the most daunting. Given the enormous complexities and the ever-changing nature of the situation in Pakistan, we believe that it is critical at this stage that the administration retain the necessary flexibility to craft policies that offer the best chance of successfully partnering with the people of Pakistan, with the government of Pakistan, and with the military of Pakistan to defeat violent extremism.

At the same time, the substitute requires an ongoing policy dialogue between the administration and the Congress regarding U.S. policy toward Pakistan, as well as robust legislative oversight of our strategy, of our implementation plan, as well as allocation and expenditure of U.S. assistance.

The Republican substitute requires that not later than 30 days after the enactment of the Supplemental Appropriations Act for 2009, the President submit to Congress a comprehensive interagency strategy and implementation plan for U.S. efforts to eliminate safe havens and help toward the long-term security and stability in Pakistan.

Let me repeat that again, Mr. Speaker. Thirty days after enactment of the current supplemental under discussion, the President is required to produce a comprehensive interagency strategy and implementation plan. This is more timely than what is in the underlying bill, and it seeks to address immediate as well as evolving dynamics.

The Republican substitute relies on the President's leadership and his commitment in providing the strategy and implementation plan to the Congress, but does require that plan to include a description of how the U.S. assistance will be used in order to achieve our U.S. foreign policy objectives.

What does that include? Enhancing stable democratic governments, making sure that we have economic growth, developing Pakistani counter-insurgency capabilities, success in shutting down safe havens for extremists, improving the capacity and capability of Pakistan to hold and build areas cleared of insurgents to prevent their return, and developing and strengthening mechanisms for Pakistan-Afghanistan cooperation, for they cannot be separated.

The substitute also requires that the report include a detailed financial plan of the resources, of the programming and of the management of U.S. assistance to Pakistan and the criteria used to determine their need and value in advancing our U.S. objectives.

This substitute seeks to ensure that congressional oversight and notification keeps pace with changing conditions on the ground, and in turn, changes in strategy and their implementation.

The Republican substitute also fully funds the administration's request for the critically important new Pakistan counterinsurgency capability fund.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from California is recognized for 15 minutes.

Mr. BERMAN. Mr. Speaker, I would like to yield 2 minutes to the gentlewoman from California, the author of her own legislation on security assistance and the question of the proliferation network in Pakistan.

Ms. HARMAN. I thank the chairman for yielding to me and I rise in strong opposition to this Republican substitute, and in strong support of the underlying bill, H.R. 1886, to provide long-term nonmilitary aid to a country in the crosshairs of the effort by the Taliban to expand its reach in South Asia.

H.R. 1886 will help persuade the Pakistani people that their future lies with a stable and moderate democratic government and not with an authoritarian, theocratic terrorist organization. But a key to doing this is important language in the bill ensuring access of U.S. investigators to persons suspected of engaging in nuclear proliferation. This issue is critical, this language must become law, and I disagree strongly with some in this House and in the other Chamber who say these requirements are overly restrictive and counterproductive.

Pakistan's history of nuclear weapons development has contributed to instability in South Asia and paved the way for A.Q. Khan's insidious and highly profitable proliferation network. Additional and substantial nonmilitary support provided by the U.S. must assure that the security threat to the U.S., which is represented by this network, is minimized.

For at least a decade, A.Q. Khan's illicit network was the most attractive shortcut for nations and rogue organizations interested in acquiring the materials and know-how to build a nuclear device. After illegally securing the capability for Pakistan, which made him a hero at home and a pariah abroad, Khan and his network sold it to Iran, Libya and North Korea. Despite billions of U.S. dollars in aid, former Pakistani President Musharraf pardoned Khan, and earlier this year the Islamabad High Court released him from house arrest.

H.R. 1886, but not the Republican substitute, declares that the U.S. will work with Pakistan to ensure our investigators access to suspected proliferators and to restrict proliferators from travel or other activity that could result in further proliferation. It also incorporates, as the chairman said, language from a bill introduced by several of us to require a presidential assessment and restrict military aid in the future.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BERMAN. I yield the gentlewoman 30 additional seconds.

Ms. HARMAN. I thank the gentleman.

It will restrict military aid in the future unless Pakistan cooperates in efforts to dismantle its nuclear weapons supplier networks.

It is the right thing to do, and I thank the committee for doing it. The world cannot afford another Libya, Iran or North Korea, and we certainly don't want a new nuclear power called al Qaeda.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican substitute, as I was saying, also fully funds the administration's request for the critically important new Pakistan Counterinsurgency Capability Fund, PCCF. Forging an effective partnership with Pakistan's military and intelligence apparatus has not been a straightforward affair. Although the United States has enjoyed some success, our efforts have also been hampered by a series of exceptionally difficult problems.

One is a matter of a threat perception and divergent strategic priorities, with Pakistan almost obsessively focused on their traditional rival in India.

Another problem is the legacy of mistrust on both sides, a trust deficit, as I discussed earlier, that continues to greatly complicate our bilateral relations.

A third problem is a limited Pakistani ability to conduct modern counterinsurgency, and to some degree counterterrorism operations, against al Qaeda and their allies in the tribal areas. There is no question, for example, that Pakistan needs to fully cooperate with New Delhi in holding accountable all of those responsible for the brutal assault in Mumbai as well as work with the U.S. and others on critical nonproliferation concerns.

We do not disagree with the overarching goals and the strategic priorities that we want to achieve in relation to Pakistan. Our disagreement is that at this juncture we believe that the best way to achieve critical interests is to give the administration the scope to develop intensive, multiple approaches to rebuild, to strengthen relationships with Pakistan, and address threats common to both of our nations.

We believe the Republican substitute is a more workable basis than the underlying bill for being a partner with Pakistan at this critical time.

□ 1400

The substitute heeds the concerns raised by Secretary Gates and the Joint Chiefs Chairman, Admiral Mullen, who wrote about this underlying bill.

The Department is concerned about aspects of this bill, in particular, those provisions that impose conditions on the furnishing of military assistance that may undermine current administration authorities such as the Global Train and Equip authority. And furthermore, this will allow the Department to use the funds expeditiously and effectively without these purse strings, as evolving circumstance may warrant, in an effort to implement the President's strategy for the region most effectively.

And I think that this Republican substitute gets to what the Department of Defense wishes to do, what the Obama administration wants to achieve, what our democratic allies in Pakistan and here, our strong military in the U.S., wants to achieve; a robust, free and democratic Pakistan upon which we can build that level of trust again.

I hope our colleagues support our Republican substitute.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. MORAN), very knowledgeable on issues affecting Pakistan and U.S.-Pakistan relations.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of the underlying bill proposed by the International Relations Committee, and in opposition to the Republican substitute because, however you spin it, it's basically a continuation of the Republicans' blank check policy towards Pakistan. And what has that gotten us after 8 years of that policy?

Well, it's time to assess it. Twelve billion dollars of taxpayers' money has been spent, and we have nearly half a million Pakistani troops on the border with India, our ally, and one brigade fighting the Taliban and al Qaeda, our enemy. Their principal defense priority is F–16s, which is a combat aircraft. Our enemy doesn't have combat aircraft.

We don't want to be funding a nation to fight against another ally. We want them to fight with us against our enemy.

What this bill does is to enable the children of Pakistan to have a decent public education and not be forced to go to the madrasas where they learn violent extremism against India and against modernity. This enables the women of Pakistan, particularly the young girls, to grow up to be women of influence and power and consequence.

This enables Pakistan to develop economically, not to use its resources into a military posture against India, but to use its resources to become a full-fledged, first world nation.

Pakistan is our ally, and this bill will enable it to stand on its own two feet, not to be able to fight India, not to be able to engage in nuclear proliferation, but to help us fight against the forces of violent extremism.

Pakistan is a valued ally. This will give them the resources so that we can count on that ally to do the right thing.

And to continue the same blank check policy which has made matters worse rather than better, I think, is a terrible mistake.

I urge defeat of the amendment.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 5 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the ranking member on the House Permanent Select Committee on Intelligence.

Mr. HOEKSTRA. Mr. Speaker, I would like to thank my colleague for yielding the time.

You know, Pakistan and Afghanistan are very difficult parts of the world. As we develop the strategies, I think many of us have the same goals and objectives in mind, but we need to take a look at exactly what we're doing today.

I'm proud to support the Republican amendment to the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009. Interestingly, I believe that this substitute supports our current President's direction that he has outlined for Pakistan and Afghanistan. It supports President Obama's strategy to address the situation in Pakistan, to restore peace and stability to that region.

Maybe, once again, this is another foreign policy initiative where President Obama has decided that perhaps following some of the direction outlined under the Bush administration may not be a bad idea.

I'm one of many Republican ranking members to come forward today to express concern about the majority's bill and to urge support for the Republican substitute. The Democratic bill places too many restrictions on the ability of the President's advisors and the U.S. military to conduct diplomacy and military operations in the region.

In a letter to the Armed Services Committee, Secretary of Defense Gates and Chairman of the Joint Chiefs of Staff Mullen raised their concern about the majority's bill, noting that ''The degree of conditionality and limitations on security assistance to Pakistan'' in H.R. 1886 ''severely constrains the flexibility necessary for the executive branch and the Department of Defense given the fluid and dynamic environment that exists in Pakistan.''

But obviously, they're saying, our troops in Afghanistan and the military in Pakistan and our support of the military efforts in Pakistan require more flexibility than what this bill will allow.

From intelligence briefings, I understand how volatile the situation is in Pakistan. Just on Tuesday, there was a hotel bombing, 18 people killed. The Pakistan Army has been engaged in a battle in the Swat Valley against Taliban militants. Any legislation on Pakistan must give the administration both flexibility to react to the fast-paced developments and the opportunity to develop a plan on how it will implement its strategy for Pakistan and Afghanistan.

Instead of flexibility, this bill is full of restrictive and intrusive provisions that I'm not sure we'd even apply to the United States, where the Democrat majority is trying to dictate and micromanage the President's administration's Pakistan policy. Their bill even includes language to increase Pakistani teacher salaries. It goes into the detail of the level of assistance for student meals.

Wow. That doesn't sound like we're giving the Paks a whole lot of flexibility to even run their own country. This down-in-the-weeds language may represent a new low for congressional micromanagement, not to mention a distraction from the crucial issue of bringing peace and stability to the region.

We need to defeat al Qaeda and the Taliban in Pakistan. That is our goal. That is our mission. This Congress shouldn't be dictating to the Pakistanis teacher salaries and the level of assistance that it needs to provide students for meals in Pakistan.

Republicans have been unfairly criticized in the press as being the party of ''no.'' Not only are the Republicans being the party of ''yes'' on this bill, we're also being more supportive of the Obama administration's Pakistan policy than the Democrat majority.

We support President Obama's efforts in the region. We want them to succeed. I believe the Republican amendment presents the best way Congress can ensure and move toward success in Pakistan and, at the same time, make sure that we stay united on foreign policy, because this amendment, this substitute supports the President's Pakistan strategy.

So let's stand with the President. Let's move forward. Let's make sure that we're united, Republicans and Democrats, House, Senate and the administration, in supporting this President's direction for Pakistan.

I ask my colleagues to support the Republican substitute.

Mr. BERMAN. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Michigan (Mr. HOEKSTRA) just spoke in behalf of the Republican substitute, but he's a major cosponsor of the Reconstruction Opportunity Zones. Unlike the bill in front of us, the Republican substitute does not contain the ROZs, the reconstruction zones. I'm wondering how the gentleman squares that with his position.

I now yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), who has done remarkable work on the issue of how the $12 billion given to Pakistan over the past 7 years has been spent.

Mr. TIERNEY. Mr. Speaker, I sometimes wonder, listening to this particular substitute, whether some people here, whether it's the administration or whether it's our friends on the other side of the aisle, have been sleepwalking through history. If you want to see a repeat of the last 8 years then, fine, let's get rid of all the accountability.

A billion and a half dollars now for the next 5 years is going to be given to the Pakistanis on the civil side of things. In the past, there's been tens of billions of dollars since their independence. We have maybe a structure that's supposed to be a school or a structure that's supposed to be a clinic standing somewhere but no teachers, no nurses, no doctors, no systems that actually work because there's been a total lack of accountability. This substitute amendment would continue that lack of accountability.

On the security side of things, we have a situation where we have $6.2 billion given in the coalition support funds which, essentially, were a blank check to General Musharraf and the military over there. What we got in return, when we finally started doing some oversight in January of 2007 and afterwards, was a determination that some 40 percent of that had vaporized, cannot be accounted for. It was supposed to be going for things that are counterinsurgency, weaponry that would help fight a common problem of extremists in that country, and disappeared somewhere else.

This particular bill that the substitute is trying to undermine would put in place the accountability provisions. They are flexible enough. They simply say that you have to fight those extremists that are mutual problems. You have to make sure you stop people from going over the border to create problems in Afghanistan. You have to cooperate on nuclear nonproliferation, reasonable things.

The American people have a right to expect that their Representatives are going to be accountable for the billions of dollars. We are supposed to be having a partnership and a mature relationship with the Pakistanis. Then let's get over that notion that we're going to offend their sensibilities so that they won't actually cooperate with us if we want to put some conditions to make sure that our mutual problems are addressed with the billions of dollars of American citizens' money.

We've had 8-plus years of not having accountability on funds to that country and others. We've had times since 2002 where we had totally no accountability. Let's stop sleepwalking. Let's get the problem resolved. Let's make sure we have accountability.

I say vote against the substitute; vote for the underlying bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 1 additional minute to the ranking member on the Intelligence Committee, Mr. HOEKSTRA.

Mr. HOEKSTRA. I thank my colleague for yielding, but I felt I needed to respond as my name was brought up from my colleagues on the other side of the aisle.

You know, the ROZs in this rule process, regardless of the underlying bill, will be part of the final package that moves through. What happens with the Democrat base bill here is they undercut many of the things and put in a lot of restrictions that, as Congressman VAN HOLLEN and I tried to craft the bill together, we wanted to make sure that there was enough freedom for these programs to be successful. And the important thing here is you can vote for the substitute. The ROZs become part of the program when the substitute passes on final passage, after it replaces the underlying Democrat amendment.

So I thank you. I think I understand the rule, but to say that I was not supportive of the ROZs because I was supporting the substitute I don't believe is an accurate indication.

Mr. BERMAN. Mr. Speaker, I yield myself 15 seconds.

The gentleman's point is, I know, inadvertently and unintentionally incorrect.

The Republican substitute replaces the entire bill and, therefore, were the Republican substitute to pass, the ROZs the gentleman has fought for would not be part of the bill that was sent to the Senate.

□ 1415

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to a member of the committee, the delegate from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. I thank the chairman for yielding me time to speak on this important issue.

Mr. Speaker, I have tremendous respect for the gentlewoman from Florida, my dear friend. But on her proposal for this substitute, however, I must respectfully disagree with her on this issue.

I rise in opposition to the substitute version. While like the underlying bill, the substitute provides $1.5 billion in nonmilitary assistance to Pakistan for fiscal year 2010, regrettably the substitute requires no oversight, no accountability, and no meaningful role for Congress to play.

Like my colleagues, I'm appreciative that Pakistan has provided some support for the U.S.-led anti-terror coalition, and I believe Pakistan should be commended for assisting the U.S. in its efforts to hunt down al Qaeda and Taliban insurgents and for allowing the U.S. military to use bases within its country.

However, I do not believe we should provide billions in aid to Pakistan without some sort of accountability. H.R. 1886 includes robust monitoring, evaluations, and auditing provisions to ensure that assistance is actually reaching the Pakistani people and that U.S. taxpayer dollars are being spent wisely.

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

Mr. BERMAN. I yield the gentleman an additional 10 seconds.

Mr. FALEOMAVAEGA. I urge my colleagues to oppose the substitute.

Unfortunately, the previous Administration spent the past 8 years writing blank checks to Pakistan and turned a blind eye, while A.Q. Khan transferred nuclear technology to rogue nations and while General Musharraf failed to keep good on his promises to hold free, fair and transparent elections.

By contrast, this Administration is committed to making Pakistan a success while holding Pakistan accountable. H.R. 1886 as offered by Chairman BERMAN is the way forward to making sure U.S. security assistance is spent in a manner consistent with our national security objectives.

I urge my colleagues to vote "no" on the Republican substitute and to vote "yes" for H.R. 1886, the Pakistan Enduring Assistance and Cooperation Act of 2009.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield on the Republican substitute 2 minutes to the chairman of the Subcommittee of the Middle East and South Asia, the vice chairman of the committee, Mr. ACKERMAN.

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

Mr. ACKERMAN. Mr. Speaker, the Ros-Lehtinen substitute is not just a step back in policy; it's a step back in time. It attempts to reinstate the failed Bush-Cheney-Rumsfeld model for managing the wars in Iraq and Afghanistan. Under this Congress, it gives the President a massive blank check and then walks away from its responsibility as a co-equal branch of government.

The Ros-Lehtinen substitute strips out all policy from the bill and has no provisions to encourage Pakistan to change its behavior; it has no provisions to ensure U.S. dollars are being effectively accounted for; it has no provisions for keeping Congress involved in the process; and it has no guidance whatsoever for the President about how taxpayer dollars ought to be spent. This is not legislation; this is abdication.

Is Pakistan cooperating with the U.S. to dismantle nuclear supplier networks? Apparently it doesn't matter in the Republican substitute. Is Pakistan ending its support to extremist groups and closing terrorist camps in the Fatah? Judging by the Republican substitute, who cares? Is Pakistan working to prevent cross-border attacks on its neighbors and strengthening its counterterrorism laws? If the Republican substitute is any guide, in the words of Jackie Mason, ''This is not my business.''

We have tried the minority approach. It is completely devoid of policy. It encourages abuse. It doesn't work. But it does have one advantage: it allows Members of Congress to avoid any responsibility for the war in Afghanistan.

Mr. Speaker, it's too late to go back to ''strategery.''

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes on the Republican substitute to the Chair of the Pakistan Caucus, the gentlewoman from Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for yielding.

We cannot wait, and I just suggest to my colleagues that they would look quickly at these pictures where the Pakistan military is fighting terrorism, and these are the activities that are happening in that area. People are fleeing terrorism and the people that are in these camps are suffering. We cannot wait for this legislation.

I oppose the Republican substitute because I want not an isolation of Pakistan, I want a regional response, a comprehensive regional strategy, including the role of countries outside the region in supporting Pakistan's efforts to combat al Qaeda and the Taliban, a global effort. The Republican substitute has a one-on-one effort. We need a global effort.

Let me also suggest that there is important language in this legislation because if we suggest that the Pentagon is not favorable, the Pentagon has indicated that they are aware of the counterinsurgency efforts that the Pakistan military is engaging in and they're satisfied with the structure of this legislation that would help them continue to fight terrorism. We can work out some of the kinks, but are we going to wait while people are suffering?

This legislation also has a recognition that we are establishing a new relationship with Pakistan and the United States, a friendship relationship. We are acknowledging the recent efforts of the Pakistan military in Swat, and we're also suggesting that if there are changes in Pakistan, we will reconsider some of the requirements or some of the structures that we put in place.

I would also say to my colleagues that I hope the Republicans who are so interested in Pakistan would be interested in making sure the International Monetary Fund is funded like the President would like it to be and that they will join in that support because they're so strongly in support of Pakistan, which got money from it in the last year.

In addition, there are issues dealing with trade, but the AFL–CIO is supporting it because of the way the structure is. We have an effective balance of helping them establish a better economy but at the same time respecting our trade requirements over here in the United States. This is the way to address this issue. But I can't imagine that my colleagues want to leave Pakistan and the people of Pakistan in these dire conditions.

Pakistan Americans recognize we are establishing a new friendship, and on that new friendship we need to oppose the Republican substitute and support H.R. 1886.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself 1 minute.

We fully agree with the chairman that much of the prior investment in Pakistan has failed to yield all of the results that we hoped for and that it is appropriate to require the administration to develop scientific, specific, meaningful performance-based measures.

Where we differ, Mr. Speaker, is that we do not mandate that the executive branch follow a specific new congressionally mandated methodology, which may not even be technically correct, even before the new administration has had time to operationalize their new South Asia strategy.

Our substitute, therefore, requires that as part of the comprehensive interagency strategy and implementation plan mandated by the legislation that the administration put forth a robust and detailed financial plan, a description of the resources, of the programming, of the management of the United States foreign assistance to Pakistan, including the criteria used to determine this prioritization. We believe that this is the correct approach.

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

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take up the balance of my time.

Mr. Speaker, our Republican substitute will allow for the development of specific, credible measures of effectiveness that are tightly linked to the President's strategy for the region and are therefore preferable to those that stem from the legislation. And I would like to just briefly address, and I don't have much time, some of the issues raised in favor of the underlying bill and against my substitute.

First, some of the speakers are seeking to fuel distrust between Pakistan and India, and they use the Congress' strong support for the world's largest democracy, India, to create the impression that U.S. assistance has been and would be used against India. That is counterproductive. It is not correct. It is dangerous and disingenuous.

I urge my colleagues to adopt the Republican substitute and reject the underlying bill.

Mr. BERMAN. Mr. Speaker, I will include in the RECORD a letter from the Premier Pakistani American organization, the Pakistani American Leadership Center, endorsing H.R. 1886.

PAKISTANI AMERICAN LEADERSHIP CENTER,
Washington, DC, June 6, 2009.

Hon. HOWARD BERMAN,
Chair, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN BERMAN: On behalf of the Pakistani American Leadership Center (PAL-C) and other team members listed below, I am writing to express our strong support for H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009. PAL-C was established in 2004 to mobilize the Pakistani-American community to be more conversant with the U.S political process and to promote greater understanding of Pakistan by building lasting ties with the U.S.

H.R. 1886 reflects our deep commitment to developing a strong U.S.-Pakistan relationship and will be instrumental in strengthening Pakistan's democratic government, promoting economic and social development for Pakistan's citizens, and creating the foundation for a stronger, more stable Pakistan.

We are particularly pleased that H.R. 1886 accentuates investments in Pakistan's healthcare, education, and infrastructure and includes a requirement that all U.S. security assistance be provided through the elected civilian government. PAL-C also applauds the requirements for enhanced monitoring, evaluation and auditing of U.S. economic assistance. These aspects of the bill will assure the most impactful application of the funds, create the greatest long term leverage from the assistance package, and establish the needed transparency in distribution of money.

We thank you for your hard work and visionary leadership on this critical legislation and hope that its passage will initiate the beginning of a new, more positive and enduring era in U.S.-Pakistan relations. We also stand ready to continue doing our part as proud Pakistani Americans in offering U.S. congress special insights into Pakistan, based on our deep rooted perspective.

Sincerely,

PERVAIZ LODHIE.

Pervaiz Lodhie, Founder/President, LEDtronics; Salim Adaya, Chairperson. IDS Real Estate Group; Muhammad Adaya, IDS Real Estate Group; Najeeb Ghauri, Chairman/CEO, Netsol; Dr. Satter Abbasi, Prof. Clinical Medicine, UCLA; Jamal Khawaja, Director, JFK Import & Export; Dr. Salman Nagvi, COS, Kindred Hospital OC; Adnan Khan, President, CIDP Inc.; Fiza Shah, Founder/CEO, DIL; Ghazala Khan, Principal, GK & Associates; Shezad Rokerya, Chairman, The Interlink Group; Taha Gaya, Exec. Dir., PAL–C; Jim Moody, Chairman AFHD/NCHD; Salman Ahmed, UN Goodwill Ambassador, Artist.

Mr. Speaker, I rise to strongly oppose the Republican substitute. I'm pleased to see that the substitute does support the President's request for $1.5 billion a year in nonmilitary assistance for Pakistan, the same amount as the underlying bill. But that's where the similarity ends.

With all due respect to my colleagues on the other side of the aisle, this substitute amounts to nothing more than a blank check. It requires no real oversight, no serious accountability, no congressional role beyond getting briefings on what we could ask for without any new law.

Since 9/11, I repeat again, we have poured more than $12 billion into Pakistan, with very little to show for it. This substitute is simply a continuation of the same failed policy.

H.R. 1886, on the other hand, expresses our sense of priorities for democratic, economic, and social development assistance without tying the President's hands. Unlike the substitute, our bill provides robust monitoring and evaluation to ensure that the assistance is reaching the Pakistani people. Why would you support another $1.5 billion in economic assistance unless you knew it wasn't just going for ghost schools and to disappear into unspecified budget support? You need the monitoring and evaluation kinds of provisions that we haven't had in the past and that our bill provides and the Republican substitute doesn't.

The Republican substitute treats Pakistan in virtual isolation with a brief mention of the Afghan-Pakistan cooperation. H.R. 1886 requires a comprehensive regional strategy, including the role of countries outside the region in supporting Pakistan's efforts to combat al Qaeda and the Taliban. A global effort is required to make Pakistan a success, and the substitute's failure to recognize this salient fact is another serious flaw.

Read the bill. Please read the bill. Our accountability provisions are not rigid. They're not inflexible. We state very clearly simply that we expect Pakistan to make progress in their fight against the extremists and to sustain their commitment. If the President can't tell us that Pakistan is meeting with that very minimal standard, we should be asking ourselves much deeper questions about what we're really trying to achieve here. The onus is on our minority colleagues to explain why, given Pakistan's recent history, we should provide more weapons without making sure the equipment is being used properly.

In this context I find it curious that the substitute is totally inconsistent with the arguments that my friends made just yesterday during debate on the State Department authorization bill. Then all the repeated arguments were more accountability, we need stricter accountability for critical foreign policy priorities. Here we have the most critical foreign policy priority and in the Republican substitute the absence of any provisions regarding accountability, evaluation, auditing, or monitoring.

This substitute begs the question, why does the minority support total flexibility for President Obama in Pakistan but everywhere else in the foreign policy or domestic sphere, they try to constrain him? This is at the top of our list of national security challenges. Our approach is the better approach.

I urge defeat of the substitute.

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

□ 1430

The SPEAKER pro tempore. Pursuant to House Resolution 522, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The question is on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 173, nays 246, not voting 14, as follows:

[Roll No. 331]

YEAS—173

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—246

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—14

Baca
Bishop (UT)
Blunt
Brown, Corrine
Delahunt
Himes
Kagen
Kennedy
Lewis (GA)
Lucas
Oberstar
Richardson
Sánchez, Linda T.
Sullivan

□ 1453

Messrs. TEAGUE, SCHRADER, MOORE of Kansas, RUSH, SESTAK and Ms. SHEA-PORTER changed their vote from ''yea'' to ''nay.''

Mr. HALL of Texas changed his vote from ''nay'' to ''yea.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. ROGERS of Michigan. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROGERS of Michigan. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rogers of Michigan moves to recommit the bill H.R. 1886 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

TITLE I—COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR LONG-TERM SECURITY AND STABILITY IN PAKISTAN

SEC. 101. SHORT TITLE.

This title may be cited as the ''United States-Pakistan Security and Stability Act''.

SEC. 102. FINDINGS.

Congress finds the following:

(1) Congress supports the following elements outlined in the President's White Paper of the Interagency Policy Group's Report on United States Policy Toward Afghanistan and Pakistan:

(A) The core goal of the United States must be to disrupt, dismantle, and defeat al Qaeda and its affiliated networks and their safe havens in Pakistan.

(B) The threat that al Qaeda poses to the United States and its allies in Pakistan—including the possibility of extremists obtaining fissile material—is all too real.

(C) The United States must overcome its trust deficit with Pakistan and demonstrate that it is a reliable, long-term partner.

(2) The Government of Pakistan is facing significant security and socio-economic challenges that set the conditions for greater radicalization and may threaten Pakistan's viability. Such challenges include the following:

(A) Al Qaeda's and other extremist groups' campaign of violent attacks throughout Pakistan, including the Red Mosque incident, the assassination of Benazir Bhutto, and the bombing of the Marriott Hotel in Islamabad.

(B) Pakistan's population growth at a rate of approximately 2 percent a year, with nearly half of its 172 million residents illiterate, under the age of 20, and living near or below the poverty line.

(3) Security and stability to Pakistan is further complicated given the prevalence of ungoverned spaces between Pakistan and Afghanistan in which state control has not been fully exercised given ethnic and tribal affiliations.

(4) The security and stability of Pakistan is vital to the national security of the United States, and the consequences of failure poses a grave threat to the security of the American people, the region, and United States allies.

(5) The objectives of United States policy toward Pakistan are to empower and enable Pakistan to—

(A) develop into a prosperous and democratic state that is at peace with itself and with its neighbors;

(B) actively confront, and deny safe haven to, al Qaeda, the Taliban, and other extremists;

(C) implement the economic, legal, and social reforms required to create an environment that discourages violent Islamic extremism; and

(D) maintain robust command and control over its nuclear weapons technology.

SEC. 103. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR PAKISTAN.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of the Supplemental Appropriations Act of 2009, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan which shall be composed of the elements specified in subsection (b).

(b) ELEMENTS.—The comprehensive interagency strategy and implementation plan required by subsection (a) shall contain at least the following elements:

(1) A description of how United States assistance described in section 104 will be used to achieve the objectives of United States policy toward Pakistan.

(2) Progress toward the following:

(A) Assisting efforts to enhance civilian control and a stable constitutional government in Pakistan and promote bilateral and regional trade and economic growth.

(B) Developing and operationally enabling Pakistani security forces so they are capable of succeeding in sustained counter-insurgency and counter-terror operations.

(C) Shutting down Pakistani safe havens for extremists.

(D) Improving Pakistan's capacity and capability to ''hold'' and ''build'' areas cleared of insurgents to prevent their return.

(E) Developing and strengthening mechanisms for Pakistan-Afghanistan cooperation.

(3) A financial plan and description of the resources, programming, and management of United States foreign assistance to Pakistan, including the criteria used to determine their prioritization.

(4) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.

(c) INTELLIGENCE SUPPORT.—The President, in developing the comprehensive interagency strategy and implementation plan required by subsection (a), shall consult with the Director of National Intelligence.

(d) UPDATES OF STRATEGY.—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required by subsection (a), as necessary.

SEC. 104. AUTHORIZATION OF ASSISTANCE FOR PAKISTAN.

(a) FOREIGN ASSISTANCE ACT OF 1961.—There is authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), $1,500,000,000 or such sums as may be necessary for each of the fiscal years 2010 through 2013.

(b) PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.—There is authorized to be appropriated to the President, for the purposes of building a more effective counterinsurgency capability in Pakistan's security forces, up to $700,000,000 for the Pakistan Counterinsurgency Capability Fund, for fiscal year 2010.

(c) USE OF FUNDS.—Amounts authorized to be appropriated under this section or otherwise made available to carry out this title shall be used to the maximum extent practicable as direct expenditures for programs, projects, and activities, subject to existing reporting and notification requirements.

SEC. 105. CONGRESSIONAL BRIEFING AND NOTIFICATION REQUIREMENTS.

(a) BRIEFING.—Not later than 30 days after the date of the transmission of the comprehensive interagency strategy and implementation plan required by section 103, and quarterly thereafter through December 1, 2013, the President, acting through the Secretary of State and the Secretary of Defense, shall brief the appropriate congressional committees on the status of the comprehensive interagency strategy and implementation plan.

(b) NOTIFICATION.—The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any assistance described in section 104 as budgetary support to the Government of Pakistan or to any persons, agencies, instrumentalities, or elements of the Government of Pakistan and shall describe the purpose and conditions attached to any such budgetary support assistance. The President shall notify the appropriate congressional committees not later than 30 days prior to obligating any other type of assistance described in section 104.

SEC. 106. DEFINITION.

In this title, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

TITLE II—COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN

SEC. 201. SHORT TITLE.

This title may be cited as the ''United States-Afghanistan Security and Stability Act''.

SEC. 202. FINDINGS.

Congress finds the following:

(1) Congress supports the following elements outlined in the President's White Paper of the Interagency Policy Group's Report on United States Policy Toward Afghanistan and Pakistan:

(A) The United States has a vital national security interest in addressing the current and potential security threats posed by extremists in Afghanistan and Pakistan.

(B) The United States homeland, Pakistan, Afghanistan, India, Europe, Australia, and United States allies in the Middle East remain targets of al Qaeda and other extremist groups.

(C) At the same time, the Taliban and related organizations seek to reestablish their old sanctuaries in Afghanistan.

(2) Afghanistan is a central front in the global struggle against al Qaeda and other affiliated networks. A stable Afghanistan that is free from al Qaeda, the Taliban, and extremist influence and ideology will require a patient, long-term, integrated political, military, and economic strategy that is adequately resourced to accomplish its objectives.

(3) Allowing Afghanistan to revert to its pre-September 11, 2001, status of control by al Qaeda and the Taliban is not an option for United States policy.

(4) Security and stability in Afghanistan is further complicated given the prevalence of ungoverned space between Afghanistan and Pakistan in which state control has not been fully exercised given ethnic and tribal affiliations.

(5) The United States will continue to demonstrate its long-term commitment to the people of Afghanistan by—

(A) sustained civilian assistance and providing United States commanders with the troops and resources needed to conduct counterinsurgency operations with the support of the Government and people of Afghanistan; and

(B) continuing to engage the Afghan people in ways that demonstrate United States commitment to promoting a legitimate and capable Afghan government.

(6) The objectives of United States policy toward Afghanistan are to empower and enable Afghanistan to—

(A) develop into secure and stable state with a government that exercises full control and authority over all the country; and

(B) develop increasingly reliable and capable Afghan security forces that can actively confront, and deny safe haven to al Qaeda, the Taliban, and other extremists and eventually lead the counterinsurgency and counterterrorism fight with reduced United States assistance.

SEC. 203. COMPREHENSIVE INTERAGENCY STRATEGY AND IMPLEMENTATION PLAN FOR AFGHANISTAN.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of the Supplemental Appropriations Act, 2009, the President shall develop and transmit to the appropriate congressional committees a comprehensive interagency strategy and implementation plan for long-term security and stability in Afghanistan which shall be composed of the elements specified in subsection (b).

(b) ELEMENTS.—The comprehensive interagency strategy and implementation plan required by subsection (a) shall contain at least the following elements:

(1) A description of how United States assistance described in section 204 will be used to achieve the objectives of United States policy toward Afghanistan.

(2) Progress toward the following:

(A) Executing and resourcing an integrated civilian-military counterinsurgency strategy in Afghanistan.

(B) Disrupting terrorist networks in Afghanistan and Pakistan to degrade any ability such networks have to plan and launch international terrorist attacks.

(C) Resourcing and prioritizing civilian assistance in Afghanistan.

(D) Promoting a more capable, accountable, and effective government in Afghanistan that serves the Afghan people.

(E) Expanding the Afghan National Security Forces and developing self-reliant security forces that can lead the counterinsurgency and counterterrorism fight with reduced United States assistance.

(F) Supporting Afghanistan in disrupting and dismantling narco-traffickers and breaking the narcotics-insurgency nexus.

(G) Ensuring that nations and various international organizations that have pledged to provide multilateral and bilateral assistance to support efforts to rebuild Afghanistan fulfill their commitment.

(H) Developing and strengthening mechanisms for Afghanistan-Pakistan cooperation.

(3) A financial plan and description of the resources, programming, and management of United States foreign assistance to Afghanistan, including the criteria used to determine their prioritization.

(4) A complete description of both the evaluation process for reviewing and adjusting the strategy and implementation as necessary, and measures of effectiveness for the implementation of the strategy.

(c) INTELLIGENCE SUPPORT.—The President, in developing the comprehensive interagency strategy and implementation plan required by subsection (a), shall consult with the Director of National Intelligence.

(d) UPDATES OF STRATEGY.—The President shall transmit in writing to the appropriate congressional committees any updates of the comprehensive interagency strategy and implementation plan required by subsection (a), as necessary.

SEC. 204. AUTHORIZATION OF ASSISTANCE FOR AFGHANISTAN.

(a) IN GENERAL.—There is authorized to be appropriated to the President, for the purposes of providing assistance to Afghanistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), $2,800,000,000 or such sums as may be necessary for each of the fiscal years 2010 through 2013.

(b) USE OF FUNDS.—Amounts authorized to be appropriated under this section or otherwise made available to carry out this title

shall be used to the maximum extent practicable as direct expenditures for programs, projects, and activities, subject to existing reporting and notification requirements.

SEC. 205. CONGRESSIONAL BRIEFING AND NOTIFICATION REQUIREMENTS.

(a) BRIEFING.—Not later than 30 days after the date of the transmission of the comprehensive interagency strategy and implementation plan required by section 203, and quarterly thereafter through December 1, 2013, the President, acting through the Secretary of State and the Secretary of Defense, shall brief the appropriate congressional committees on the status of the comprehensive interagency strategy and implementation plan.

(b) NOTIFICATION.—The President shall notify the appropriate congressional committees not later than 30 days before obligating any assistance described in section 204 as budgetary support to the Government of Afghanistan or to any persons, agencies, instrumentalities, or elements of the Government of Afghanistan and shall describe the purpose and conditions attached to any such budgetary support assistance. The President shall notify the appropriate congressional committees not later than 30 days before obligating any other type of assistance described in section 204.

SEC. 206. DEFINITION.

In this title, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

Mr. BERMAN (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) is recognized for 5 minutes in support of his motion.

Mr. ROGERS of Michigan. Mr. Speaker, I commend my friend, Mr. BERMAN, for his efforts on this bill, as I do Congresswoman ROS-LEHTINEN on her efforts on what I think is the most pressing national security issue we face today, Pakistan. And when you look at the troubles that they face and what a unique country it is, they are a nuclear-armed sovereign nation that has expressed concern about its eastern neighbors, the Indians, and all of the effort, both diplomatic, economic, militarily, intelligence, that they apply to what they view as a problem sect.

And to the west of that country, even in their Constitution, they treat differently. They give it special autonomy: the Federally Administered Tribal Areas. And that's the area that has caused Afghanistan and the United States untold misery, danger, something we ought to worry about.

And this bill in the most arrogant way says, You know what? We know better than you, Pakistan. We're going to make you set up a teachers' pay scale if you want our Federal money, if you want U.S. money to help us in the fight against terrorism that is ongoing today by people like Batula Masood, who are trying to kill Americans today and make further unstable the Pakistani Government, or Fazlullah, who has moved into the Swat area, the first time somebody from the tribal areas has taken this effort.

□ 1508

Fazlullah, for the first time, took some settled areas. It used to be a great area—as a matter of fact, a tourist area in Pakistan, the Swat Valley—and the military has had difficulty in trying to extract them from what is a settled area in Pakistan. That is real trouble.

Many of you have quoted ''The 60 Miles from Islamabad.'' That was the Swat Valley movement, and it was done by Fazlullah, 30-something years old, rabid Taliban leader, who was able to, in just a very short period of time, take over most of the police stations.

You have al Qaeda senior leadership moving freely with the Haqqani network supporting their abilities in the tribal areas of Pakistan. Batula Masood, as I said before, has been engaged in terrorist acts not only against us, but the Pakistanis.

Their government is at risk, their people are dying. This bill arrogantly says, listen, we want you to help us in terrorism, but let me tell you what's important, your teacher pay scales. Those are important.

This is a sovereign nation. As a matter of fact, Senator KERRY—we don't often agree with Senator KERRY—an interesting quote: ''Well''—I won't use all of his language—''we're just doing their bidding. We're their lackeys. We're not in control. You guys (the Pakistani Government) are an American puppet, blah, blah, blah.'' What he was saying is, don't put all these arbitrary caveats on this bill.

Let's support President Obama. He hasn't been there that long. He wants to implement his policy. He says he needs flexibility. I agree with him. This is one of the most complicated, complex problems we will face when it comes to national security.

You even, in this bill—and I don't think you're thinking about what the implications are—through your labor agreements in this bill, inspectors are to publish reports listing the names and locations of every firm in the program. This is a nation beleaguered by terrorists. Why would you give them a list of targets in Pakistan published by the United States Government? It makes no sense whatsoever.

You often talked about the arrogance of the previous administration telling people how they ought to live and telling them how they ought to govern. This is the most intrusive, most arrogant approach to providing someone assistance that is actually helping us fight terrorism in the most difficult area I can find in the world today.

I am going to ask you to please take a look at this motion to recommit. It puts a little common sense back in it and says, you know what, we'll get to the teacher pay scale and merit-based system that you would like to get to maybe another day, but today we are worried about the safety and security of our soldiers in Afghanistan who are under attack from Taliban leaders, headquartered the Shura Council in Quetta, Pakistan. We are worried about the Haqqani network, who is developing the logistical support that they need through arms and other things to help target our soldiers in Afghanistan. We are worried about Fazlullah's efforts in his first settled areas of Pakistan. That ought to be our watch today.

We are getting ready to send thousands and thousands of fresh United States troops to this region. Our focus has to be national security; it has to be their security. It has to say, Pakistan, we are a partner, not your mother. We are not going to hold your hand in this. We are going to be your equal partner in your fight on terror. Thank you for your commitment.

We're going to stand up for those folks.

I yield back the remainder of my time.

Mr. BERMAN. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. I made a mistake earlier. I objected to the reading of the motion to recommit. I should have asked for a reading of the bill. As much as I admire the gentleman, the one thing that is clear to me from his comments is he didn't read the bill.

We have absolutely no conditions or restrictions or efforts to earmark or tie up any of the economic assistance in this bill. Why you would say that is only because someone told you that. Because when you look at the bill, we have some principles, we have suggestions, we lay out things that need to be done to build democratic institutions in Pakistan, to build a school system.

We know that we are providing up to $12 billion, much of it in economic assistance for schools that have no teachers. We're providing money for teachers who have no education and don't know how to teach science and math. So we suggest in this bill some guidelines and tie no one's hands. We don't tie the Secretary's hands; we don't tie the Pakistanis' hands.

Now, the state of play is that when we put together our Pakistan bill, we went to the minority and said, let's work on a Pakistan/Afghanistan bill. They weren't interested. The problem with the minority's way to do a motion to recommit is the leadership meets in some office—they don't bring in the Republicans from the committee—and they come up with a motion to recommit, let's join Afghanistan with Pakistan. We've been trying to do that for 4 months in our committee, but the minority didn't want to do it that way.

And by the way, we just had a little vote. We had a vote on a Republican substitute that, on security assistance, had no monitoring provisions, no auditing provisions, no evaluation provisions. This is in the context of $12 billion that's been spent, a huge amount on reimbursements for which there are no receipts for money, that we cannot find what it went for. If you like what's been going on there, you're praising the right of Pakistan to do what it wants to do.

When Musharraf kept making appeasement agreements with different elements of the Taliban, was that a wise thing to be encouraging? I don't think so. The only thing we provide any benchmarks on is the security assistance. And what we say there is, Mr. President, look at how that money is being spent and make a determination whether or not Pakistan has a commitment—that they are now, by the way, demonstrating—to combating the insurgency and fighting the terrorists, and whether they're making progress. And are they cooperating in the efforts to dismantle the proliferation regime, and are they doing things to secure it? And, Mr. President, you make the determination and you make the decision.

We have worked with the leadership of the Armed Services Committee to make sure that the security assistance gets to the Pakistani military as quickly as possible, but not equipment that has nothing to do with the counterinsurgency. We want the equipment, the helicopters, the night-vision goggles, the training, the IMET programs to go as fast as they can. So in our bill, not in yours, but in our bill we waive all the traditions that now exist on traditional security assistance programs.

So this is a motion to recommit that includes an Afghan bill that says, continue as usual, where the lack of end-use monitoring has meant that we have been arming the Taliban because they steal the guns we provide and use them against our forces and the Afghan forces, and repeat in toto the Republican substitute we just rejected.

Let's vote against it. We did it once; let's do it again. Let's try to reestablish some sense of bipartisan collaboration. These differences aren't that great. We can work them out if the majority and the minority cooperate. I say, as the chairman of the committee with jurisdiction over these issues, I would love to put together a bipartisan approach. Maybe we can start working on that for the conference committee.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 164, noes 245, not voting 24, as follows:

[Roll No. 332]

AYES—164

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Castle
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Baca
Becerra
Blunt
Brown, Corrine
Cassidy
Delahunt
Goodlatte
Himes
Kagen
Kennedy
King (IA)
Lewis (GA)
Lucas
Luetkemeyer
McIntyre
Minnick
Peterson
Richardson
Sánchez, Linda T.
Schmidt
Slaughter
Sullivan
Tonko
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they now have less than 2 minutes remaining.

□ 1523

Mr. WESTMORELAND changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. GOODLATTE. Mr. Speaker, on rollcall No. 332 I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 332 I was detained in the Committee on Agriculture during a question and answer exchange with Secretary of Agriculture Vilsack and was not able to reach the floor before the

vote was closed. Had I been present, I would have voted "aye."

Mr. CASSIDY. Mr. Speaker, on rollcall No. 332 I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. TONKO. Mr. Speaker, on rollcall No. 332 I was unable to vote due to the fact that I was meeting with constituents. Had I been present, I would have voted "no."

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 332 I was unable to vote due to the fact that I was meeting with constituents. Had I been present, I would have voted "no."

Mr. BECERRA. Mr. Speaker, I was unavoidably detained earlier today and missed rollcall vote 332. If present, I would have voted "no."

(By unanimous consent, Mr. UPTON was allowed to speak out of order.)

ANNOUNCING THE DEATH OF FORMER MEMBER CARL PURSELL OF MICHIGAN

Mr. UPTON. Mr. Speaker, as dean of the Michigan Republican delegation, I have the sad duty to relay the news that our former colleague Carl Pursell from Michigan passed away this morning. He was the ranking member on the Labor-HHS appropriations subcommittee for many years. He retired in 1993.

I would yield to Mr. MCCOTTER who represents Plymouth, Michigan.

Mr. MCCOTTER. I thank the gentleman.

I grew up in Carl's district. We watched as he went from a Wayne County commissioner to a Michigan State Senator and then into this illustrious body. As a young person growing up getting interested in politics, Carl's example was an inspiration. It showed that a fine and decent gentleman could come from the small town of Plymouth, retain his Main Street truths, and do the people's business in this, the people's House.

The last several years have not been kind to Carl. He is in a far better place, and we are all diminished. Our best goes out to his family, and we would appreciate it if you keep him in your prayers.

Mr. UPTON. Mr. Speaker, I would ask for a moment of silence.

The SPEAKER pro tempore. Members will rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. UPTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 185, not voting 14, as follows:

[Roll No. 333]

AYES—234

Ackerman
Adler (NJ)
Altmire
Andrews
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—185

Abercrombie
Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Conyers
Costello
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kissell
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Waters
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Baca
Blunt
Brown, Corrine
Delahunt
Himes
Johnson (IL)
Kagen
Kennedy
Lewis (GA)
Murphy (CT)
Napolitano
Richardson
Sánchez, Linda T.
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

□ 1534

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 333, H.R. 1886 would provide an element of stability in the troubled Middle East, but its cost, in these economic times, is excessive. As a result, I determined a "present" vote to be appropriate. I was present on the House floor for all votes prior to and after this vote on final passage; and due to a malfunction in the voting process, I was shown as "Not Voting." This explanation is filed due to the unusual nature of the substance of the issue, and my position and recordation of same.

The SPEAKER pro tempore. Without objection, H.R. 1886 is laid on the table.

There was no objection.

AUTHORIZING SPEAKER TO ENTERTAIN MOTION TO SUSPEND THE RULES ON TODAY

Mr. BERMAN (during consideration of H.R. 1886). Mr. Speaker, I ask unanimous consent that the Speaker be authorized on this legislative day to entertain motions that the House suspend the rules relating to House Resolution 529.

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

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 1256. An act 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.

The message also announced that the Senate passed a bill of the following title in which the concurrence of the House is requested:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2254

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of H.R. 2254.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 848

Ms. NORTON. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of H.R. 848, the Performance Rights Act.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

CONDEMNING SHOOTING AT U.S. HOLOCAUST MUSEUM

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 529) condemning the violent attack on the United States Holocaust Memorial Museum on June 10, 2009 and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 529

Whereas, on June 10, 2009, an armed assailant with ties to white supremacist organizations, a conviction for a violent crime and a history of anti-Semitic and racist activities opened fire at the U.S. Holocaust Memorial Museum;

Whereas, the gunman was a convicted felon and obtained a firearm in violation of Federal law;

Whereas, security personnel at the U.S. Holocaust Memorial Museum, U.S. Park Police, and other emergency responders, responded quickly and valiantly to ensure the safety of museum visitors and staff and other bystanders;

Whereas, Officer Stephen Tyrone Johns, who had worked at the Museum for six years, was fired upon by the gunman and later tragically succumbed to his wounds;

Whereas, the U.S. Holocaust Memorial Museum was established by the U.S. Holocaust Memorial Council, which was created by Congress in 1980 (Public Law 96–388) and mandated to create a permanent living memorial museum to the victims of the Holocaust;

Whereas, the U.S. Holocaust Memorial Museum was dedicated on April 22, 1993 and has since welcomed nearly 30 million visitors, including more than 8 million school children and 85 heads of state;

Whereas, the primary mission of the U.S. Holocaust Memorial Museum is ''to advance and disseminate knowledge about this unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral and spiritual questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.''

Whereas, the U.S. Holocaust Memorial Museum serves as one of the world's leading authorities on the Holocaust;

Whereas, the U.S. Holocaust Memorial Museum, created to remind us of what happened and what could happen when hatred turns into violence, has tragically become a target itself;

Whereas, the attack at the U.S. Holocaust Memorial Museum is a horrific reminder of the violence that can stem from anti-Semitism, racism, hatred, intolerance, and Holocaust denial;

Whereas, President Obama stated, ''This outrageous act reminds us that we must remain vigilant against anti-Semitism and prejudice in all its forms. No American institution is more important to this effort than the Holocaust Museum, and no act of violence will diminish our determination to honor those who were lost by building a more peaceful and tolerant world'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the violent attack on the U.S. Holocaust Memorial Museum on June 10, 2009;

(2) honors the bravery and dedication of the employees and security personnel at the United States Holocaust Memorial Museum and rededicates itself to the safety and the security of the Museum and its visitors;

(3) offers its condolences to the family of Officer Stephen Tyrone Johns who was killed in the line of duty;

(4) redoubles its commitment to advance the mission of the U.S. Holocaust Memorial Museum to educate people about the Holocaust and fight against anti-Semitism, racism, hatred and intolerance; and

(5) urges the American people to join the Hour of Representatives in condemning this act of hateful violence and intolerance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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 resolution under consideration.

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

There was no objection.

Mr. RAHALL. Mr. Speaker, this resolution places this body on record as condemning yesterday's violent attack on the U.S. Holocaust Memorial Museum, while also praising the bravery and sacrifice of those who defended against this attack. The resolution further recognizes the powerful and vital role that the memorial museum plays in the world and rededicates this Congress to assisting wherever possible in helping the museum to accomplish its mission of education and enlightenment.

First and foremost, let me join my colleagues in expressing our deep sadness and heartfelt condolences to the family and friends of Security Officer Stephen Tyrone Johns. It is our hope that, despite what must be nearly unbearable grief, those who loved Officer Johns are also filled with enormous pride at the service he rendered during his distinguished career and the sacrifice he has now made.

Everyone involved in the tragic events of yesterday proved something about themselves. Officer Johns, along with the security and other emergency personnel who responded, proved that training, dedication and bravery in the face of life-threatening events can save lives.

Officer Johns in particular reminds us that there are those among us who volunteer to stand watch over us, even knowing that they are risking their own lives.

The perpetrator of yesterday's attack proved something as well. His actions demonstrate that ignorance and hatred still exist and too often lead to violence. By his actions, this man demonstrated that the very evil which led to the Holocaust, the very evil he had sought in the past to deny, still exists and still must be resisted vigilantly.

And going forward, the U.S. Holocaust Memorial Museum will prove something as well. There was a time when people with hatred in their hearts were powerful, a time when those who devalued others based on race or religion held in their hands the levers of power. Those days are over.

The museum has suffered a great loss, but the museum will continue in its important work. This attack has no power over the museum, its supporters or its mission.

Hatred can no longer beat back the forces of justice and equality. Whatever the dark aims of the attacker may have been, there is no question that he has failed, and those like him will always fail as long as organizations like the U.S. Holocaust Memorial Museum are standing.

I ask my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with Chairman RAHALL to support this resolution to condemn the tragic shooting at the United States Holocaust Memorial Museum yesterday. Our prayers go out to the family of Security Officer Steven Tyrone Johns, an innocent victim of this outrage.

Mr. Speaker, that this violent act and needless death occurred at a memorial erected to peace and tolerance by reminding the world of the deaths and horrors of the Holocaust is, to me, simply unspeakable.

So, Mr. Speaker, I simply urge all of my colleagues to support this resolution.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am honored to yield 2 minutes to the main sponsor of this resolution, the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I thank the gentleman from West Virginia.

Mr. Speaker, I rise today to urge my colleagues to support H. Res. 529, a bipartisan resolution that I authored with Mr. PENCE, Mr. WAXMAN, Mr. SMITH and Mr. ENGEL, and I thank the Speaker for promptly bringing it to the floor today with the input and guidance from many other Members of this Chamber, as well as the bipartisan Congressional Task Force Against Anti-Semitism.

I rise today in great sorrow as this Nation mourns the loss of Officer Stephen T. Johns, who was killed in the line of duty yesterday at the United States Holocaust Memorial Museum at the hands of a hateful white supremacist.

Today I offer condolences to the family of Officer Johns and condemn in the strongest possible way the vicious attack on the Holocaust Memorial Museum and all that it represents.

The museum is a place of reflection, an expression of the adage ''never again.'' The museum seeks a world without racism, anti-Semitism, Holocaust denial and intolerance.

The target may have been the museum and Jews, but this vicious attack hurt all Americans. A hate crime in every sense, this attack violates all of us. Acts of hatred and violence cannot and will not be tolerated in our country. Today, the lessons of the Holocaust are more relevant than ever before. Officer Johns died protecting those values, and he is a hero to all of us.

Americans stand today together to redouble our commitment to advance the mission of the United States Holocaust Memorial Museum, to advance Holocaust education and fight against anti-Semitism, racism, hatred and intolerance in the United States and throughout the world. Only by standing together can we begin to heal and fight against future acts of hatred.

I thank both the Democrat and Republican leadership of the House, Mr. RAHALL and Mr. HASTINGS, for their support. I urge my colleagues to support this resolution.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished Republican Caucus Chair, the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of House Resolution 529, condemning the violent attack on the Holocaust Memorial Museum that occurred in shocking dimensions yesterday here in our Nation's Capital.

I want to single out my colleague in the majority, RON KLEIN of Florida, for his swift and thoughtful legislative work in bringing this resolution to the floor and for allowing me to coauthor this bipartisan resolution before the House today. It has been my distinct pleasure to serve together with Mr. KLEIN as the cochairman of the Bipartisan Congressional Task Force Against Anti-Semitism that was founded, I say with deep admiration, by the late Tom Lantos of California, who understood the importance of this body and this Nation speaking with one voice against the venom of anti-Semitism.

Today, we mourn the loss of Special Police Officer Steven Tyrone Johns, and I offer my personal condolences to his family. He lost his life while defending civilians, visitors and staff of the Holocaust Memorial Museum. Officer Johns died upon arrival at the George Washington Hospital after being shot by an assailant with strong ties to white supremacist organizations. Officer Johns died while bravely defending museum visitors from around the world, and I honor his service and courage and the sacrifice that he exemplified. He will be remembered.

We rise today to condemn the violent attacks of yesterday that ravaged Washington, D.C.'s, permanent living memorial to the victims of the Holocaust. For those who have visited, we know the U.S. Holocaust Memorial Museum serves as one of the world's leading authorities on the Holocaust. And let me say with no small measure of American pride, it has become an essential stop for every American visiting our Nation's Capital, with few exceptions.

It was dedicated on April 22, 1993, and has since welcomed nearly 30 million children, including 8 million schoolchildren and 85 heads of state.

The museum's mission is simply this: to ''advance and disseminate knowledge about this unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral and spiritual questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.'' Anyone who has wandered those solemn hallways knows that the United States Holocaust Memorial Museum accomplishes that mission.

□ 1545

This attack at the U.S. Holocaust Memorial Museum is a horrific reminder of the violence that can stem from unchecked hatred, intolerance, anti-Semitism, as well as the denial of history that is often manifested in that sentiment.

Let me be clear. No act of violence will ever diminish our determination to honor those who lost their lives in the Holocaust, and neither will yesterday.

And as we condemn intolerance and racism in our Capital City, we should ponder today, Mr. Speaker, what anti-Semitic hatred and rage could mean on the international stage. I say with a heavy heart today, with the deepest respect for the families affected by yesterday's tragic events, we would do well, as a Nation, to reflect, if one man can walk in the Holocaust museum with a rifle, motivated by anti-Semitic rage and bring about violence and death, what could a nation, armed with the same anti-Semitic rage, do with a nuclear weapon?

The American people deserve to know that the same hatred that drove this one, lonely and deranged man to open fire at the U.S. Holocaust Memorial Museum, I believe, resides in the hearts of some of the most powerful leaders in an ancient nation of the world. And I am confident that when the time comes, this Congress, this government, this Nation, and our cherished ally, will do what is necessary to prevent a global manifestation of anti-Semitic violence.

The best way to honor the lives of victims of hatred is to stand in the path of those who would continue the violence. Let Officer Johns' sacrifice be an example for each of us in our personal lives, and an example for this Nation in the exercise of courage and determination in the defense of liberty on the world stage.

Let us stand in the path of hatred, come together as a Congress and a Nation.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlelady from the District of Columbia, in whose district this terrible attack occurred, ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Speaker, on Tuesday the majority leader announced that he had not been able to muster enough votes to pass a civil rights bill, the District of Columbia Voting Rights Bill, which had a gun amendment which would wipe away the District's gun laws leaving us defenseless.

Yesterday, a brave young man, Stephen Tyrone Johns, a guard at the Holocaust Museum, one of our most popular museums because it is so moving, lost his life.

There are political considerations that keep us from moving directly against gun laws. I ask us to show that we are not defenseless to protect official Washington, not paralyzed when it comes to gun safety, by at least passing, but not allowing gun amendments to stop unrelated laws like the District of Columbia Voting Rights Act and opening the city to gun carnage of the kind we saw yesterday.

Let this be the last gun carnage of its kind. Let the District of Columbia Voting Rights Act pass this year.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I do appreciate the bringing of this resolution. This is a time when we should join our hearts and minds together in condemning the violent act that occurred at, of all places, the Holocaust museum, a place that I, with countless others, in my case, multiple occasions going to the museum, have been touched to tears to just try to get your mind around the inhumanity of man to man.

This is a Nation that was brought together as a Nation, fought hard, so that within this Nation we could have civility. And one of the Founding Fathers' favorite lines was often to quote Voltaire in saying, I disagree with what you say, but I will defend to the death your right to say it.

The criminal who invoked and created this violence in the Holocaust museum should be properly punished, and I am thankful that we have laws that will punish him. I wouldn't mind seeing a death penalty as a possibility in the case of such violence, but in this town that is, apparently, not an option. But violence of this nature within this country must not be tolerated.

But it also must not minimize the commitment, the love and devotion of Officer Stephen Tyrone Johns, who gave his life in doing his job in devotion to others and to this country and all it stands for.

So we thank Stephen Tyrone Johns. We thank his memory. We thank his family, and we will pray for their peace and healing during this very, very difficult time.

We condemn the attack, such a violent nature, encourage all to understand that in this Nation, in every State, in the District of Columbia, no matter how someone may disagree with someone else, provoking words are never a defense to violence. Violence must be condemned, no matter what someone deems to be the provocation in their own mind.

We must be and we must make this a Nation of civility. We can disagree. Disagreement is a good and healthy thing. When there's disagreement, it means we're not all useless. But we must never allow this kind of violence to go unaddressed.

So we pay tribute to the Johns family—our prayers will be with them—and condemn the violent attack at the Holocaust museum, of all places, and appreciate this resolution being brought forward.

Mr. RAHALL. Mr. Speaker, Officer Johns resided in the district of our next speaker, to whom I'm going to yield 2 minutes, the gentlelady from Maryland, Ms. DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in support of House Resolution 529.

Mr. Speaker, it's with great sadness that I rise today to honor the life and memory of Stephen Tyrone Johns, the security officer who courageously gave his life protecting the lives of others during yesterday's shooting at the Holocaust Memorial Museum.

Officer Johns' quick action and sacrifice may indeed have saved the lives of people at the Holocaust Memorial Museum yesterday and certainly enabled his fellow officers to secure the museum.

The armed assailant, who had connections with the white supremacist organizations and a long history of anti-Semitic and racist activities, walked into the Holocaust museum and opened fire, resulting in the tragic murder of Officer Stephen Tyrone Johns. This was a murder based on hate and malice, and took the life of a good man.

A security officer for 6 years at the Holocaust Memorial Museum and resident of Temple Hills, Maryland, which is the district which I represent, Officer Johns was beloved by his family and friends. Colleagues called Officer Johns ''Big John.'' He was known as a gentle giant, and remembered for his friendliness, soft-spoken nature and gentle demeanor.

This morning, I had the opportunity to speak to Officer Johns' mother and stepfather. The entire family is grieving this senseless loss. Above all, the family wanted America to know that Stephen was dedicated to his job and his family. His mother said he loved his job, and he took his duty at the Holocaust Memorial Museum very seriously, so seriously that he ended up paying the ultimate sacrifice.

As we join Officer Johns' family in struggling to find answers, the truth is that this was a senseless act and a senseless murder that has resulted in a great loss. Officer Johns' sacrifice is a stark reminder of the threat of hate and intolerance to our humanity.

I want the family of Officer Johns to know that I, along with my colleagues here in Congress, am grieving with them, and America is grieving with them.

In addition to his family and friends, Officer Johns leaves an 11-year-old son, Stephen Tyrone Johns, Jr., to mourn his loss. So it is with a heavy and sad heart that I offer my sincere condolences to the family of Officer Stephen Tyrone Johns. He will always be remembered as a dedicated and beloved hero.

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire how much time is on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 10 minutes remaining, and the gentleman from West Virginia has 12½ minutes remaining.

Mr. HASTINGS of Washington. My understanding is my friend from West Virginia has more requests for time than I do, and I'd be more than happy to yield him 9 of those 10 minutes to dispense with as he sees fit, with the understanding, if I do get some Members, I can reclaim some of that time. And I ask unanimous consent that he control that 9 minutes.

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

There was no objection.

Mr. RAHALL. I thank the distinguished gentleman from Washington (Mr. HASTINGS).

I now yield 1 minute to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I rise today profoundly troubled and deeply saddened by yesterday's senseless acts of violence that occurred at the United States Holocaust Memorial Museum in Washington.

My thoughts and prayers are with the family of Stephen T. Johns, the security officer whose life was taken in that tragic event. I am so grateful for his service and the service of all the security officers who work to keep us safe.

Yesterday's action was a shocking reminder of the progress we have yet to make against bigotry, ignorance and hate. The gunman's attack was not only against one man, but against an important idea of human dignity for all.

However, as a Nation, our resolve must remain strong, and our response must be very clear. There is no place for anti-Semitism and racism in the United States of America.

I urge my colleagues to join me in renewing our commitment to ending hatred and violence by supporting House Resolution 529.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlelady from California, Ms. BARBARA LEE.

Ms. LEE of California. Mr. Speaker, let me first say thank you to the gentleman from Florida for introducing this resolution, and I rise in strong support of it.

The Congressional Black Caucus extends our heartfelt condolences to the

family of Officer Stephen Johns. He was an American hero. He was an African American. He was slain in this senseless act of violence at the Holocaust museum, which preserves the memory of a period in the world, a period borne of violence, of hatred, of death, a period that must not be forgotten.

The death of Officer Johns reminds us, however, that racism and anti-Semitism in all its ugly forms must be condemned and fought at every, every turn.

We extend to Mr. Johns' family our deepest sympathy as you mourn the loss of your loved one. He will be a hero in all of our minds who we will remember and who will remind us of the unfinished business of our country. We offer our condolences and our assistance to the family, should the family need us during this time of need.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlelady from California, Ms. SUSAN DAVIS.

Mrs. DAVIS of California. Mr. Speaker, I join my colleagues in supporting this resolution.

The Holocaust museum offers more than an important education opportunity for so many people worldwide. It is a symbol of the need to continue our efforts to reduce intolerance, prejudice and hatred in the world.

It was over 15 years ago when I led a group of young people from San Diego to visit the newly opened museum, a group of high school students from all walks of life who were participating in a mentoring program. I was the executive director of that program and made it a point to put a visit to the Holocaust museum on our agenda.

□ 1600

It was such an emotional moment for many of these teenagers who until that day had never fully comprehended what the Holocaust meant.

So I want to add my voice in expressing heartfelt condolences to the family of museum guard Stephen Tyrone Johns. His courage and his sacrifice will not be forgotten in a place that we always say ''Never again.''

Also to be recognized and praised are the security guards who subdued the gunman and prevented a tragic incident from becoming even more tragic.

This incident hit me hard yesterday because I happened to be standing at the museum 2 days before the very time that this incident occurred, and it was so pleasing to see the people who were gathering there and who flock to it all the time.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, Mr. HANK JOHNSON.

Mr. JOHNSON of Georgia. Mr. Speaker, yesterday a despicable act occurred. By now everyone knows what it was and why it was; so I won't belabor that, other than to say that hatred is something that leads to violence. So we should all be looking deeply within our hearts to remove hatred and to try to value humanity.

Officer Stephen Johns leaves an 11-year-old son, whom I saw on TV yesterday, and I don't think he could cry, he was so overwhelmed, and then his mother and his grandmother were too distraught to talk. So they need our prayers, and I send out my condolences to the family.

It happened yesterday that a black man, doing his duty at the U.S. Holocaust Memorial Museum, was killed. Our communities have worked so diligently in the past. We have such strong bonds, and so we are there for each other.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Mr. Speaker, I rise today to add my voice to this tragedy and to honor the family of Mr. Johns, who was tragically killed yesterday at the Holocaust museum.

When I come to the floor and when I think about this job and what we are trying to do, to send a message to our children across this country, it is a message of tolerance. It is a message of trying to wipe out hatred, trying to wipe out the hatred that exists against different races, different religions, different cultures. It is about learning to accept and appreciate the cultures.

The Holocaust museum stands as a tribute and helps us better understand the tragedies that occur when intolerance runs amok. I stand with my fellow colleagues and the people of this body in honor of Mr. Johns to say we believe in tolerance, we believe in acceptance, and we thank him and his family and we mourn with them.

Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Nevada, Ms. SHELLEY BERKLEY.

Ms. BERKLEY. I thank the gentleman for yielding, and I thank my colleagues Mr. WAXMAN and Mr. KLEIN for putting this resolution together.

Mr. Speaker, the shooting at the United States Holocaust Memorial Museum is a sad reminder of how anti-Semitism, intolerance, and hatred can lead to senseless acts of violence and death.

My deepest condolences go out to the family of our security officials, Officer Johns, who was killed while defending the visitors and staff of the museum. His bravery and actions in the line of duty are to be commended and will long be remembered.

This disturbing attack on Washington's Holocaust Memorial Museum and the accompanying loss of life underscore the importance of teaching each new generation about the causes of the Holocaust and how we must work together to prevent the spread of intolerance and hatred based on religion, ethnicity, race, color, anything you choose. This shocking and horrific hate crime should be condemned by all Americans. We must speak with one voice that this is unacceptable and will not be tolerated in the United States of America.

This resolution is a worthy first step in this effort. I urge unanimous vote in favor of this resolution by my colleagues.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio, MARY JO KILROY.

Ms. KILROY. Mr. Speaker, to the grieving family of Stephen Tyrone Johns, I offer my deepest sympathy. You are in our thoughts and prayers.

And to the men and women in blue, especially those serving here on Capitol Hill, I offer my condolences at the loss of your brother officer and recognize the courage and devotion to duty he displayed at the cost of his life. I know that our Nation's police forces stand ready each and every day to serve and to protect.

This particular outrage is all the more heinous because of the place of the crime, our National Holocaust Memorial Museum, and because its perpetrator had a repeated history of public expressions of racism and anti-Semitism.

It is long past time for us to come together as a Nation and put an end to racism, to put an end to anti-Semitism, to put an end to homophobia, and to eliminate hate crimes; to come together and say that hatred and intolerance should not be allowed, that we should be able to end this as a community and come together in a Nation that respects each other for the true gift of the individual that each of us is.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank the gentleman for yielding time.

Mr. Speaker, yesterday a terrible tragedy happened right here in Washington, D.C. It's sad when we see that there are people in this country that have so much hate in their hearts, and it's sad that this person went out to try to kill as many people as possible and being at the Holocaust museum.

Stephen Johns was there to protect the people in the museum, and he lost his life. He lost his life being a hero, by trying to save as many people there as possible.

Mr. Speaker, each and every day, there are killings; there is hatred that leads to these kinds of killings. It's got to stop. We can stop it here in Congress if the American people would actually put their voices a little bit higher and tell their Representatives the violence needs to stop. Violence on every level is totally wrong. Violence to innocent people is totally wrong. We need to do a better job in stopping the hate in this country.

I rise today in support of H. Res. 529, the resolution condemning the violent attack yesterday at the United States Holocaust Memorial Museum.

My heart goes out to the victim's family.

This innocent man was going about his workday and his life was taken in a despicable act of violence.

But Steven Johns' selflessness and heroism saved the lives of others who could have been caught up in the violence.

The U.S. Holocaust Memorial Museum serves as a powerful rebuke of the violence

and hatred that resulted in the loss of millions of lives during World War II.

Yesterday's events there serve as a painful reminder of the importance of combating violence in any form.

The U.S. Holocaust Memorial Museum has educated millions of Americans about the horrors and hate crimes of the Holocaust.

Sadly, yesterday, the Holocaust Museum became known for another tragic hate crime.

Hate crimes and hate groups are on the rise in our Nation.

Hate groups have terrorized too many Americans.

This horrible act also serves as another example of the need to end gun violence in the United States.

We need to make sure that we do everything we can to prevent similar tragedies in the future.

The suspect in this terrible crime was a convicted felon and should never have been able to get his hands on a gun.

Too many of the wrong people have access to guns.

We are seeing more and more of these senseless crimes take place.

The rate of gun violence in this country is totally unacceptable.

There is something that we can do.

We can pass sensible gun laws in this Nation that will save lives.

We need to keep guns out of the hands of the people that can do the most harm with them such as convicted felons and the mentally ill.

We also need to close the gun show loophole, which allows people to buy guns without any background check at all.

And Congress should pass my bill, the No Fly No Buy Act, which prohibits people who are on the TSA's "No Fly List" as known or suspected terrorists from purchasing guns.

We can never prevent every gun death in this country, but we do have tools that can limit gun violence and would be effective now.

I urge my colleagues to work together with me to make sure that we do everything we can to limit gun violence in this country.

Please support this resolution so that we can send a strong message that hate and violence will not be tolerated by this Congress.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, it's nearly a decade ago that in my district a hate-monger came with a gun and pointed it at young men and women, people, families who were leaving their synagogue at the beginning of the Sabbath. And when he wasn't able to kill anybody there, he drove down the street and saw an African American standing in front of his house with his children in Skokie, Illinois, and shot and killed Ricky Birdsong, a community leader and a beloved member of that community.

We've made some progress in extinguishing anti-Semitism and hatred. We have certainly worked toward it. And yet yesterday at the Holocaust museum, a place dedicated to remembering the lives of senselessly killed millions of people, another shooter was there.

But standing in his way was Officer Johns, Officer Stephen Tyrone Johns, who died in defense of tolerance in our country, against intolerance in our country, and saved probably the lives of many, many people in doing so because that shooter was going on to kill others.

We owe him and his family a debt of gratitude and send condolences to those who loved him.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the distinguished Speaker of the House, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding, and I thank all of those who are involved, Mr. KLEIN of Florida and members of the House Anti-Semitism Caucus and others, certainly the chairman of the committee, Mr. RAHALL, and others for giving us an opportunity to speak on the floor to express our grief and our outrage over what happened yesterday.

When the news came to the Capitol of what had happened at the U.S. Holocaust Memorial Museum, we were shaken, shaken to the core that this could possibly happen.

The resolution today allows us to express some of the grief that we have and the strongest denunciation of the despicable hate crime perpetrated yesterday and to express our strong support for the work of the U.S. Holocaust Memorial Museum.

Some of us were there that rainy, rainy day when the Holocaust Memorial Museum was dedicated. Elie Wiesel spoke to us so profoundly about what it meant, not only in terms of memory and never forgetting what happened in the Holocaust, but what our responsibility is to the future. At the time the Bosnian crisis was happening. So while the Holocaust Memorial Museum is about something that happened in the past, it is a memorial and a reminder to us about ridding our societies of these kinds of attitudes.

So how ironic, how ironic that this person, this individual, would go into that museum with hate in his heart, a gun in his hand, and kill this beautiful man, Stephen Johns, who really gave his life. He guarded others with his life. And I would like to take a moment to pay special tribute to Stephen Johns, whose life was cruelly taken yesterday.

Stephen was known to his colleagues as "a soft-spoken, gentle giant." Stephen loved his hometown football team, the Redskins, and he loved to travel across the United States. Sad to say—well, it was a happy moment for him—but sad that it was such a short time ago he had married and moved to Temple Hills, Maryland, just 10 minutes away from his mother.

Stephen died in the line of duty, doing his job to protect those who came to the United States Holocaust Memorial Museum. We honor him today. We honor his sacrifice and his service.

In the U.S. Holocaust Memorial Museum, anyone who has visited there knows there is a flame that burns in remembrance to all who died in the Holocaust. It lights the room over a coffin of Earth gathered from the death camps, concentration camps, sites of mass execution and ghettos in Nazi-occupied Europe and from cemeteries of American and European soldiers who fought and died to defeat Nazi Germany.

Engraved above the flame, it says, from Deuteronomy 4:9: "Only guard yourself and guard your soul carefully, lest you forget the things your eyes saw, and lest these things depart your heart all the days of your life, and you shall make them known to your children, and your children's children."

Today we commit to telling our future generations the truth shared at the Holocaust museum. This heinous act was committed at the entrance to sacred ground to us, the Holocaust museum, as I described, where some of the Earth was gathered from. This is a severe blow to all of us who care about these issues, and I would include that to be everyone in the Congress of the United States and in our great country and those throughout the world who promise never to forget.

□ 1615

So we commit never to forget, and we commit to continue our work to build a world free of hatred.

Again, I thank our colleagues for giving us a time to publicly mourn this horrible, horrible event; to extend our condolences to the family of that brave guard and also to acknowledge, like Stephen Johns, our own Capitol Police and many others who make this area safer for people to visit from all over the world, who make it safer for us to do our jobs here, who make it safer for the press to cover us, who make it safer for our staffs to work, we express our deep gratitude to them. For us, the words Gibson and Chestnut are forever ablaze in our hearts—two of those committed to guard the Capitol whose lives were taken over 10 years ago. We will add to that list Stephen Johns and never forget the sacrifice he made and never forget our responsibility again to end the world of hatred.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to a valued member of our Committee on Natural Resources, the gentleman from American Samoa, Mr. ENI FALEOMAVAEGA.

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

Mr. FALEOMAVAEGA. I want to thank Chairman RAHALL and our ranking member, DOC HASTINGS, and the members of the committee for bringing this important resolution to the floor. I also want to commend both gentlemen, Congressman KLEIN and Congressman PENCE, as co-Chairs of our Caucus on anti-Semitism. Of course, the memory of Tom Lantos evokes all of the understanding that we have and appreciation for this important issue.

Mr. Speaker, I want to personally express my deepest condolences and sympathies to the family and friends of Officer Johns, who was killed unexpectedly yesterday as a result of a shooting

by a man who harbored so much hatred against members of our Jewish community.

Officer Johns, for some 6 years, served faithfully as a security officer there at the museum. He was doing his job. He made the ultimate sacrifice, and we are here to honor him and his life. He gave his life in order to save the lives of others.

Mr. Speaker, I hope that every person who visits our Nation's Capital makes it a point—a must—to visit the Holocaust Memorial Museum. This revered museum is a symbol of our Nation to the world that racism, bigotry, ignorance, and hatred have no place in our country. This museum reminds the world of the suffering of some 6 million Jews, and we should never forget that, if it happened to them, it could also happen to us.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois, Mr. JESSE JACKSON.

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Last night, Mr. Speaker, I tried to explain this horrific event to my daughter when she asked me why. I tried to tell her that African Americans fought for our country in World War II, and a Holocaust survivor once said and told the story of how survivors of the Holocaust knew they had been freed when African Americans showed up, knowing full well, because of their race, that they could not be Nazis even if some African Americans had to fight under a different flag.

African Americans and Jewish Americans banded together in many of our Nation's great campaigns for social justice. Martin Luther King, Jr., used to often quote Rabbi Abraham Heschel. Schwerner, Goodman, and Chaney—two Jews and a black killed for registering people to vote in Mississippi.

Stephen Tyrone Johns lost his life defending visitors at a Holocaust Museum in the hands of a white supremacist. As I believe President Lincoln would paraphrase: Their sacrifice as martyrs is far above our own ability to add or detract.

I would hope in this moment that we would recognize that the ties of human decency and dignity that bind us and the blood that unites us are stronger than the hatred and the demagoguery and the acts of violence that divide us. It is my sincere hope, Mr. Speaker, that we might find some shining moment in recognizing that we have more in common in working together than we do in fighting and in being apart.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from California, Ms. JANE HARMAN.

Ms. HARMAN. I thank the gentleman for yielding.

Mr. Speaker, less than a mile from this Chamber, a hate crime occurred yesterday. It occurred in a place of remembrance—a sanctuary. That sanctuary, the Holocaust Museum, has meaning for everyone here. It has special meaning for me because my father was a refugee from that Holocaust, and most of his family was killed in it. One exhibit in the Holocaust Museum is a wall of shoes taken from innocent men, women and children before they were gassed to death. Who were they? What lives would they have led? Would their children have ended up serving here as I have?

In the memory of Officer Johns and 6 million innocent Jews, it is time, past time, to end hate.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee, Mr. STEVE COHEN.

Mr. COHEN. Mr. Speaker, Mr. JACKSON expressed much of what I've thought about as to the events of yesterday.

People who hate—and this assailant hated Jews and blacks in particular—hate all people and minorities.

With that in mind, I think it's important that people reflect and do something positive with their children and with themselves in the future as an antidote to the type of hate that we saw. That is to bring your children to the Holocaust Museum. Let them learn about the horrors of the Nazis and of the camps. Come to Memphis to the Civil Rights Museum and learn about civil rights. Go to Atlanta where Dr. King is buried, and learn about Dr. King and nonviolence. Take steps to learn about ways to make the world better.

It's unfortunate what happened yesterday. It's so awful at that site, but it is awful that it happened anywhere and that Mr. Johns did lose his life. We must appreciate all the guards who protect American order and liberty.

The SPEAKER pro tempore (Mr. SERRANO). The Chair will note that the gentleman from West Virginia has 7 minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Michigan, Mr. GARY PETERS.

Mr. PETERS. Mr. Speaker, my district is the home of the first free-standing Holocaust Museum in the United States of America. For 25 years, it has stood as a reminder of the horrific consequences of extremism and hate.

Just a few months ago, the founder of that museum, Rabbi Charles Rosenzvieg, passed away. Although he is gone, his life's work will educate future generations about the horrors of the Holocaust so that such senseless violence should never again be repeated. Last month, this body passed a resolution honoring his life and memory.

So it is with an especially heavy heart today that I come to the floor to urge the passage of Resolution 529, a resolution condemning the violent attack on the United States Holocaust Memorial Museum on June 10.

The Holocaust Museum exists as a place to reflect and to mourn murderous prejudice and hatred. Yet, yesterday, a senseless attack, motivated by the same prejudice and hatred, resulted in the tragic death of a security guard, Stephen T. Johns. It is a sad reminder that we must all remain vigilant in continuing the work of Rabbi Rosenzvieg—to purge discrimination and hatred from this world.

I thank Congressman KLEIN for sponsoring this important resolution.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, I rise today to add my voice to all of those who have denounced the hatred and violence in condemning yesterday's tragic attack at the U.S. Holocaust Museum and to extend my thoughts and prayers to the family and friends of Officer Stephen Johns.

Racism, anti-Semitism and other forms of hatred are not new. Sadly, they continue to impact too many people here and around the world. As a child of a Holocaust survivor, I know all too well the destruction and suffering that hate can bring. This same kind of intolerance that my mother faced in Austria in the 1930s still feeds the actions of foreign terrorists and domestic hate groups.

The United States Holocaust Memorial Museum is more than a museum—it feels like a sacred space. It is a place that enables us to acknowledge and remember the horror that was the Holocaust—and it is a place for reflection on the horrific consequences that hate can bring and a reminder that we must remain ever-vigilant against hate's many manifestations. Yesterday's despicable act reinforces the need for the important work done by the Holocaust Museum.

We all have a role to play in combating bigotry and intolerance wherever it may be, and it is a sad reminder of the work we still have to do that yesterday's tragic crime occurred so soon after President Obama's historic trip and his strong rebuttal of those who deny the Holocaust.

So it is with a heavy heart that I join my colleagues in offering my sympathies to the family of Officer Johns, and that I commend the work—the wonderful work, the important work—of the U.S. Holocaust Memorial Museum, and that I pledge to do my part in never forgetting.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota, Mr. KEITH ELLISON.

Mr. ELLISON. Mr. Speaker, I rise today to do two things: one, to offer condolences and thanks to the family of Officer Johns for his brave sacrifice and, also, to point out that Officer Johns dedicated his life to protecting the staff and visitors of an institution dedicated to remembering both the depths of human depravity and the heights of courage and bravery, as we must understand that the Holocaust Museum was not simply a place to remember loss, awful loss, but also courage in standing up to great adversity.

May we all celebrate the life of Officer Johns and of the 6 million Jews who were murdered and memorialized

in the Holocaust Museum by going to the Holocaust Museum, by supporting that museum and by showing defiantly that we will not be cowards and that we will not be deterred from standing up for what is right.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from California, Ms. DIANE WATSON.

Ms. WATSON. Mr. Speaker, lest we forget, we must constantly be vigilant that we have people in this country who still harbor hate. As we go looking around the world for those who would do mass carnage, we need to look right inside of ourselves and see what is happening among too many of our people.

Officer Johns was there. I understand he opened the door for the person who shot him, but he represented a minority, and the shooter went to a place where he could show his anger, his hate, his hostility. As long as these kinds of people allow this to grow within them, we are all at risk. As long as we let guns go unregistered and let them out there and in the hands of these people, each and every one of us is at risk.

So it is now the time not only to give our condolences to the family of Officer Johns, but to take a step in the right direction for the right policy that will keep this in our minds every day of our lives.

Mr. Speaker, I rise today in support of House Resolution 529, condemning the violent attack on the United States Holocaust Memorial Museum on June 10, 2009, and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel.

I express my deepest sympathy to the family, friends, and colleagues of Officer Stephen Tyrone Johns who lost his life as he stood guard at the museum. Officer Johns was only 39 years old; and standing six feet, six inches tall, was known as a "gentle giant". He was lovingly called "Little Stephen" by his family and "Big John" by his colleagues. Officer Johns must always be remembered in our hearts and minds as a hero.

Mr. Speaker, hatred must not be tolerated, and acts of violence must be prosecuted to the fullest extent of the law.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from New York, Mr. ELIOT ENGEL.

Mr. ENGEL. I thank the gentleman, my friend from West Virginia, for yielding to me.

Mr. Speaker, I rise, of course, in support of this resolution. We are all shocked and saddened about what happened yesterday. The Holocaust Memorial Museum is a museum dedicated to victims of genocide, and to have any kind of hatred perpetrated in that museum is an absolute disgrace. My heart goes out to Officer Johns and to Officer Johns' family in that he was doing what so many wonderful people do—protect the public and protect us. His life should not have been taken.

Mr. Speaker, hatred is a terrible thing. The person who did the shooting reportedly has a long history of hating Jews, of hating African Americans, of hating Catholics—of just about hating everybody. We need to do something about that. We need to teach our children that hatred isn't a part of mainstream anything and that people need to respect our fellow human beings.

I also want to say something about guns, because we really need to deal with the problem of guns in this country. I would like to know why the assassin who served in prison for 6 years as a felon and who was a known hatemonger was able to get ahold of a gun. This is a problem, and we need to deal with it.

So I thank my friend, and I rise in support of this resolution.

Mr. RAHALL. Mr. Speaker, I would advise Mr. HASTINGS that I am prepared to close with one final speaker if he wishes to use the balance of his time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Speaker, this is a good resolution, and it is responsive to what happened yesterday at a place where something like this should never happen. So I urge my colleagues to vote ''yes'' for the resolution.

I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield the remainder of my time to the sponsor of this resolution and commend him for the quickness with which he has brought this to the floor, the gentleman from Florida (Mr. KLEIN).

The SPEAKER pro tempore. The gentleman from Florida is recognized for 2 minutes.

□ 1630

Mr. KLEIN of Florida. I thank the gentleman from Washington and the gentleman from West Virginia for giving us the opportunity, as well as the Speaker, for allowing us to very promptly bring this to the attention of the House.

I thank the Members, the Democrat and Republican Members, who have all been here today, as well as the entire Chamber for reacting and acknowledging this horrific act. Again, we just acknowledge and extend our condolences to the family.

We rededicate ourselves to the necessity of teaching, of educating our public in the United States and around the world about what happens when racism and intolerance are allowed to fester from generation to generation, and we know that we will commit ourselves to continue that education process to the lessons of the Holocaust and the lessons of, unfortunately, what happened yesterday to make sure that it doesn't happen again.

Mr. LEVIN. Mr. Speaker, I stand with so many of my colleagues today in condemnation of yesterday's appalling attack at the U.S. Holocaust Memorial Museum and the tragic death of Officer Stephen Tyrone Johns, who was killed in the line of duty.

Bigotry, racism and intolerance must be condemned wherever they occur, but especially at a memorial to the Holocaust that challenges visitors to confront hatred and promote human dignity. The Holocaust Museum is a hollowed symbol of the cost of this type of hatred to all of humanity. The Museum teaches millions of people about the dangers of unchecked hatred. We do not need further examples of hate and prejudice within its walls—or anywhere else.

The events of yesterday serve as a reminder that the Museum, and all of us, have more work to do to confront hatred and intolerance in our society.

I urge all my colleagues to join me in voting for the resolution and also in expressing condolences to the family of Officer Johns.

Mr. MORAN of Kansas. Mr. Speaker, I am deeply saddened by the news of yesterday's shooting at the Holocaust Memorial Museum and express my condolences to the victim's family.

It is unfortunate that, even in today's world, there are still individuals who choose to deny the tragic events of the Holocaust. In the face of those who adhere to hatred, we must continue to stress the importance of knowledge over ignorance, with the hope that we can prevent future tragedies such as this.

And that is just what the Holocaust Museum strives to do. Each year, some 2 million people from around the world visit the museum where they are confronted with a record of the horrors of the Holocaust so that no one can deny its existence. The museum not only reminds us of the atrocities of the Holocaust, but it shows us what happens when hatred, intolerance, and ignorance are allowed to direct the actions of men. The museum calls each one of us to recognize the humanity in all people, regardless of our differences. Its role in educating visitors about the responsibilities each individual has and its efforts to promote tolerance, understanding, and acceptance continue to be needed.

I wish to express my condolences to the family, friends and coworkers of Stephen T. Johns. The outstanding courage demonstrated by Mr. Johns and all those who serve to protect citizens should not be taken for granted. My thoughts and prayers are with them.

Mr. MEEK of Florida. Mr. Speaker, it is with great sadness that I rise to pay tribute to Mr. Stephen T. Johns, an innocent man who lost his life while securing the countless people who stream into one of the national treasures in our capital city, the United States Holocaust Memorial Museum.

In the building that was erected to preserve the memory of the martyrs and heroes of the Holocaust, the ugly face of bigotry cast a dark shadow over the U.S. Holocaust Memorial Museum on June 10, 2009. The Museum is a place of stillness and personal reflection, and that calm was broken by a gunman who shattered that silence. People from around the country and the world come to that location to learn what the powerful phrase 'Never Again' really means. Visitors take that message to their home communities to serve as spokespeople against bigotry, racism and hatred. That message needs to resonate throughout this country even more so today.

Though this senseless and hateful act of violence is deplorable and has tainted the Museum's stance as a poignant reminder of the millions of innocent people who lost their lives in the Holocaust, it is my hope that the hate that continues to exist in our country will soon cease.

The heroic security officers who put themselves in harm's way to protect the lives of Museum staff and patrons should be commended. Their courageous actions within a building that is synonymous with remembrance and a monument to those millions who died victimized by irrational hatred, saved more lives from being lost to that very same hatred.

Mr. Speaker, I ask you and all the members of this esteemed legislative body to join me in extending heartfelt condolences to the family of Mr. Stephen T. Johns. His life, service and ultimate sacrifice will not be forgotten. Our nation must remain vigilant in our effort to defend against bigotry and heinous attacks such as this. I appreciate this opportunity to pay tribute before the United States House of Representatives.

Ms. MARKEY of Colorado. Mr. Speaker, Holocaust survivor Elie Wiesel once said, ''I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.'' I rise today to do my part to prevent that silence. I rise today to condemn the horrific attack on the United States Holocaust Memorial Museum and to extend my deepest thanks and sympathy to the family of Officer Stephen Johns and to all those at the Holocaust Museum. These men and women spend their days educating visitors from across the world about the tragic events of the Holocaust. The museum and its staff keep alive the memories of those lost and act as a reminder to our society's conscience of the devastating acts that humans are capable of. The events that occurred at the museum yesterday should only strengthen our resolve to combat anti-Semitism and the prejudices that still pervade our society. We must carry the memory of both the Holocaust and yesterday's events with us as we seek to form a more tolerant world. It is only in creating positive from the abhorrent that we can properly honor the lives of those who were lost.

Mr. POSEY. Mr. Speaker, I join my colleagues in condemning yesterday's shooting at the National Holocaust Museum which claimed the life of museum security guard Stephen Tyrone Johns. My thoughts and prayers are with Mr. Johns' family and friends during this difficult time.

Mr. Johns' bravery and self-sacrifice saved lives—many innocent lives. His actions prevented this unthinkable attack from further harming the many families, including many young children, who were visiting the museum yesterday.

Mr. Johns' successfully defended our Nation's most prominent monument built to religious and ethnic tolerance from the worst kind of hate and delusion. Anti-Semitism and harming innocent civilians have no place in a civilized society. He will be remembered always as an American hero and his family should be proud of his sacrifice for others.

Mr. HOYER. Mr. Speaker, I pause today to honor the memory of Stephen Tyrone Johns of Temple Hills, Maryland, who died yesterday defending the United States Holocaust Memorial Museum against an anti-Semitic gunman.

Although the gunman appears to have been a hardened denier of the Holocaust, his crime only brings home the high value of that museum of remembrance, which preserves the historical memory of a people whose communities and institutions have so often been the target of terroristic violence.

That memory is preserved, in ways large and small, by the dedication of people like Officer Johns.

In the wake of yesterday's killing, Mark Blumenthal, an on-line editor, shared the story of his wife's visit to the Holocaust Museum:

''She arrived at the end of a busy workday, in a rush, just a few minutes before closing time. Unfortunately, given the late hour, they had run out of the candles usually provided in the Hall of Remembrance for visitors to light and leave in the niches of the outer walls.

Already feeling emotional . . . she broke down sobbing. A staffer nearby immediately came to her assistance, asking if she needed help. She explained, and the gentleman asked her to wait. He soon returned with a candle, explaining with a conspiratorial wink that he kept his own special supply for such emergencies.''

In gestures as simple and kind as that, and acts as courageous as officer Johns's, we can find ways to carry on the duty of memory.

Yesterday's crime may have been intended to scare us away from the Holocaust Museum; may it fail.

May visitors return in force to bear witness to yesterday's loss and to the historical facts whose denial remains, in the words of President Obama, ''baseless . . . ignorant, and . . . hateful.''

Mr. WAXMAN. Mr. Speaker, the U.S. Holocaust Memorial Museum was created as a sanctuary for tolerance and understanding. It was established by Congress to memorialize the millions of Jews and others who perished during the Holocaust and to educate people about the hatred and intolerance that led to their murders. Yesterday, it was tragically the victim of those same evil impulses.

Today we mourn the death of Officer Stephen Tyrone Johns who was killed in the line of duty and extend our condolences to his family. He will be remembered not only as a protector of the staff and visitors who crossed his path, but also as a defender of the noble ideals the museum stands for.

What transpired yesterday is a horrific reminder of the violence that can stem from racism, anti-Semitism, and Holocaust denial. It was a hate crime in the truest sense—an attack fomented by hatred of Jews, African Americans, and all who seek to embrace diversity, tolerance and understanding.

The gunman who perpetrated this attack had a life-long obsession with his hateful views. We can and must do more to prevent future generations from falling victim to a life consumed by hate.

The most powerful response we can take is to reinforce the Museum's mission to educate and inspire people to fight prejudice in all its forms. With President Obama's recent visit to Buchenwald and the Pope's recent trip to Yad Vashem, we must emphasize the value of Holocaust education as a potent antidote to the vicious venom spread from Internet chat rooms and beyond.

Congress has been a partner of the U.S. Holocaust Museum from the very beginning. We will be forever committed to its safety and its success.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise today with great sadness to address the horrible attack which took place yesterday afternoon at the United States Holocaust Memorial Museum here in Washington. My thoughts and prayers are with the family of Officer Stephen Tyrone Johns, who was killed yesterday in the line of duty while heroically performing the job to which he had dedicated himself—protecting innocent people. The Museum is appropriately closed today in his honor, with flags flown at half mast in memory of this brave and selfless man.

We sometimes have a tendency to slip into a false sense of security and denial when we hear about violence and internecine strife around the world. ''That won't happen here'', we assure ourselves, ''We have moved beyond that.'' But every so often we are painfully reminded that even in this country of freedom and opportunity there are those who would seek to do harm to their neighbors, deny the Holocaust and spew hateful and racist speech designed to divide us.

Of course, our Jewish friends, family, and neighbors were stunned by yesterday's shooting, as it took place in the very hallowed space that our country has dedicated in memoriam to one of the greatest crimes in history, the Holocaust. It is especially saddening that this sacred place, a monument devoted to peace and the prevention of bigotry and crimes against humanity, was defiled in such a tragic manner.

For many Jewish Americans, yesterday's attacks surely summoned up thoughts about other crimes against Jews throughout history, both here in the United States and elsewhere. Of course, we can never forget that Israel itself has faced intense and continuing security threats since its inception over 60 years ago. American Jews are an integral part of the fabric of American society, and irrational actions such as yesterday's attack should serve as an opportunity to bring the American family closer together.

The man who opened fire yesterday at the Holocaust Museum reportedly has been a longtime adherent to a twisted white supremacist ideology. The perverse logic that says the human race is divided and segmented between superior and inferior genetic groups not only runs contrary to our founding concept—''all men are created equal''—it is in fact a cancer upon our society. Ideologies that would place one group of us above others are an affront to the core values that our society was created to defend.

At this moment in our history, when we are confronted by incredible difficulties, we are also filled with hope. We recently witnessed the election to our highest office a man whom at the time of our nation's founding would not even have been permitted to cast a vote. We have seen increasing numbers of women and minorities serving at the highest levels of our government. These developments give us hope, even in the dark moments such as yesterday's murderous attack.

I also would like to note that students from my home state of Massachusetts were in the Holocaust Museum yesterday when the gunman opened fire. I commend the Museum staff and the school chaperones for quickly shepherding the students to safety, ensuring that none was injured in the attack. The fact that millions of schoolchildren visit the Museum and learn the truth about the Holocaust is a rebuke to those, like the deranged killer, who seek to deny that the Holocaust occurred.

As Reverend Martin Luther King taught us, ''the arc of the moral universe is long but it

bends toward justice." We will continue to work to move our nation inexorably in the direction of justice and equality, because those are the values which tie us together. Yesterday, an immoral and evil act took the life of a brave officer. As we express our sadness and respect for Officer Johns, we also remain undeterred in our efforts to achieve and put into practice our nation's highest ideals—that all men and women are created equal, with inalienable rights that no person can abridge.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today to express my heartfelt condolences to the family of Officer Stephen Tyrone Johns, who fell victim to yesterday's fatal shooting at the United States Holocaust Memorial Museum in Washington, D.C. This tragic outburst of violence and hatred turned the Holocaust Memorial Museum, a "Monument of Sorrow" (reported in the Washington Post), into monumental sorrow as we mourn the senseless loss of a brave man who died because of the color of his skin. I sit on the Advisory Board of the Houston Holocaust Museum, and I understand that such a museum should be a dwelling of honor and respect, not a house of violence and hatred. It should be a place that mourns those who died in the horrific Holocaust, as well as a place that seeks to promote peace. This violent act can not be tolerated.

I would like to express my outrage at this racially-motivated killing, and my concern for Officer Johns' family, who is left to comprehend a void that will never again be filled. I would also like to express my concern to the patrons of the Holocaust Memorial Museum in our Nation's Capital, who were subject to baseless and tragic violence yesterday. Despite the strides the United States has made in the arena of Civil Rights, and the progress we continue to make with respect to tolerance, yesterday's hate crime indicates we have not come far enough. We always seek to protect speech, that is part of our American values, but we can not ignore and protect the violence that comes because Americans believe in the right of free speech.

Let this tragic loss be an alarm for the United States that we must do more to promote respect and understanding among the people of our diverse nation, rather than allow ignorance to manifest within our country. Let Officer Stephen Tyrone Johns' legacy be marked as a renewed commitment to fighting racism and bigotry. Let this time be one of new hope between the African-American, Jewish communities, and all communities, that together we shall weave a fabric of tolerance and peace, and that together we shall overcome hatred today. I urge passage of this important Resolution.

Mr. RAHALL. 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 West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 529.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 334]

YEAS—413

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
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
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Baca
Barrett (SC)
Blackburn
Blunt
Brown, Corrine
Childers
Delahunt
Himes
Hirono
Kagen
Kennedy
Lewis (GA)
Linder
Moran (VA)
Nunes
Poe (TX)
Richardson
Ruppersberger
Sánchez, Linda T.
Sullivan

□ 1655

Mr. HONDA and Ms. SPEIER changed their vote from "nay" to "yea."

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. BACA. Madam Speaker, If I would have been here, I would have voted in support of Motion to go to Conference on H.R. 2346—Supplemental Appropriations Act, 2009, H.R. 1886—Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009, H.R. 1687 and H. Res. 529.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1256, FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–145) on the resolution (H.

Res. 532) providing for consideration of the Senate amendment 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 referred to the House Calendar and ordered to be printed.

CONGRATULATING THE MOORESTOWN HIGH SCHOOL GIRLS LACROSSE TEAM

(Mr. ADLER of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. ADLER of New Jersey. Mr. Speaker, on behalf of all Burlington County residents, I rise today to congratulate the Moorestown High School girls' lacrosse team for winning their 10th straight New Jersey State Championship.

As a father of four boys, I understand the importance of having sports and extracurricular activities in a young person's life. It encourages teamwork, a sense of pride and accomplishment, and responsibility. The Moorestown High School girls lacrosse team embodies all those attributes.

Led by senior captains Karli Tobin and Alyssa Ogle, Moorestown High School beat Mountain Lakes High School 11–8. Junior Katrina Martinelli led the team in scoring with four goals and two assists, while Alyssa Ogle scored three goals, including the game winner.

Head coach Deanna Knobloch has been with the team for 18 years. Winning 10 straight championships is no easy task, and I applaud her and her assistants, KC Knobloch, Julie Catrambone, and Courtney Legath. This championship marks the 210th win over New Jersey opponents over a full 10 seasons.

Moorestown moves within one State title of tying the longest State championship winning streak. Again, congratulations to Moorestown High School girls lacrosse team, especially those seniors. I look forward to seeing you break that record.

Go Quakers.

□ 1700

INTRODUCTION OF REPEAL THE STIMULUS ACT

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

Mr. TIAHRT. Mr. Speaker, earlier this year the Obama administration told us the stimulus bill was the salvation to our economic woes. They predicted, if passed, unemployment would top out at 7 percent and claimed jobs would be created or saved immediately. It was passed, but yesterday's promises are in stark contrast to what we see today—unemployment is at 9.4 percent, and just this morning CNN reported that America saw $1.3 trillion of wealth vaporize in the first quarter of 2009.

Despite massive government spending, foreclosures continue, car dealerships are closing, layoffs continue, and the stock market and home values continue to decline. The government is borrowing money it does not have, inflating programs it does not need and making promises it cannot keep. Taxpayers don't understand why so much money is being wasted so quickly with nothing to show for it.

I understand. This week I offered a simple solution. Rescind unobligated money from the stimulus bill and save the taxpayers over $250 billion. That's money we won't have to borrow from the Chinese. Unfortunately, the amendment failed on a party-line vote.

Today I am introducing the Repeal the Stimulus Act of 2009, and I urge my colleagues to join with me to repeal the stimulus bill and the spending schemes of the current administration and cut back on the amount of money we have to borrow from China.

SUPPORTING LEGISLATION TO HELP AUTOMOBILE DEALERSHIPS STAY IN BUSINESS

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

Mr. PAULSEN. Mr. Speaker, the bankruptcy filings of both GM and Chrysler are threatening local auto dealers as both companies are able to bypass State franchise laws that are designed to protect small dealerships. Shutting the doors on these small businesses will mean more job losses at a time when we can ill afford them. It's incredible to many of us here in Congress that these decisions can be justified if it isn't saving a single job and is, in fact, eliminating jobs.

That's why I'm cosponsoring legislation that was introduced this week that would protect these jobs by restoring the franchise agreement between the auto dealerships and GM and Chrysler. Mr. Speaker, this would ensure that the dealers themselves, not the government or the big automakers that are controlled by the government, are able to decide the future of their operations. Let's pass this legislation and help local entrepreneurs keep the businesses they've worked so hard to build.

SPECIAL ORDERS

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

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

SUPPORTING A SOLAR CARVE-OUT

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

Ms. GIFFORDS. Mr. Speaker, our Nation today is facing many great challenges, but there are three in particular that specifically I think are of great concern to the American people: Achieving energy independence, addressing climate change and stimulating our economy. These are all significant challenges, but they also present great opportunities. As we confront these issues, we have the chance to make our world stronger, safer and more prosperous.

One of the best ways to do this is by deploying renewable energy. Renewable energy sources, especially solar, our Nation's most abundant renewable energy source, offers a real solution to these challenges I just mentioned. Our solar resource is vast, it's domestic, and it's free. It is clean, and it generates electricity without greenhouse gas emissions. In addition, the solar power industry is growing and creating good-paying jobs. For all of these reasons, solar is important to America.

This is why I'm concerned about the way that solar power is treated in the energy and climate bill that recently emerged from the Energy and Commerce Committee. I commend Chairmen WAXMAN and MARKEY and their committee colleagues for their persistence and skill in moving the legislation forward. However, I have to express my deep concern that this bill does not do nearly enough to promote solar power, one of the best solutions for our Nation's energy and climate challenges. The current Waxman-Markey legislation would establish a Federal renewable electricity standard, or RES, of 20 percent by 2020, and that's a good goal. The State of Arizona is 15 percent by 2025. However, the bill fails to establish an carve-out for any specific type of renewable like solar; and in my view, this constitutes an enormous missed opportunity. The primary reason to establish a RES is to create an assured level of demand for renewable electricity. This assured demand allows renewable technologies to increase production, learn by doing and bring their prices down. This allows them to become cost competitive with traditional energy sources. However, without carve-outs for different resources, the RES will fall short of its own potential. Instead of creating demand for all renewables, it's going to give preference to those that cost the least, and currently that is wind and biomass. Without assured demand, solar will miss out on an opportunity that the RES was designed to create. It

will not grow as fast as it otherwise could, and it will not become as cost competitive as quickly as it needs to.

Now I have nothing against wind and biomass. But if we develop these resources at the expense of a more diverse portfolio, we will lose our opportunity to stimulate our domestic solar industry that can compete in a global marketplace. I understand the reluctance to pick technology winners and losers. In fact, I agree with that. But I'm not talking about picking a technology. I'm talking about picking a resource, and that is a big difference. It is impossible to imagine a future powered by renewables that does not include a significant amount of solar energy. We may not yet know what that best type of solar technology will ultimately be, but we do know and the rest of the world knows that we want it to come from the sun, and we want it to be solar. Therefore, it's in our national interest to ensure that the U.S. solar industry is the strongest in the world, and we should do so by continuing to promote and innovate. Solar power, yes, is in its infancy today; but we need to make sure that in the future it really drives America.

Thank you for the opportunity, Mr. Speaker. And as we work towards implementing solar technology in our legislation, I just want to thank my colleagues for spending time to learn about this important resource.

To do that, we should establish an effective incentive in the form of a 20 percent solar carve-out within the RES.

A couple weeks ago, researchers at the University of Arizona in my hometown of Tucson were awarded a $15 million grant to create an Energy Frontier Research Center. They are working to develop ultrathin solar panels that use dyes to create electricity from sunlight. This project is tremendously exciting, but as we invest in these technologies, we must ensure we are creating a market to use them.

In the race to become the global solar leader, the clock is ticking and the competition is fierce. America does not have time to waste with poorly designed policies. This is why I call on my colleagues to support a solar carve-out within the RES. It is a proven mechanism to develop a truly diverse renewable portfolio that includes solar power.

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

(Mr. MORAN 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. POE) is recognized for 5 minutes.

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

STATE OF THE UNION'S FINANCES: A CITIZEN'S GUIDE

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. Mr. Speaker, in the past couple of weeks, two of our colleagues, FRANK WOLF of Virginia, a Republican, and JIM COOPER of Tennessee, a Democrat, sent this booklet around to all of the Members. We get a lot of correspondence and a lot of books and leaflets; but I would just like to say to my colleagues tonight, I hope you read this. It doesn't take very long, but it's extremely important because it deals with not only today but with our future and our kids' future and our posterity. What it talks about is the debt that we have in this country and where we're going.

In the last 10 years, we've gone from $5.5 trillion in debt to over $11 trillion in debt, and the debt is escalating at a very rapid rate. In fact, right now the projected deficit in the future is up to $56 trillion. The reason for expected expenditures is for the programs that have been proposed and have been passed into law by this body and the other body. Right now explicit liabilities include publicly held debt, military and civilian pensions, and retiree health benefits, plus other things, that's $12.2 trillion; $1.3 trillion is for Federal insurance loan guarantees, leases and so forth; and then the big one, $42.9 trillion, is Medicare hospital insurance, which is $12.7 trillion; Medicare outpatient, $15.7 trillion; Medicare prescription drugs, $7.9 trillion; and Social Security, $6.6 trillion, for a total of $56.4 trillion. And that does not include what's going on today. We're going into debt right now at about $1 to $2 trillion a year, and it's going to continue like that because of the programs we're talking about.

Over the past few months since this new administration has taken office, we have seen proposed a socialized medicine approach to health, a national health care program. Lord only knows how much that's going to cost, but it's going to be in the billions and billions and probably the trillions of dollars. Much of that will be added to the national debt because we don't have that money. The auto industry—there's been bailouts of the auto industry, and it hasn't really worked. They still had to file chapter 11, and over $50 billion went to the auto industry.

The banking and financial institutions. There was a big bailout of those in the TARP bill, I believe it was. And then the energy bill that they're talking about, the cap-and-trade, is going to cost a tremendous amount of money to the taxpayers not only from the tax money we get here, but also what they are going to have to spend in their homes for higher electric bills and everything else in the future.

Let me just say, Mr. Speaker, this is something my colleagues really ought to read. It talks about our future, our kids' futures and our grandkids' futures. If we continue down the path we're on, there's no doubt in my mind that this country will go bankrupt, and we'll go the way of great civilizations that we have seen in the past, like Rome. There's just no question about it in my mind. Right now the debt that's held by China, Japan, England and other countries is out of sight. They don't want to buy our debt anymore because the value of the dollar has been plummeting because we're printing so much money. Right now we're talking about printing trillions of dollars more because they won't buy our debt, and we don't have that money. When that printing press gets out of control like it is right now, down the road we're going to see very high inflation, very high taxes and an economy that's unsustainable.

So I hope my colleagues will read this. The book is called State of the Union's Finances: A Citizen's Guide, put out by my good friends FRANK WOLF and JIM COOPER, and it is from the Pete Peterson Foundation. It's on your desk. I hope all of you will read it.

ECONOMIC TROUBLES IN THE 17TH CONGRESSIONAL DISTRICT OF OHIO

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

Mr. RYAN of Ohio. Mr. Speaker, I would like to rise today to speak about an issue that is important to our community in Northeast Ohio, specifically, the city of Warren and the city of Youngstown dealing with the auto task force and the bankruptcies that have been going on in the auto industry. The community that I come from has been adversely affected not just over the past few months or few years but really over the past 30 years. We've seen the loss of a tremendous amount of jobs. The home of Delphi, the original Delphi, the original Packard Electric, started many years ago by the Packard brothers; a General Motors plant in Lordstown; steel mills, all have been adversely affected over the past 30 years, but specifically over the past few months and few years, given the new problems in the auto industry.

And every day that we wake up, and we read The Warren Tribune or The Youngstown Vindicator, we've been getting bad news about layoffs—Severstal Steel goes idle, 1,000 jobs; General Motors plant takes off the third shift, takes off the second shift, few left on the first shift. Delphi went from 15,000 employees 20 or 30 years ago down to just a few today. A group that has also been adversely affected with maybe not as much attention as it should have been given are the Delphi salaried employees, who many have spent two-thirds of their careers working for Delphi, working under the General Motors umbrella; and helping with the engineering, the designing, the running of this company, have spent their lives, spent a lot of their time, missed a lot of baseball games, missed a lot of

kids' events over the course of their careers, dedicating their lives to this company.

□ 1715

They are now finding themselves in a very difficult position as we go through this restructuring to where many of them have taken a buyout and were promised a supplemental to get them to Social Security, and now through the restructuring they may not only lose their pensions, but they are also going to lose their supplemental. They are also losing their health care. And this is a group of people that contributed to this company, contributed to this country, for many, many years, and deserve to be heard.

Our community that has suffered all of these blows can only stand so much. And here are another 15,000 salaried workers across the country, but probably about 1,000 in our community, that have done the right thing, have paid their taxes, paid their property taxes to fund the schools and the libraries, supported the communities, did the right thing, and now are being extremely hurt by the situation.

So I, along with many others in the Ohio delegation, Senator BROWN and others, Representative BOCCIERI and Representative CHARLIE WILSON, MARCIA FUDGE, a lot of others, have been spending time trying to raise awareness and push the auto task force to consider these 15,000 people across this great country who have contributed in such a significant way to the auto industry, and we want to make sure that the auto task force recognizes that as these decisions are being made, some already are made, that they are made fairly and equitably; that these people who have served the company as significantly as others get the same kind of recognition, the same kind of support, and they are not asked to bear the brunt of the whole burden.

As the new GM tries to reinvent itself and get back up on its feet, it is important that they don't lose, and I think it is important for the auto task force to recognize this, Mr. Speaker, that they don't lose a core constituency of General Motors consumers. Former employees who have been loyal to the company, 15,000 of them, should not only be considered, but it is a basic tactic for marketing purposes. These are people who want to be loyal to General Motors, who want to be supportive of General Motors, and feel like they are being forced to bear a major brunt of this.

Again, I rise today because I have lived and worked here, and these are people who have coached me growing up and been involved in all of our lives and are such a critical component to our community. Many times I have risen on this House floor to talk about the workers and the unions and how the Amwells and the Youngstown Steel Doors and the UAW workers and the steelworkers have been hurt, but workers are workers, and these people deserve to be heard just as much as anyone else.

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.)

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

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

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

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

TOUGH LOVE FOR CALIFORNIA

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

Mr. MCCLINTOCK. Mr. Speaker, the Governor of my home State of California has called for the Federal Government to underwrite as much as $15 billion of revenue anticipation notes that the State has to issue to avoid bankruptcy. I think that would be a colossal mistake. Such an act would not only put at risk billions of dollars that our country cannot afford, it would actually make California's fiscal condition worse.

Today, California faces a paradox. Despite record levels of spending and record levels of borrowing, it can no longer produce a decent road system or educate its kids or lock up its prisoners. Those who blame the recession for California's budget crisis profoundly misunderstand the nature of that crisis.

Even before California's revenue began to shrink, the State government was running a chronic $10 billion deficit and piling up unprecedented debt. The recession was merely the catalyst. The underlying cause is rampant mismanagement of the State's resources.

California spends about $43,000 to house a prisoner per year, while many States spend just half of that. California spends over $11,000 per pupil, but only a fraction of that ever reaches the classroom. California has one of the most expensive welfare systems in the country, and yet one of the worst records in moving people off of welfare.

That has never seemed to bother California's legislature or its Governor. They are like the shopkeeper who leased out too much space, ordered too much inventory, hired too many people and paid them too much. Every moment that shopkeeper covers his shortfalls with borrowing and bookkeeping tricks.

Ultimately he is going to reach a tipping point, where anything he does makes the situation worse. Borrowing costs are eating him alive and he is running out of credit. Raising prices causes his sales to decline and there is only so much discretionary spending that he can cut.

That is California's predicament in a nutshell. California's borrowing costs now exceed the budget of the entire University of California, and the reason for their loan guarantees is their credit is exhausted. They have just imposed the biggest tax increase by any State in American history, and it has actually reduced their revenues and made the budget gap wider.

Although there are many obsolete, duplicative or low-priority programs and expenditures that the State can and should abolish, there aren't enough of them to come anywhere close to closing California's deficit without directly impacting basic services.

Sadly, California has reached the terminal stage of a bureaucratic state, where government has become so large and so tangled that it can no longer perform even basic functions, a warning to all of us here in this House, I might add. Simply stated, there is now no substitute for a fundamental restructuring of the State's major service delivery systems and restoring the efficiencies that once produced a far higher level of service at far lower costs than what we see today.

Now, restoring that efficiency is going to require the Governor and the legislature to wrest control from the public employee unions, to dismantle the enormous bureaucracies that have grown up over the service delivery system, and to decentralize administration and decisionmaking, to contract out services that the private sector can provide more efficiently, to rescind the recent tax increases that are actually costing the State money, and to roll back the regulatory obstacles to productive enterprise.

These are the changes that cannot be implemented overnight and that will not begin to produce results for some time, and that brings us to the fine point of the matter. What Churchill called history's ''chilling words'' are about to be pronounced on California's failed leadership: Too late.

The Federal loan guarantee or bailout may be the only way to buy time for the restructuring of California's bureaucracies to take effect, but the discussion remains academic until and unless the State actually adopts the replacement structures, actually unburdens its shrinking productive sector and presents a credible plan to redeem the State's crushing debt and looming obligations. Without these actions, Federal intervention will only make California's problems worse by postponing reform, continuing unsustainable spending and piling up

still more debt that the State cannot redeem.

In short, if California won't help itself, the Federal Government cannot and it should not and it must not.

OUR WONDERFUL HISTORY WITH PAKISTAN

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me acknowledge the very hard work that was accomplished by the Foreign Affairs Committee of the House, Chairman BERMAN and Subcommittee Chairman ACKERMAN, and say that we did the right thing today. By passing the Pakistan Enduring Assistance and Cooperation Enhancement Act, the American people have made a few more steps toward their own personal security, their own ensuring of the security of the homeland, and recognizing a long-standing relationship that has had, frankly, its hills and valleys.

Many of us don't know the history of other countries, and obviously we have our own wonderful history. But, interestingly enough, when Pakistan was founded by a person named Muhammad Ali Jinnah, it was founded on democratic principles, and we have had a longstanding 50-plus year relationship, although it has been uneven.

So today we have restored that relationship, and I hope Pakistani Americans and their own Embassy that is here representing Pakistan really realizes that we made a strong statement today for the respect and for the relationship of this nation.

We have in essence put together a document that would enhance significantly economic, social and democratic assistance for Pakistan. We have recognized the importance of public diplomacy and engagement. That is a reinvestment, a reordering of the relationship.

We have also recognized the importance of a regional process or coordination between Afghanistan, India and Bangladesh, recognizing that this area, South Asia, is an important part of our security and their security. We must recognize that the people of Pakistan love democracy. And, yes, what we have seen over the last couple of days really has given us pause.

Well, I want you to know that the Pakistan military under their Secretary of the army is doing something they don't usually do. Their structure has been that they have been monitoring or, if you will, watching the border. That has been their task. For the first time, they have accepted the responsibility of internally ridding their country of the terrorists, the ones who have taken over the Swat, who have undermined them, people whose faith may have drawn them to a particular situation where they thought the government wasn't functioning, so they allowed the Taliban and insurgents to take over.

And this is what we have, frankly, the devastation of 2.5 million people who are now moving from one place to the next. But the army is fighting the terrorists. And do you know what is more important? The people are standing up against the terrorists.

The legislation we have today will provide an investment through a prosperity fund. It will have certain criteria for Federal funding, for taxpayers' dollars to go to Pakistan. They must ensure that their nuclear materials are protected. They must make sure that they are fighting radicalism. And we can stop this kind of human devastation.

We know the international help that came to us during Hurricane Katrina. We know what we did with the tsunami. This is a terrorist tsunami. And I want to say that the Government, whether we agree or disagree with its strength, I believe they love democracy. These conditionalities that may be opposed will work their way through Congress. But if we didn't act today, we would continue to have the burials of so many people that are going on in this country, the kind of massive bombing that the terrorists think they can do to intimidate the people of Pakistan.

So, as a co-Chair of the Pakistan Caucus, I am grateful that we made a first step. I want the American people to know that your neighbors are Pakistani Americans. They are doctors, they are entrepreneurs, they are retailers. They love this country, and they want to help their country as well. I am glad we made this first step.

Let me move quickly to a domestic issue and put an explanation point on what we did right for Pakistan and say that I stand here today and support a restoration and bailout for automobile dealers. We missed the boat. We have dealerships who have gotten these ugly letters saying that even though you are a pillar of the community, you are in good financial shape, you can sell the cars, you must close.

Mr. Speaker, I stand against it, and I believe that as we move forward, we must have a carve-out for our automobile dealers who in fact can maintain their independence, who can sell cars. Whether or not it is by Fiat or whether or not it is someone else, Chrysler and GM cannot close by caveat, despite the bankruptcy structuring, the reordering, the reorganization under chapter 11. They cannot come and close hardworking automobile dealerships, and we as Americans and Members of Congress cannot forget them.

I will be looking forward to supporting legislation and writing legislation for automobile dealers carve-out and bailout.

RAMMING A DANGEROUS AND CONTROVERSIAL AGENDA THROUGH CONGRESS

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

Mr. OLSON. Mr. Speaker, I rise today to express my growing alarm with the Democrat leadership's clear intention to use the conference report on the war supplemental appropriations bill to ram a dangerous and controversial agenda through this Congress.

It is now clear that Senate and House Democrats have decided to let their own political agenda subvert a bipartisan agreement on providing the men and women of our military with the support they need to continue the fight against terrorism in Iraq and Afghanistan.

□ 1730

I proudly supported the House version of this bill when it originally passed this Chamber. However, Democrats are now preparing to use the conference report, which cannot, cannot be amended, to add unrelated, politically motivated poison pills to the measure.

My Democrat colleagues are proposing to add up to $108 billion for the International Monetary Fund as part of the global bailout for foreign nations. Not only is this a bad idea on its own, I have yet to hear any explanation of how on Earth this will benefit our troops in Iraq and Afghanistan.

In fact, this money will have precisely the opposite effect. Iran, which the State Department has repeatedly certified as ''the most active state sponsor of terrorism in the world,'' would be eligible for these funds. Venezuela's Hugo Chavez, who describes America as ''the biggest menace on our planet'' and supports narcoterrorists in neighboring nations, he, too, would be eligible for these funds.

The purpose of this bill is to make sure our Armed Forces have the men and material they need to defeat terrorists. That this bill would include funding that could benefit the sponsors of terrorism, it's outrageous.

All of this being said, I'd welcome an honest, open debate and vote in this Chamber on the IMF funding, but my Democrat colleagues apparently would rather not risk a separate up-or-down vote. Therefore, they've resorted to playing games with funding for our troops by shoe-horning this measure in a war spending bill with no opportunity for debate here in the people's House.

And it won't end there. Unbelievably, reports are that Democrats are looking to include language to permit the transfer of terrorists being held in Guantanamo Bay to the United States, and they intend to require the immediate release of photographs of detained terrorists, likely, likely inflaming Islamists across the globe and further endangering our Armed Forces deployed overseas.

And again, I will happily debate these wrongheaded measures on the floor of this body any day of the week, but this attempt to ram these unacceptable provisions through the House without a debate or a vote is simply wrong. And I can't think of a more demoralizing message to send to our fighting forces than that a majority of Congress is willing, for political expediency's sake, to load down a war funding bill with unrelated, unpopular provisions.

When I served in the United States Navy, we feared the annual games politicians played with military funding. It made us angry to know that we were tasked with a mission, and then politicians played politics with the resources we needed to complete that mission.

Mr. Speaker, I did not come here to play that game. There is no honor in a vote that conditions the funding for our soldiers, sailors, airmen, marines and coastguardsmen on satisfying an unrelated political agenda. This Congress must not cheapen and degrade our military to simply move forward with political interests.

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

(Mr. GOHMERT 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. HENSARLING) is recognized for 5 minutes.

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

HONORING THE SERVICE OF MARINE CORPORAL JOE PIRAM

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

Mr. PAULSEN. Mr. Speaker, I rise to pay tribute to a truly great American, Marine Corporal Joe Piram of Eden Prairie, Minnesota. We literally owe our way of life to people like him.

It's important for us to remember, Mr. Speaker, that every freedom we enjoy, every moment of safety and every dream we have for the future that we hold was purchased with the blood and sacrifice of our military families. We should not only be thankful for the reality of our quality of life, but for those who laid theirs down to make it possible.

We're aware of the things that make our society run—electricity, gasoline, money, jobs, for example—but our society also runs on values, honesty, integrity, service and sacrifice. Our national progress can truly be measured by the quality of our spirit. Here again, our military families epitomize these essential American values. They're role models for all of us to follow.

So with that introduction, I want to highlight the service of one of the thousands of brave men and women who do amazing things for the rest of us every day.

Joe Piram graduated from Eden Prairie High School in 2004. Joining the Marines had been something he wanted to do all of his life, and the passion was fueled by the tragedy of September 11, which played a key role in his decision.

We talk about the threat that al Qaeda represents to our world, and we deplore their savagery and their ruthlessness. Corporal Piram chose to go out and fight them over there so that we could be safe here. He's now served two tours in Iraq and one in Afghanistan. His unit was called ''The Lions of the Desert'' because of the courage and the strength and heart with which they carried out their missions.

Near the end of his most recent tour, however, just about a year ago, he was injured by an IED. He suffered burns over almost 40 percent of his body. In the months since then, he's put the same determination in his recovery that he put into his military service. With the strong support of his family and his own resilient spirit, he's making great progress and doing well. As a matter of fact, when a reporter from the Eden Prairie newspaper called and spoke with him recently, he had just completed a 5K race at an event in Florida.

Joe's recovery is going well, and he's making ambitious plans for when he leaves the military. It's no surprise that he's looking for new ways to use his talents and his values to serve our country in law enforcement, and maybe running for political office.

We have a tremendous country here in the United States. We're not perfect, but we're still the envy of a large majority of people around the world.

Through all the generations of American history, people like Joe have quietly stepped forward to take on the Nation's toughest jobs. They don't do it for fame or for fortune. They simply do it because they love their country, and they translate that love into a sense of duty and service.

Corporal Joe Piram, I honor you and I thank you. We all thank you. We also appreciate your family who raised you, who supported you in your recovery and, in a very tangible way, has also served with you.

With you in mind, we here in Washington can try a little harder today to make this country worthy of the price you have paid to make it great.

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

(Mr. BISHOP of Utah 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. MANZULLO) is recognized for 5 minutes.

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

IN MEMORY OF SERGEANT JEFFREY JORDAN

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

Mr. GINGREY of Georgia. Mr. Speaker, this week the residents of a small town in Georgia's 11th Congressional District are grieving together as they say goodbye to a native son who died while bravely serving his Nation in Afghanistan.

Sergeant Jeffrey W. Jordan was killed in action on June 4, 2009, near Kapisa, Afghanistan, of wounds suffered from an improvised explosive device and small arms fire.

Jeffrey was born and raised in Floyd County and, after high school, he settled in a very close-knit town of Cave Springs, Georgia, with his wife, Lacey, and his son, Tailor. Tragically, the Jordan family marked Tailor's first birthday on the very same day his father gave his life in defense of our Nation.

Jeffrey is remembered as a loving husband, father, son, brother, grandson, friend and patriot whose sacrifice for our Nation will never be forgotten.

Mr. Speaker, Sergeant Jordan leaves behind his wife, Lacey Lambert Jordan, his son, Tailor Jordan; his parents, Mary Lou and Tracy Lorin Dowdy; his brothers, Robert Jordan and J.R. Thomason; a sister, Candice Dials; and his grandparents, C.W. and Barbara White, and Mrs. Delores Thomason and Mrs. Delane Ingram; also a great-grandmother, Mrs. Ruth Wilson, as well as so many aunts and uncles and nieces and nephews and in-laws. Tomorrow, I will join this group of Sergeant Jordan's family, friends and supporters at his funeral to honor the life of this brave soldier.

Mr. Speaker, my prayers go out to his family, and my deepest gratitude goes out to Sergeant Jordan for his selfless sacrifice, yes, for our Nation.

I ask all Members, please join me in honoring the distinguished memory of Sergeant Jeffrey W. Jordan.

CLIMATE CHANGE HEARING

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

Mr. GOODLATTE. Mr. Speaker, as we speak here on the floor of the House right now, the House Agriculture Committee is holding a hearing on the legislation reported out of the Energy and Commerce Committee, the so-called cap-and-trade legislation. Many of us know it as cap-and-tax or a massive new energy tax on the American people.

The Agriculture Committee has wisely decided to hold a hearing on this

complex legislation and, in fact, the Secretary of Agriculture, Secretary Vilsack, has been answering questions from Members on both sides of the aisle for the past 3½ hours, as Members are almost uniformly opposed to the legislation, regardless of their party status, and have expressed grave concerns about the impact that this will have on America's farmers and ranchers, that it will have on rural America and, indeed, the devastating impact that it will have on our economy and jobs and our standard of living as a whole. And I want to bring to the attention of the Members of the House some of the concerns that we have raised.

The impact that this legislation will have on our economy and our very lives is extensive, and we should make sure that not just the Energy and Commerce Committee, but every committee in the House fully vets this bill.

The cap-and-trade proposal is really an $846 billion national energy tax that will hit nearly every American. Moving into a cap-and-trade system will place the United States economy at a distinct competitive disadvantage because it would place significant additional costs on every American business, farmer, manufacturer, and American family.

This bill will raise electric bills across the country by hindering the development of traditional energy sources while also, ironically, limiting the development of renewable energy.

Coal provides the majority of electricity generation in our country, and this bill will effectively stop coal-fired power plants from being built in the United States at a time when one new coal-fired electric generating power plant a week is being built in India and China. They will use those coal-fired power plants to power the growth in their economy, taking jobs away from the United States and putting the same CO_2 gas into the atmosphere that we are passing this legislation to try to stop in this country. It makes no sense.

Nuclear power is the second largest source of electricity generation and the largest source of CO_2-free energy, and it is effectively ignored by this bill, notwithstanding the fact that it will reduce CO_2 gas emissions by a far greater measure than any of the other alternatives that are being discussed.

Also concerning to me is the one-size-fits-all renewable electric standard. This legislation assumes that all States have the exact same amount of renewable resources and can develop them and penalizes States when they cannot.

Furthermore, the legislation excludes far too many people who should be able to participate in the renewable energy market. I know I speak for members on both sides of our committee when I say that the biomass definition in this bill is inadequate. Woody biomass is a clean, sustainable form of energy that deserves encouragement from the Federal Government, not unneeded restrictions. Given the restrictions already placed on woody biomass by the Renewable Fuels Standard, we should not be repeating the same mistake in this legislation.

We must keep in mind that agriculture is an extensive energy-intensive industry, and this legislation will make the cost of energy even higher. It's estimated that the Waxman legislation will raise electricity rates 90 percent after adjusting for inflation, gas prices 74 percent, and natural gas prices 55 percent.

There is no doubt that this legislation will also raise the cost of fertilizer, chemical, and equipment which farmers use daily. This will cause serious economic harm for the American farmer. According to the Heritage Foundation, farm income is expected to drop because of this legislation by $8 billion in 2012, $25 billion in 2024, and over $50 billion in 2035. These are decreases of 28 percent, 60 percent and 94 percent, respectively. I do not know how we can expect American farmers to survive when we cut their farm income by 94 percent.

What I find even more frustrating is that the impetus for this legislation is to reduce carbon emissions, yet it does not recognize the role that agriculture and forestry can play in sequestering carbon.

□ 1745

The legislation does not specifically provide for agricultural or forestry offsets but rather leaves eligible offsets to the discretion of the Environmental Protection Agency. To add insult to injury, over 30 pages of this bill are devoted to developing international forestry offsets, including provisions to send American taxpayer money overseas to forest owners in developing countries while disregarding our own forest owners.

I urge my colleagues to look at this legislation closely and to soundly reject it.

Quite frankly, leaving these offsets at the discretion of the EPA makes me nervous. The EPA is not known to have the best working relationship with farmers and ranchers. USDA has a long record of working with farmers and ranchers, and they have the extensive expertise in agriculture and forestry that will make an agricultural offset program successful. This legislation needs to be amended to allow the USDA, not the EPA, to be in charge of administering agricultural offsets.

This legislation has far reaching consequences for every person, farmer, and business in the country. We cannot ignore that America's economy is intrinsically linked to the availability and affordability of energy. During this economic slow-down we should be adopting policies that seek to rebuild our economy and create more jobs; we need reliable and affordable energy supplies. Unfortunately, cap and trade legislation would only further cripple our economy. Instead of government mandates and bureaucracy we should focus on policies that support technological advances and consumer choices. The bottom line is that we need policies which encourage investment in environmentally sound, cost-effective practices without stifling innovation and setting our economy further back. The simple truth behind the Waxman energy plan is that it raises taxes, kills jobs and will lead to more government intrusion.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

(Mrs. BACHMANN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SPENDING

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

Mr. CARTER. Mr. Speaker, I would like to start first by apologizing to Mr. RYAN, whom I just wandered in here and inadvertently walked in front of while he was speaking. So before I start with my speech, I want to apologize to Mr. RYAN for that inappropriate thing I did.

I agree with President Obama when he said this about spending in May of 2008 while on the campaign trail in North Dakota: President Obama, the candidate at that time, said: ''$9 trillion of debt, that's just bad. That's not fiscally conservative. And so we're going to have to change our policies. The first thing you do when you're in a hole is what?''

And the crowd reacted, ''Stop digging.''

Unfortunately, what President Obama said is not what he has done. In fact, not only did we not stop digging, we threw away our shovel and got a backhoe and started digging double time because in 2008, the debt was too high; but now President Obama has increased spending so much that we have broken historical records on spending.

We started off with the stimulus bill of $787 billion to stimulate the economy. It was promised that its big goal was to cap unemployment at 8 percent. We weren't going to go above 8 percent unemployment, and that's why we had to spend all that money. But, unfortunately, we are sitting here today with 9.4 percent unemployment and rising.

The debt that we have accumulated since the President has come into office has been unbelievable. The $8.5 trillion in 2009 will grow to $16 trillion in 2019. In only 5 months, President Obama and the Democratic majority have managed to spend and borrow more public debt than in the entire history of the United States. That's the past 233 years. So in less than 150 days, they have obligated this country in debt more than the past 233 years.

A couple of weeks ago, I was on the floor of the House talking about the proposed bailout of the automobile industry, which I still contend is an unconstitutional takeover of private industry, based upon the Youngstown

case. The administration has recklessly used the taxpayers' money to basically put the administration in charge of General Motors, Chrysler, AIG, Citibank, and the list goes on and on and on.

I don't think the change the American people were looking for when we heard that change was coming was the change where the government took over the micro-management of industry. I really don't believe that was the change Americans were looking for, and yet that's the change we got.

Even worse, when these people who see where the government is going, where the Democrats are taking this country, they say, We'll give our money back. We don't need your bailout money. We want to give it back to you. And they are having trouble trying to give it back. The Obama administration won't take it.

So with all this accumulated debt and with all this spending that we have done, between now and probably the end of July, we are going to take up basically a government health care plan which is going to include another $1 trillion in entitlement health care spending at a time when all experts agree that Medicare, as we have it right now, has real problems and is going to eventually go broke because there are a whole lot more people taking out of the program than are paying into the program and it only gets worse as the baby boomers grow. So we are going to add to that $1 trillion and, don't worry, we'll figure it out. And, of course, we just heard about the energy tax that's coming our way.

You know the real money that we ought to be worrying about? It's not these folks we are bailing out. Who we ought to be worried about are those guys who have lost their jobs. That's the money we ought to be worried about, and that's what the folks back home are worried about.

THE PROGRESSIVE CAUCUS MESSAGE: ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, this is the Progressive Message. The Progressive Message is the Progressive Caucus' effort to come before the American people at least once a week for 60 minutes or so to talk about a progressive vision for America. Not a vision based on fear, not a vision based on a denial of science, not a vision based on division, not a vision based on scapegoating some minority group. But instead a vision that is inclusive, that says we all matter and we all count. A vision that says science is something we should rely on and have some faith in and some real confidence in because we understand that whether you come from a faith tradition or whether you don't, we have minds that we should use and it's human nature to discover and inquire and find out the facts.

A vision that says that, yes, we are entrusted with this Earth and we, as human beings, are responsible for it and that where we have gone astray, we should try to correct the situation for the sake of our children and all life on the planet.

A progressive vision where we come together every week and talk about things like civil rights, equal opportunity in the economy; where we talk about the struggle to end global warming, or at least try to slow it down; where we come and talk about progressive issues like peace, like demilitarizing our society, like promoting dialogue, diplomacy, and development, by trying to resolve war through dialogue and not through conflict and fighting. These are the themes that we come together with the Progressive Message every week.

This is the Progressive Caucus that brings this message. And we have a Web site, cpc.grijalva.house.gov. It's very important to stay in touch with this critical Web site because it is this Web site that we rely on to communicate with the community around the country.

Tonight with the Progressive Message, we are going to come and talk about our Nation's energy future. America has to embrace this idea that carbon emissions must be cut and must be cut drastically. It won't due just to act like there's no such thing as global warming and deny the science that proves that not only does it exist but it's caused by human behavior. We are here tonight to say it doesn't make sense to say that, look, we can't do anything about global warming because it might in some way hurt our reliance on coal because some people make a lot of money selling coal.

If coal and the use of coal is out of step with the needs of our environment, then we have to find alternative sources of energy in order to make it. If nuclear energy cannot be safely used and there's no way to store it, we should look for other ways and incentivize other ways in order to make energy.

The fact is by whipping out fear, hysteria around cap-and-trade and coming up with clever slogans, which I am not even going to repeat or dignify, the fact is that we are simply delaying the inevitable, which is the gradual acidification of our oceans; the acceleration of melting of our Arctic ice caps; of expansion of desert; of loss of species, of animals, and plants; of intensification of hurricanes and all these very serious problems. The scientists all agree. Only people who don't want to listen to science don't agree, and, yes, we have some of them here.

The fact is addressing carbon emissions, addressing global warming, is not going to hurt our economy. It's going to actually bring jobs. It's not going to hurt our farm economy. And it's certainly not going to be the devastating thing that some people on the other side of the aisle claim that it is. The fact is tonight I just want to talk to people who know that global warming and the acidification of our oceans is a very dangerous and serious problem for all the world and want to do something about it for a change, want to do something serious about it and are not willing to just let this Earth continue to heat up and the oceans continue to acidify and the species continue to die out and the ice in the northern and southern regions of our world continue to melt.

People who want to do something about it, we have a bill that's been marked up and it has been reported out of the Energy and Commerce Committee. We need to hear from you on this bill.

The fact is that right now we have been in Congress focusing on the health care bill. We have been focusing on marking up other important pieces of legislation. And I personally am not confident that we are focused enough on this energy bill. We're not focused enough on the cap-and-trade bill that's coming out. So we want to encourage people to respond and offer their views.

And I want to say this: those of you who yearn for change, who know that carbon emissions are killing our planet, I hope that you understand that your engagement in this process is very important. We need people to give us the feedback we need because there has been a bill reported out. It's not the law yet. It hasn't even been brought to the floor yet. But it is being shaped and crafted every day. And without the active engagement of good ideas coming forth, we will not get the bill that we need.

I want to give a lot of credit to the Members of Congress who have worked hard on the bill. Congressman WAXMAN and Congressman MARKEY have been doing a good job. But I dare say that the legislative process is engaged, involved, and that everybody has to have a say-so in this thing. And those two leaders in the area of carbon emissions have not denied that. In fact, they have welcomed it.

I just want to give a background on the bill that exists so far. It's called the American Clean Energy and Security Act, and it's referred to ACES. And this bill was reported out of the Energy and Commerce Committee on May 21, 2009, and it passed by a vote of 33 to 25. That's not a big margin. The legislation will create millions of new clean energy jobs, in my opinion and based on the facts, and it will enhance America's energy independence and protect the environment.

Another thing that the bill will do is it will signal to the world community that America is serious about cutting carbon emissions. America is leading the way in the world to cut carbon emissions. And, therefore, countries like India and China and other nations of the world that are big emitters, and

we're the number one emitter, but there are others that emit a lot of carbon as well, they now have to bring their economy in line with the needs of our planet.

□ 1800

This bill does represent a new beginning for America's energy environmental future. By saying so, I don't mean to imply that it's a perfect bill or that it can't stand improvement—I'm asking you to help improve it right now—but it does represent a real stark departure from the past.

The bill requires electric utilities to meet 20 percent of their electricity demand through renewable energy sources and energy efficiency by the year 2020. It reduces carbon emissions from major U.S. sources by 17 percent by 2020. It reduces carbon emissions by 80 percent by 2050 compared to 2005 levels. Complementary measures in the legislation, such as investments and preventing tropical deforestation, will achieve a significant additional reduction in carbon emissions.

The bill invests in new clean-energy technologies and in energy efficiency, including energy efficiency and renewable energy that is to the tune of $90 billion in new investments by 2025. It invests $20 billion in electric and other advanced technology vehicles. It invests $20 billion in basic scientific research and development, and it protects consumers from high energy prices. According to estimates of the Environmental Protection Agency, the reductions in carbon pollution required by the legislation will cost American families less than the cost of a postal stamp per day.

The fact is I don't come before you today to say that this bill is wrapped up in a bow. I come to you, asking you to engage in the process that is going on in Congress right now, to be part of this debate, to be part of this dialogue, and to offer your views so that we can come up with the best product available.

I also come to you to say do not let the perfect be the enemy of the good. If we have a good bill here—and it is pretty good—even though it's not perfect, we want your support, and we want your ideas, but it's time to engage and to focus on this energy bill. It's coming. It's marked up in committee. It's in the Ag Committee now, and it's going to need American participation and input.

I want to let our fellow Americans know, who are committed to cleaning up our environment and to decreasing our dependence on harmful fossil fuels, that the Progressive Caucus is proud of the progress that the legislation has made so far. We don't believe that it's done—it's not close—but we're proud of the progress that has been made. We want everyone to know it's not finished and that your input is needed. There is much work to be done.

While we consider this particular legislation as a good start and as a foundation to build on, we are continuing to push for greater expansion in the creation of clean, renewable energy sources like wind and solar. We are continuing to push for the increased regulation of industries that pollute at taxpayer expense, and we are continuing to put America back to work by creating green-collar jobs that cannot be outsourced.

The general Progressive principles for energy legislation are going to be that we need a sharp departure from the past, that we need to move quickly to secure greater progress, that we need to protect individuals as well as communities, and it has got to be based on science and not on politics.

Now, I just want to say again that these are some of the basic ideas of what the bill will do. I'm going to talk about some of the mechanics of the bill in a moment, but I want to make it clear that the fact is that what we have had in the past simply will not work. We've got to have that change. In order to have that change, we've got to have a lot of public input, and this is the time to offer it.

I just want to take a few questions as we move on because a lot of people have responded to my plea that we should have a fully blown, strong conversation around America so that people can offer their views on this critically important topic. There was a question asked at Progressivecongress.org, and 4,887 people asked this question:

Why is EPA oversight of the coal industry being gutted?

Well, let me say that the reason those provisions regarding the EPA oversight of the coal industry are not strong enough is simply because we haven't heard from you enough. We need input on this point. We need you to talk about how you feel about this. We need oversight on everything, but we need your input on what we should be doing to have oversight on coal, and we need your input on how this bill needs to be changed to make sure that the coal industry is being properly monitored. This is a critical thing for you to talk about—I know—and I can tell you that coal-fired power plants are, in my view, a serious problem.

I think it's a basic minimum that they have the technology necessary to clean them up as much as possible. The fact is, even with the best technology we have so far, we still have coal releasing particulate matter into the air—lead, barium, cadmium, mercury emissions, and serious things like that—and into our water that make our fish polluted and inedible.

We've got to have oversight on coal, and I am here tonight to ask you to get engaged in this debate, to get involved in this conversation and to put your ideas up here. Why is the EPA oversight of the coal industry being gutted? You know what? It's because we're not engaging in this debate and are not shaping this debate. It's because we're not calling our Members of Congress and telling them what we want. So I ask you to do that. It's very important that we engage in this conversation. It's ongoing now.

I'll get to more questions in a moment, but let me just speak a little bit about what some of the key provisions of the bill will be. We've talked about one of the provisions that people are concerned about.

Key provisions of the bill include requiring electric utilities to meet 20 percent of their electricity demand through renewable energy sources and energy efficiency by 2020. Now, that is one of the provisions of the bill, and I thought I would make that point before I got to the next question, and 1,871 people asked this question:

Why is Congress refusing to support Obama in his call to get 25 percent of our electricity from renewables?

The bill marked up so far is 5 percent lower on the renewable energy standard than we need. I think 25 percent is a better number, and I hope that we get it, but without political force behind it, we won't. So call up your Congressman, and let him know how you feel about a 25 percent renewable energy standard.

I'll tell you this: Based on the history that we've had so far, I'm happy with the 20 percent renewable energy standard. A 20 percent renewable energy standard is better than the status quo, but it's still not good enough, and it's not as good as we can do. So I think it's very important that we hear from everybody about the importance of a 25 percent renewable energy standard. It's very important that we hear from people about why that 5 percent higher and more ambitious standard would be better than the 20 percent. I think it's obvious why it would be better than the 20 percent. It's 5 percent higher. Yet what does it give us? What does it bring us? What kind of assets and benefits do we get by pushing for that higher renewable energy standard?

At the end of the day, we need to hear from everybody on this point, and we need to hear from you. If we don't hear from you, we're all going to be poorer for it.

Another key provision of the bill is that it invests in new, clean-energy technologies in energy efficiency, including energy efficiency in renewable energy, carbon capture sequestration, electric, other advanced technology vehicles, and in basic scientific research. In this category of investment, we're talking about a significant investment. We're talking about over $190 million. This is a lot of money. The fact is, because the proceeds will be from the cap-and-trade system, this bill is PAYGO neutral. It's very important to bear that in mind as well. The bill will mandate new energy-saving standards for buildings, appliances and industry.

Addressing this issue of buildings is very important. A lot of people know, and more people need to know, that a tremendous amount of energy is lost

through the roofs of our buildings. We need stronger building standards, and we need more energy-saving technology and incentives to get us there with this legislation. If you believe they're not sufficient, we need to hear from you right now. There was a question asked:

Are initiatives for future government buildings to be built green? If not, why not?

The answer is we do have initiatives for future government buildings to be built green. We also have other bills separate from this bill in Congress to incentivize the building of green homes, particularly in HUD homes. There is a bill winding its way through Congress now, and the author of that is ED PERLMUTTER from Colorado. I'm an author on that bill, and I'm happy to be. So that bill, called the GREEN Act, is a very good bill.

Another important part of the bill is to reduce carbon emissions from major U.S. sources by 17 percent by 2020 and by over 80 percent by 2050 compared to 2005 levels. Complementary measures in this legislation, such as investments in preventing tropical deforestation, will achieve significant additional reductions.

Now, again, this is another important piece of the puzzle. The United States needs to do its part. I hear many friends—well, people from the other side of the aisle—always say: Well, what about China and India? What about Europe? What about other places? The fact is, if America sets a marker down there that we are going to cut our carbon emissions, that sends a powerful signal; it enhances our ability to talk to our neighbors around the world and say they've got to cut theirs, too.

So I am very proud that America is leading and is trying to be out there in front and is doing the right thing and is not simply saying, We're not going to change our carbon emissions until other countries change theirs. To me, that's not the American attitude. The United States needs to take responsibility and help lead the way. So it's very important, and I'm very happy that the United States is taking its own responsibility to reduce carbon emissions by U.S. sources by 17 percent.

Let me talk about the renewable energy standard in the bill. The American Clean Energy and Security Act, ACES, as I said before, requires retail electric suppliers to meet a growing percentage of their load with electricity generated from renewable sources. The combined renewable electricity and electricity savings requirement begins at 6 percent in 2012. That's coming up. It gradually rises to 20 percent in 2020. At least three-quarters, 75 percent, of the requirement must be met by renewable energy except that, upon receiving a petition from the Governor, the Federal Energy Regulatory Commission can reduce the renewable requirement to three-fifths, or 60 percent. In 2020, 15 percent of the electricity load in each State must be met with renewable electricity and 5 percent with electricity savings. Upon receiving a petition from the Governor, the renewable requirement can be reduced to 12 percent, and the electricity savings can be increased to 8 percent.

It is important to keep this in mind. This is sort of an essential part of this bill, the renewable energy standard that we've set forth. Can it be better? Yes, I think it can, but we need to hear from you to make it better. As I said, this bill is being marked up and is going through committee as we speak, and it will likely be on the floor before you know it, so please don't miss your opportunity to be a part of this conversation. It can't just be a Beltway conversation. It has to be a conversation that engages Americans from Minnesota—my own State—from California, Oklahoma, Texas, and from all over. We've got to hear from America. We've got to hear from America's progressive community on these issues.

Let me also talk about the importance of this bill. We talked about the investments in clean energy, and we talked about the money allocated for that. I did not mention yet that this bill will promote the deployment of smart-grid technology, and it will enhance transmission planning. This is an important part of the bill. This smart-grid technology and the promotion of the use of it will help cut carbon emissions. It will help in having a more reliable grid, and it will improve our energy usage, which is an important part of our bill.

I mentioned energy-efficiency measures, which include building standards. As to one of the questions we already had, which was regarding our initiatives for future government buildings to be built green, and if not, why not, the ACES bill establishes new standards for building efficiency, requiring new buildings to be 30 percent more efficient by 2012 and 50 percent more efficient by 2016. States are offered allowances that they can sell to support the adoption and enforcement of the new standards. The Department of Energy must enforce standards in States that do not incorporate building standards into their State building codes.

Also, we have appliance standards. ACES mandates new efficiency standards in lighting products, in commercial furnaces and in other appliances. We have vehicle standards. The ACES discussion draft has included provisions to harmonize Federal fuel economy standards with EPA carbon emission standards and California standards for light-duty vehicles. These provisions were dropped in the reported bill after the administration reached an agreement on light-duty fuel economy standards with automakers in California.

□ 1815

That's not all. There are other fuel-efficiency standards. We not only have to reduce emissions—and this bill tries to do that. Does it do it enough? Probably not. But guess what? We need your input and your advice.

The bill also has three primary programs for reducing dangerous carbon emissions that cause global warming: One, a cap on large domestic sources; two, a program to reduce tropical deforestation; and three, an offset program.

Let me talk a little bit about the carbon-capping emissions from large sources.

Starting in 2012, ACES establishes an annual tonnage limit on emissions of carbon and other global warming pollutants from large U.S. sources like electric, utilities, and oil refineries. Under these limits, carbon pollution from large sources must be reduced by 17 percent below 2005 levels by 2020; 83 percent below 2005 levels by 2050. This is an aggressive carbon-capping program, and I am proud that we've come this far. I think we can do better, but this is, I think, progress. If it's not enough progress, I think we need to hear from you.

So these are just a few of the features of the bill. The bill is being marked up. You can see it online. And we hope that people will continue to offer their views on what we should do.

Let me go to another question. So 3,455 people asked this question on progressivecongress, that's 3,455 on progressivecongress.org. What is being done to decrease our dependence on oil, such as wind, solar, and other clean energies?

Well, that's what the bill is supposed to do: decrease our dependence on oil and allow us to generate energy from wind, solar, and other clean energies. That's really the point of the bill, through the renewable energy standard, by capping carbon forces, by promoting efficiency and also conservation. That's what we're actually trying to do here.

The fact is there are a number of critics of the existing bill, and I want to address a few of them before I go on to some more questions.

One of the critiques we've heard, particularly from other folks on the other side of the aisle, is that a cap-and-trade bill is an energy tax. First, the plan is to repower America with clean energy jobs and efficient savings, not just drop a tax. As for capping global warming pollution, this plan is simple. It helps polluters pay and helps clean companies prosper so they can hire more workers.

When the folks on the other side of the aisle say that this bill will be a job killer, my only question to them is, Don't you believe in the ingenuity of the American people? You know, they said when we had auto efficiency standards that it would somehow kill jobs. Well, it didn't. They said that when we began to stop acid rain and use cap-and-trade for that purpose, that that would cause job losses. It didn't. The fact is is that innovation and ingenuity—when brainpower will solve this

problem—and I think we should have a little faith in Americans to solve this problem.

And as I said a moment ago, it's the same solution we put successfully with acid rain in 1990 after which time electricity rates fell 10 percent and the U.S. economy added 16 million new jobs.

They're thinking inside the box and don't understand that we've got people who are thinking of new boxes to make. It's important to point out that the acid rain solution had bipartisan support and was signed by the first President Bush. Well, those days of bipartisanship I guess we would like to see come back a little bit more.

Another attack on the bill is won't this ''energy tax'' raise electricity rates. Even Obama said cap-and-trade will make energy prices ''skyrocket.''

Saving consumers money is not a tax. Saving businesses money is not a tax. Sending $400 billion dollars a year to other countries is a tax, and the fact is, it's a tax that Americans are tired of paying.

This plan, this ACES bill, even in its unfinished form, declares energy independence and puts America on the path to middle class recovery. The President spoke of transitioning to a clean-energy economy that will create jobs, make homes, buildings and vehicles more efficient, and protect consumers. In his inaugural address, remember he said we will harness the sun and the winds and the soil to fuel our cars and our factories, and I'm glad he's doing that.

Let me offer just a few numbers in terms of jobs. Clean-energy job provisions, the RES, or Renewable Electricity Standard, will create over 300,000 new jobs. The efficiency saving measures, which is the Energy Efficiency Resource Standard, will create over 222,000 jobs by the year 2020. Cutting waste, saving money. The Clean Energy Jobs provisions, RES standard alone, will result in nearly a hundred billion dollars in savings for consumers and businesses, which we can put in other things, which we can invest in other ways. And the efficiency measures alone will result in $170 billion in utility savings by 2020.

It's very important to understand that the fear and the scare tactics—people who don't want to take us into the future are always going to try to say what's going to cost money, this is going to go wrong, that's going to go wrong. That's the very essence of a conservative position. They don't want to try anything new. They would rather stay in the status quo than go forward into a better future. But the Progressive vision for our country is not that. The Progressive vision is to deal head-on with this problem, face the problems head-on and create a better situation for all Americans.

Let me just say that this bill, which has been criticized by folks on the other side of the aisle, really is, in many ways, a bill that, of course, is designed to scare some people, because the only solutions we've seen while the House was controlled by Republicans is tax breaks for oil companies who posted record profits, massive increases in greenhouse gas emissions, and erratic spikes in gas and energy prices.

We know that gas prices have been going up over the last several months, but don't you remember only a short while ago they were astronomical last summer, 4 bucks, stuff like that? Well, they're creeping up.

If we go green and really address the greenhouse gas emissions, what will happen is we will see a flattening of these kind of spikes in our energy prices. We will derive savings, and we will have alternative forms of energy and greater control over oil prices.

Marginal increases in renewable energy development. While the rest of the world engages and passes us on, we haven't seen real increases in renewable energy development, just tiny little incremental ones, and a greater dependence on foreign oil.

The fact is is that since 1973, America's dependence upon oil from outside of America has skyrocketed, has absolutely skyrocketed. And this period, much of which was between 1994 right on up to 2006, the House was controlled by Republicans, and for much of that time they had the House, the Senate, and the Presidency and did nothing about this problem; it just got worse. Now we are going to do something about it.

So tonight, we've spent some time talking about energy. The message tonight is twofold. One is that the American Clean Energy Security Act is being developed now. It's a sharp break from the past. It's better than what we have now. It improves the status quo. But Progressive voices have never been satisfied with just doing marginally better. Progressive voices have always said we've got to do way better, we've got to do as well as we can do, not just as well as what we might be able to scrape by with. So I invite people who have a vision for a clean energy future to step forward with their proposals.

The other point is that is not just limited to the bill. It's focused on the idea that this is an opportunity for basic civic engagement and real Democratic participation in our society. As we are now having multiple debates not only on health care but also on foreign assistance reforms, the State Department—as we're talking about appropriation bills, which are probably going to keep us really busy over the next 3 days, the fact is we will be addressing this ACES bill as well, and we cannot allow the advocates for a clean energy, green energy future to not be a part of this critical conversation.

So let me just go through a few more questions, and then we'll begin to wrap up for tonight. It's Thursday night and we're going to move on out, but let me just make sure that everybody who wrote in and addressed our Web site, as we asked them to do, gets their question answered.

What can we do to make it easier for homeowners to become self-sufficient with wind or solar power? We could support the provisions that are in the ACES bill, which address heavy polluters, give American entrepreneurs and innovators the tools they need to stay competitive, which increase production of cleaner renewable energy sources, which reduces our dependence on fossil fuels and creates millions of new jobs. And we can follow the new building standards and we can follow the new vehicle standards.

Why can't we create better tax incentives for business and consumers to use alternative energy? Well, 4,118 people asked this question, and I quite agree. We need to take a close look at the incentives for businesses and consumers to use alternative energy, and I think that we can do better than we're doing right now. And I invite you to engage in that conversation. Essentially, the answer is the politics of the situation have landed us where we are now, and if you want better, you have got to get involved in the debate.

Hawaii is looking for 100 percent clean energy in 10 years. Can every State be urged to push the limits? That question was asked by 728 people on progressivecongress. The fact is the States, much power in the States, great incentives in the States. Each State, all 50 of them, can get out there and set tough, renewable energy standards so that each State can do well. And let me tell you, a State can be a laboratory for the Nation. If States get out there and show that it can be done, that we really can have 100 percent clean energy in 10 years—like they will try to do in Hawaii—and say, Look, we did it. You can do it. Here's how we did it. We can make it happen.

So hats off to Hawaii for their ambitious goal. If you live in a State where you think renewable energy standards like this can be reached, we urge you to get out there and try to make it happen.

Why are we expanding highways when rail transportation would provide greener alternatives to commuters? I quite agree, and 2,799 people asked this question on progressivecongress. We appreciate you putting that question in.

As a person who's really into light-rail transit, bike paths—we're having this debate right now as we're talking about the transportation reauthorization bill. This is a bill that's only reauthorized every 6 years, and I think people should have community forums on this bill all over America. It's not just the ACES bill that can help us get into a greener future, but also the transportation bill and other bills that are coming up can help us get there.

This question, Why are we expanding highways when rail transportation will provide greener alternatives to the commuters? Great question. I agree that this is what we should be doing. I think that highways have been

incentivized and given unfair advantage over rail transit, and I would like to see them compete on equal footing.

So let me say, don't be afraid of the future. The future is coming anyway. Those who stand up and say, Well, we can't have a bill that's going to help America get off fossil fuels and cut greenhouse gas emissions because it's nothing but a tax, understand that the folks who told you about tax-and-spend liberals and all of that—look, we've only had a President and a Democratic Congress for a few months. This stuff wasn't inherited. You want to talk about spenders and debt accumulators? Those guys sit on the other side of this Chamber.

□ 1830

The fact is, the progressive future this country needs is in the hands of the people who are going to help America get into a green, clean future.

This bill, this ACES bill that is being marked up right now, that has already gone through Energy and Commerce, that is in the Agriculture Committee now. This bill is undone and needs the input of all America, people who have a progressive vision for America, people who aren't afraid of the future, not people who cling to the status quo and what happened yesterday, but people who want something better for tomorrow and are willing and have the courage to try to get it.

That's the Progressive Message for tonight. I want to thank everybody for tuning in.

Mr. Speaker, I yield back.

HEALTHCARE REFORM

The SPEAKER pro tempore (Mr. MINNICK). Under the Speaker's announced policy of January 6, 2009, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes as the designee of the minority leader.

Mr. KIRK. Mr. Speaker, tonight, what we would like to talk about is a new and positive medical reform agenda as Congress prepares to debate health care in the United States.

I want to focus this discussion on what we should be for—a bipartisan and centrist agenda for the United States—and compare our country to plans in other countries to make sure that we take the best of all medical care around the world but don't replicate some of the problems that we see both here and abroad.

When we look at a comprehensive reform agenda that would receive widespread support both in the House of Representatives and the Senate, we basically unify around eight major themes.

First, we want to make sure that we guarantee that medical decisions are kept in the hands of patients and their doctors and not a new government bureaucracy.

Second, we want to lower the cost of insurance to make sure that the competitive advantage that the United States could enjoy would be realized, and that also individual costs for all American families are lowered.

We want to increase the number of Americans who have health insurance to make sure that more and more families have the peace of mind that they need to protect their family incomes, their health, and most importantly, their lives.

We want to allow Americans to keep the insurance they like because we know that over 80 percent of Americans—and especially voters—report that they are either satisfied or extremely satisfied with the health insurance plan they have.

And we want to make sure that we replicate the doctor's principle, that first we should do no harm. And in the Congress, on health care policy, we should follow that advice.

Fifth, we would like to improve quality and accountability and make sure that especially the cost of defensive medicine is reduced and that we know exactly what we are doing with regard to health care outcomes to make sure that we are maximizing the treatment and cures provided when a patient presents in a health care facility.

We want to increase personal responsibility, especially for many of the decisions Americans are making because we know that if they lose weight, quit smoking, and stop drinking, their health care will improve dramatically.

And, finally, we want to lower demand for more Federal borrowing at a time when the United States is already reporting that it will borrow $1.8 trillion this year. It is difficult to argue that we should turn every family's health care over to the Federal Government, an institution which is already, as the President says, ''out of money.''

When we look at health care across the world, we see that the percentage of patients who wait more than 2 months to see a specialist is not a dramatic issue in the United States, but this is front-page news in both Canada and the United Kingdom. According to the Commonwealth Fund International Health Policy Survey of Sicker Adults, they report that about 10 percent of Americans wait more than 2 months to see a specialist, but one-third of Britons do, and approaching half of Canadians wait a long time for health care.

We know that health care delayed is health care denied. And imagine—especially if the specialist that you need is an oncologist, someone who treats cancer—what a 42-week wait would be as compared to what we see in the United States.

Secondly, we know from asking Americans, What is the most important thing you would like to see in health care?, they say lowering the cost of their health insurance. Many in this body also say the number one priority is to expand health care coverage so that Americans who do not have health insurance can get it. I would say those two goals are very important, but the most important goal of health care is to determine whether you live or die, to make sure that, especially if you are facing health care challenges of the most severe degree, you have the greatest chance for you or a member of your family to survive. This is most clear in the case of cancer.

When you or I or a member of our family gets that terrible diagnosis from a doctor that you will be fighting cancer, the question is often asked, How much time do I have? Will I be able to survive? When we look at The Lancet, Britain's number one medical journal, they did a ground-breaking study of cancer survival rates across Europe, Canada, and the United States and found that you are more likely to survive in the United States than you are in especially European countries.

They looked at a number of different cancers. For example, prostate cancer: a 78 percent survival rate in Europe—which is fairly good—but a 99 percent survival rate if found in the United States. Bladder cancer: only 66 percent of Europeans survive bladder cancer, 81 percent of Americans. Breast cancer: 79 percent of Europeans will survive breast cancer, but 90 percent of Americans. And uterine cancer: 78 percent of Europeans will survive, but 82 percent of Americans.

Why is it that Americans are doing so much better against cancer than Europeans? Part of it is because in Canada and Europe advanced oncology medicines to fight cancer are restricted; and especially imagery to find cancer, either through x rays, MRIs or CAT scans, are much more available in the United States to find cancer, especially at its earlier stage, which means that Americans, bottom line, have a greater chance of surviving cancer than Europeans.

When we look at 5-year survival rates, overall the picture is also stark. Women fighting cancer have a 63 percent chance of surviving if they are treated in the United States. That survival rate drops to just 56 percent in Europe. For men, the difference is even starker. Sixty-six percent of American men will survive a cancer diagnosis, only 47 percent of European men.

Bottom line, once again we see, across both men and women, you are much more likely to survive cancer in the United States than in European countries. And much of the reason why is because in countries in which the government controls more of the health care sector, they restrict access to oncology medicine and to imagery. That means that cancer is found later and is fought with less aggressive drugs, meaning that Europeans will die at a higher rate than Americans.

When we look at high-tech medical procedures in Britain, Canada, and the United States, many people would say that health care costs are derived by too much access to high-tech medical care. But what we see here is that survival rates are higher in the United States, meaning high-tech is good. And

the chance of your family member surviving improves when you have access to oncology medicine and MRIs.

We see the differences between Britain, Canada, and the United States most clearly here where Britain, who has had the longest record of socialized government-controlled medicine, has very low rates of providing dialysis care as opposed to the United States. In coronary bypass, we see even Canadian rates are much lower. And especially in coronary angioplasty, the United States far outdistances countries with socialized medicine, leading to higher survival rates and better outcomes for Americans over patients who face socialized medicine.

When we look at quality outcomes, this is another study showing the amount of time that you have to wait to see a specialist doctor. In this Commonwealth study, they rated the percentage of people that had to wait more than 4 weeks to see a specialist doctor. This is not a critical issue in the United States, but once again, front page news in the U.K. where we see the rate of patients that have to wait and, therefore, are denied care is three times the rate of the U.S. rate in Canada and in the United Kingdom as opposed to the U.S. And only Germany has a level somewhat equaling the U.S. record of getting you to see the specialist you need when you need to see it without a wait.

This is another chart which shows patients having very long waits. We see that in the United States, only 8 percent of Americans have to wait more than 4 months to see a key specialist, but 41 percent of people in Britain. Imagine getting a diagnosis of cancer, knowing that it is in your body, and being told that you had to wait more than 4 months before you could even see the specialist that you need to survive. This is why we are quite worried about the restrictions that would be caused and denial of care in a socialized system.

Remember also that since the U.S. Government is $1.8 trillion in debt just this year, if you give control of your health care to the government and the government is already out of money, how will it try to save money to rectify the deficit? If it's in control of your health care, it may do what the Canadians and Britons do, which is control your access to care.

I am very happy to be joined by my co-Chair of The Tuesday Group, Congressman DENT from Pennsylvania, who has been a leader on health care and has engaged in a number of these international comparisons.

Mr. DENT. Thank you, Congressman KIRK, for your leadership on health care. As you know, we have been working diligently to come up with some alternative ideas. And the chart that you have just identified in terms of cancer survivability rates as well as health care costs, I think really drives home the point that Americans all across this country understand: that we have a health care crisis, we particularly have a crisis in cost. And they understand, too, that depending on how we engage in health care reform could impact the care they receive.

Americans are concerned about medical breakthroughs, innovation, and quality. They're also concerned about the ability to get the care they need when they need it because they understand that if care is delayed, care is denied.

And you pointed out some interesting cancer survivability statistics from Canada. Interestingly enough, an anecdote: there is a member of Parliament in Canada, I believe she was a member of the Liberal Party. She is a great proponent of the Canadian health care system. And what happened is that she contracted breast cancer, and for whatever reason, she decided she needed her care in the United States. It created quite a controversy in Canada because it really spoke to the issue in Canada, which was that the Canadian system was good enough for all the Canadians, but not for this particular member of Parliament. And it spoke to the issue of two tiers of system, one for those who are in Canada, and those who, when they can't get the care that they need when they need it, they simply go south—because much of the Canadian population lives within 50 miles of the American border. So the second tier of Canadian health care can be provided across the border, and people pay top dollar.

So I think that's something that we have to talk about quite a bit as we engage in this discussion: that we understand that care delayed is care denied, that people understand that the costs are rising, and that we have to come up with solutions.

I am going to be, at some point tonight, talking about medical liability reform, why we need that. And that is a major cost driver. Defensive medicine costs have gone up significantly because of the tort system in the United States. We understand that there is just too much money being spent in the courtroom and not in the operating room. I think we all understand that.

We are also joined tonight by our friend and colleague from western Pennsylvania, TIM MURPHY, Dr. MURPHY, who has a background in psychology, and also has a great deal of interest on this issue.

At this time, I would be happy to yield to my friend and colleague from western Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. I thank my friend from Pennsylvania and also thank Congressman KIRK of Illinois for putting together this important session tonight to talk about health care.

One of the concerns that comes up repeatedly when you talk about health care is the cost. And one of the things that happens, as Washington deals with it, is two approaches: one, they say health care is expensive, let's have the government pay for it, which means you raise taxes. And the other one they say, health care is expensive, let's deal with insurance issues, perhaps some tax credits, which means it's still taxes that pay for it. And I understand in both cases we are trying to lower health care cost, but neither one really gets to the root of that, and that is, dealing with some of the issues that have to do with improving the quality of health care to make it more affordable and accessible. So I would like to focus a little bit on some comments tonight that specifically address this issue of how we lower health care costs.

As part of the plan that Congressman KIRK and Congressman DENT have led here for our group in coming up with some cost savings in health care, one of them has to do with trying to make sure we are providing health care to those who are not able to afford it. We know that currently the government provides assistance for those who have a low income through Medicaid, for the elderly through Medicare, for veterans through the VA; but for those just above the level of Medicaid income, that's the group that we are really deeply concerned about because we want to make sure they get the care they need.

□ 1845

One thing that's also important then is to make sure they have a health care home. Those who have a doctor or a specialist they can go to when they have an illness are much more likely to have that illness treated in a timely manner to provide a cure for them. Care delayed, care denied. When we look at how Medicaid and Medicare operate, that it really sometimes takes an act of Congress to get something done, that's care delayed. Let me give you a couple of examples about how there are problems with that. Let's say you have a stroke and an ambulance takes you to a suburban hospital. Sometimes those hospitals do not have a neurologist. Many times they don't have a neurologist on staff 24/7 or a radiologist. So what happens? Wouldn't it be great—imagine a world whereby a neurologist, through telemedicine, for example, could connect up with the patient, looking at them on a video camera, the patient seeing the doctor. That doctor could be half a country away or could be 20 miles away, whatever it may be, doing the exam with the assistance of a nurse on site. Look at the signs, look at the way the patient responds, and be able to diagnose and offer, does that patient get one type of treatment, which is if there are blocked arteries in the brain leading to the stroke, or another type of treatment which might be hemorrhagic, that is, a burst artery. Each one critically different life-saving treatments. It could mean the difference between the patient who lives and dies. Also it could make a difference between the patient who has years and years of physical therapy, occupational therapy, and speech therapy or one who has

a shorter recovery time. Because when you have a stroke, time is brain. That would make sense if we imagined that, but Medicare doesn't cover that. Instead, it's going to take an act in Congress—I know our friend and colleague Lois Capps from California has been pushing a bill for a while to allow Medicare to do that. This is not a new idea, but we have to take an act of Congress to do this. Or how about this—if you are going to get something called home infusion therapy to provide an IV line, to provide some medical treatments to you, you could do that at home, in many cases, with insurance companies, but not necessarily with Medicare and Medicaid because they want you to go to hospital where you have to go all the way to the hospital, and your risk for problems could increase. It's also going to take an act of Congress to make it so that hospitals actually have to state what their infection and complication rates are. I always find it amazing, you can go online and you can find out, if you are shopping for a new car, everything about that car. You want to shop for clothes, you can go all over the place, checking out the quality reports, consumer reports, all those things on that. If you want to look up the records on a hospital, am I more likely to get sicker or better when I am there, you can't find out that information. As my friends know, for a number of years I put forth a bill to provide transparency in this area, whereby you could look up and find out the infection rate of a hospital. This is critically important because nosocomial infections, that is infections you pick up in a hospital or clinic, kill 100,000 people each year, cost $50 billion, and there are 2 million cases. Sadly, Senator BYRD, one of our colleagues in Congress, is right now suffering a staph infection; and many of our colleagues have had a family member who has faced the same problem. It would be nice to know, and the advantage of having that information out there is that you can look it up, and you could find out. Hospitals that have paid attention to this have actually reduced some of their infection rates to near zero. That's what we want to see, but it's going to take an act of Congress to change that.

Mr. KIRK. I think one of the key lessons that we want is, we want Americans to have health insurance as good as a Congressman, but we don't want them to have to call their Congressman to get good health care. One of the things that we've also seen is that the United States really stands out in a couple of areas that drive health care costs up. We have very little to no Federal lawsuit reform in the United States for health care, meaning that defensive medicine is the practice of the day in our country as opposed to other countries because doctors are so likely to be sued. Another is that, yes, Americans generally have a higher degree of obesity as compared to other countries. And so the Congress and the President, on a bipartisan basis I think, will have a lot of common ground in working and encouraging a reduction in weight by Americans because this will lower health care costs. One of our key experts on how lawsuits drive health care costs up is our colleague from Pennsylvania as well, Congressman DENT.

Mr. DENT. I thank the gentleman for yielding. In Pennsylvania, of course, we have been in a crisis state for some time with respect to medical liability. In fact, my colleague Tim Murphy remembers the great debates we had in Pennsylvania about the need for joint and several liability reform, to make sure that the award would be basically proportional to the degree of fault. We felt that that was something that was absolutely essential. Caps on noneconomic damages, another area we were greatly in need of reform in Pennsylvania. Also the notion of a periodic payment as opposed to one big lump-sum award. One could pay those payments out over a period of time. Something that, again, was absolutely essential. In the city of Philadelphia, in particular, we had a very real crisis. In fact, at the time a group called Jury Verdict Research had done a number of studies about the jury awards and settlements coming out of the city of Philadelphia. The average jury award at that time was somewhere around $1 million. The rest of the State, on average, was a bit less than $500,000. In fact, it got so bad one year that there were more awards and payouts out of the city of Philadelphia than in the entire State of California; and the city of Philadelphia has a population of about 1.5 million people. So what we had to do was find ways to get cases out of the city of Philadelphia, out of those courts. So Congressman MURPHY and I actually passed legislation that would have essentially required the cases be heard in the county where the alleged malpractice incident occurred, and we supported it in Harrisburg. So that made complete and total sense. Consequently, we tried to pass it legislatively, but we ended up having the Supreme Court establish a rule to essentially provide that kind of a remedy. What happened is, we saw the number of cases heard in Philadelphia drop dramatically as a result of that. So that was just another example of the problems.

Also, we have many people in this country who must go to an emergency room for care. They go to the emergency room, and oftentimes emergency room physicians and staff are the subject of lawsuits. But those same physicians must provide care under Federal law, something called EMTALA; and essentially what that means is that they must provide care. So I think what we should do is provide medical liability relief to those emergency room physicians by treating them as Federal employees, not that they're going to be on the Federal payroll. But for tort purposes, in the Federal Tort Claims Act, they would be relieved from those types of lawsuits. Because we've had situations across this country where trauma rooms have been forced to close down. It's dramatic. We also had a situation where we met an obstetrician recently from one of the hospitals in the city of Philadelphia who actually said, The only reason why we deliver babies is to train our students. We lose money. There are many doctors who choose not to deliver babies these days because of liability. And in Philadelphia I know one hospital, I think it was Methodist Hospital, stopped delivering babies. One of the teaching institutions only delivers just so that they can train their residents. They lose money, and it's very costly to them. But they do it as a service and as a way of training physicians. But that's a very sad state of affairs when we can't deliver babies because of the high costs.

Mr. KIRK. I think the gentleman's point is well taken, especially in comparing two States and the average premium for health care in these two States. In New Jersey, the average premium totals over $6,000 per person, a State that has very little lawsuit reform; and a number of the other reforms that we are talking about in our reform bill that we will be outlining next Tuesday from the GOP centrists are not there in New Jersey. In California, a number of the successful reforms that we've put forward are there; and the average cost of our premium is just $1,885, meaning that if you back the kind of reforms that will be in the outline bill that we put forward next Tuesday, you can drop the cost of health care by thousands of dollars per patient.

Mr. TIM MURPHY of Pennsylvania. As an important part of this, we're trying to drive the point that the losses themselves do not guarantee quality. But it's quality that is very important. I believe you have a chart up there about some tests and procedures. I wonder if you could explain and comment on them a little bit.

Mr. KIRK. When we're looking at preventive care, which is so essential, in many countries with government-controlled systems, because these systems are generally out of money, as governments generally are, they have restricted access to preventive care. So particularly in a Pap smear and a mammogram, two essential procedures in finding cancer in women early, we see that 89 percent of American women will have had a Pap smear within the last 3 years, but only 77 percent of Britons. In a mammogram as well, American women are 86 percent, whereas women in the United Kingdom are 77 percent. All of these major industrialized powers, allies of the United States, have much lower access to care, even though they have government systems.

Mr. TIM MURPHY of Pennsylvania. That brings up an important point of how in the U.S. system we handle such

things as dealing with breast cancer and cervical cancer. One of the sad stories in this country is, more often than is necessarily believed, the U.S. handles lumps, et cetera, by providing mastectomies to women. Other countries may not do that. In part, it may be that the tests come much lower, are much more difficult to get in other countries; but it also brings up the other point. We need to make sure that physicians are empowered to provide that ongoing primary care so they can monitor the patients, get the tests they need. Unfortunately we have a system that pays for quantity, not quality; that pays for defensive medicine, not really working on prevention.

Let me read you an important quote. This comes from the New Yorker magazine, an article entitled The Cost Conundrum by Atul Gawande. It's about Texas towns. It says that between 2001 and 2005, critically ill Medicare patients received almost 50 percent more specialist visits in McAllen, Texas, than in El Paso and were two-thirds more likely to see 10 or more specialists in a 6-month period. Why? It was a different approach to care and, that is, providing more care, providing more surgical procedures, et cetera, doing more tests that were not necessarily warranted. You have another area, like where the Mayo Clinic is up in Rochester, Minnesota, where that dominates the scene. They have fantastically high levels of all this technological capability and quality; but its Medicare spending is in the lowest 15 percent in the country, $6,000 per enrollee in 2006, which is $8,000 less than the figure from McAllen, Texas. I bring that up to say that in the U.S., it is a part of what you are describing that patients need access to these tests in a timely manner, number one; but number two, we also need to make sure the physicians and nurses and all medical specialists are getting the information they need to make sure the quality is what we're driving here. When you are dealing with just issues of insurance or just issues of defensive medicine, you are not necessarily driving quality. You are driving more tests.

Mr. KIRK. One of the other things that we've been concerned about is the increasing price of medical malpractice insurance in the United States. Especially if you look between 2000 and 2002 for obstetricians and gynecologists, for physicians, for internists in general, you've got an explosion in the cost of buying insurance. We do not have 30 percent more malpractice in America in just 2 years, but what we may have is a 30 percent greater chance of being sued in America, the most litigious society on earth. All of this drives health care costs up, as physicians have to cover the cost of malpractice insurance and, of course, over-prescribe tests and other procedures.

Mr. DENT. I would like to get in a few statistics about this. This is a very interesting and pertinent subject, this whole discussion of the cost of health care and why it's rising. Defensive medicine costs the U.S. as much as $126 billion per year. That was out of a 2003 HHS study. One-third of the orthopedists, obstetricians, trauma surgeons, emergency room doctors and plastic surgeons can expect to be sued in any given year. The data for 2006 shows 71 percent of the medical liability cases are dropped or dismissed. Only 1 percent of the cases result in a verdict.

Mr. KIRK. So 71 percent are dropped, but a payment is still made because it's a settlement, and that's going to drive up insurance rates anyway.

Mr. DENT. And the physicians and hospitals have to hire attorneys to defend themselves. So there's a lot of time, effort and money expended just to prepare and fight this battle, only to have it dropped. So there is still a cost incurred even though the case is dropped.

Mr. TIM MURPHY of Pennsylvania. Another issue with regard to this bill we've introduced has to do with allowing doctors to volunteer their services. And here is something that only the United States would mess up in our government. Community health centers, which provide great health care at home for people with lots of different services from primary medical care, dental, mental health, pediatric care, et cetera. But they are strapped for money. In many cases they have a 15 to 20 percent shortage of family physicians, OB/GYNs, et cetera. The doctors are covered under the Federal Tort Claims Act. The Federal Government handles their malpractice at a lower cost for them. But if a doctor wants to volunteer, they're not covered. Basically if a doctor says, I would like to give my time to work a couple days a month, offer my time on a volunteer basis, the clinic has to turn them away because they cannot afford the full price of their malpractice insurance. It is the opposite in a free clinic, where if a doctor is paid, they have to cover their own insurance. But if they volunteer, they are covered under the Federal Tort Claims Act.

We have a bill we've been trying to get in for a number of years to allow doctors to volunteer. The advantages people have at health care home, it is a much lower cost. It even reduces the cost for Medicaid patients to go there by some 30 percent, and it focuses on getting the doctor near the patient and the patient near the doctor and eliminating any incentive of defensive medicine, any incentive to do lots and lots of tests just to make up for the losses.

Mr. DENT. Before we get on to our next topic, I just want to mention one thing. What's the point of this whole discussion? I was talking about the rising costs. But in Philadelphia, premiums rose 221 percent for OB/GYNs in the city of Philadelphia. That is between 2000 and 2008. Premiums rose 149 percent for general surgeons in New Jersey. Premiums rose 348 percent for internists in Connecticut over that 2000–2008 period.

Mr. KIRK. But does it mean though that doctors in Connecticut were 300 percent worse 2 years later?

Mr. DENT. Absolutely not.

□ 1900

The point is, this drives up costs, not just in terms of the liability payments that the doctors and the hospitals must incur, and many physicians are now working in hospital-based practices in part because they can't afford liability insurance, so the hospital must pick up that bill and they are struggling to make these payments.

The point is, it raises costs not just for the doctors and the hospitals, but the tests that are going to be prescribed and administered and treatments perhaps proposed just to protect themselves. This will drive costs up. They are protecting themselves against lawsuits.

What is the other issue? Access to care is a consequence, that there will be less access, that doctors won't deliver babies in the city of Philadelphia. That means people don't have access to an OB. That is important. I think that is the point. It drives up costs and it limits access, and Americans want access to health care and need the care when they must get it.

Mr. KIRK. The bill that we are going to be putting forward by the centrists on Tuesday has a number of liability reform provisions authored by Congressman DENT, and community health center and volunteer liability provisions authored by Congressman MURPHY.

One of the things we talk about is access to care. A critical issue coming up is the uninsured. Now, the Census Bureau indicates that there are about 45.7 million, about 46 million people in the country who are lacking insurance. Of those, about 9.5 million are non-citizens, and the question we have to ask is, should we provide taxpayer-funded care to those people who are not legally present in the United States?

About 12 million of the currently uninsured are already eligible for public programs. Because of lifestyle or because of their choice, they haven't even signed up for the health care that the government already will provide them. About 7.3 million have higher incomes than most Americans. They make over $84,000 a year. And about 9 million are only temporarily uninsured.

As you can see here from an older chart showing 49 million uninsured, a large number of the uninsured were uninsured temporarily, only 5 months, and another 25 percent were uninsured for only 6 months, leaving about 53 percent of this cohort uninsured for a long time, a group we all agree should be addressed.

When you take 45.7 million people uninsured, remove the noncitizens, remove the people who haven't signed up for the government programs they have already been eligible for, remove people who have higher incomes than most Americans and should buy it anyway, and remove the temporarily uninsured, you get down to a number of

only 7.8 million. But this might not be a big enough number for a government takeover.

Mr. DENT. If the gentleman will yield, one of the interesting demographics with respect to the uninsured population, I think we really need to focus on this like a laser beam. Over half, I believe, 55 percent of the people lacking coverage in America are under the age of 35. Many of them are insurable. Those college-age kids up to age 35, they tend to be more insurable than much of the rest of the population.

So I believe we do have some suggestions and proposals as a way to cover that population, get them into an affordable catastrophic coverage that they will need in the event that something dramatic happens in their life where they need that kind of coverage. I would like to talk about that a little later. But that is another statistic I don't think we talk enough about.

Also, there are a large number of people uninsured who are currently eligible for programs, whether they be Medicaid or the Children's Health Insurance Program.

Mr. TIM MURPHY of Pennsylvania. If the gentleman will yield. As you know, many of those younger folks you are talking about consider themselves to be the invulnerables. They don't need insurance, they are never going to get sick. The problem becomes one that when they don't do that and they do get sick and they do end up in the emergency room, we pay for it. It is important that we remove any barriers and provide every encouragement and incentive for them to purchase that insurance that many times the employer does offer.

Mr. KIRK. I want to just point out, and I do want to go on to expanding health care insurance, we find for many small businesses they lack health insurance for their employees, and we ought to allow small businesses to join together. For example, the Libertyville Chamber of Commerce Association Health Plan is right now prohibited under Federal law. We should allow small businesses to band together to create large insurance pools on their own, because we know half of all Americans work for small businesses, and many don't have a plan through their employer, and that will be included in our legislation.

Mr. DENT. And that is a very important point. You know, there are so many people out there who need coverage, and there are so many things we can do to help. You just mentioned the idea of allowing employers to reach across State lines and realize greater discounts. That is critical.

But the other issue, too, to help the uninsured, we know that employers receive favorable tax treatment. They get a tax exclusion that is very beneficial to helping them provide health care coverage to their employees. That is a good thing. We want to protect that. There are about 165 million Americans that have health care through their employers in many respects, and what we should do is give the individual who lacks insurance, if his employer cannot provide it to them or if they are self-employed or on their own, give them the opportunity to buy health insurance and give the same kind of favorable tax treatment to the individual that we currently give to the business. That would do a lot to help cover particularly that younger population that is relatively healthy and insurable.

Mr. TIM MURPHY of Pennsylvania. In addition to that, it has to do with how they purchase it. The Federal Government recognizes that if we allow people of low income to pool together they can negotiate better prices. The VA does this all the time. They combine the purchasing power of the VA to purchase for veterans across the Nation. Yet we don't let individuals do that.

We don't let a small business that only has half a dozen employees or 20 or 50 employees to join other businesses of the same type, and that wall placed by insurance companies and by the government leads to higher costs. We ought to allow businesses to do the same thing the Federal Government does and use that as a mechanism to drive down costs substantially.

Mr. KIRK. One of the things that you have put forward, Congressman MURPHY, is the need for public health clinics, et cetera. I think that puts forward a critical point right now missing in the debate.

We know that of the uninsured, by this estimate 44.7 million, of the uninsured, currently 14.7 million are already eligible for public coverage.

Mr. DENT. That would be Medicaid and SCHIP.

Mr. KIRK. That is right, Medicaid, SCHIP and other State programs. But as we found in the State of Massachusetts, when a mandate that everyone has to buy health insurance is put forward, what they have generally found is that a technical and legal solution is not adequate.

They thought that by putting a health insurance signup machine at the entrance of every emergency room in the State they would register and collect the required number of people who hadn't yet signed up for the public assistance that they were eligible for.

What they found is, for a small percentage of the most difficult patients, either because of alcohol, drug abuse or law enforcement problems, these patients were not registering under similar names, not registering under similar addresses, and were failing to report for appointments and other preventive care, meaning for that very small percentage of Americans, we need to provide an open public clinic.

It is the much-more appropriate health delivery system than an insurance system, because for this small group of Americans we have different names, different addresses and different lifestyles, and yet we still want to provide care. But having a 100 percent insurance mandate didn't do it. You needed to do it through a public health clinic.

Mr. TIM MURPHY of Pennsylvania. And as you described, it brings the thought too that in addition to people having this hodgepodge of how disjointed a difficult system that does not allow individuals or employers to purchase insurance is, we oftentimes look upon other solutions and think, well, they are not purchasing it for other reasons, and we artificially keep those things high, and we keep a system that also incentivizes lots of tests, we incentivize a system that is really dysfunctional.

In that I bring to my colleagues' attention an article published by the New England Health Care Institute that said out of this $2.4 trillion health care system, this Nation wastes about $700 billion a year, and all these inefficiencies have to do with care delivery, even beyond that of what we are talking about here, with the tax, the incentives, the insurance and barriers we set up too.

Mr. KIRK. One of the things that we want to make sure is sometimes in this debate when you hear about the uninsured, you may have the impression that the Federal Government doesn't spend any money already providing health care to low-income and needy Americans.

As this chart, already somewhat outdated from 2004 shows, it is a total of almost $35 billion in assistance given to cover the uninsured. But one of the problems has been that some of the patients directly eligible for these government programs don't sign up.

Mr. DENT. The gentleman, Mr. KIRK from Illinois, pointed out an interesting point. He mentioned the Massachusetts health care experiment. What they did in Massachusetts, they had a universal mandate for coverage, but they did not do anything to deal with the cost issue.

So what happened in Massachusetts is while the numbers of those who were being provided coverage through the various programs in Massachusetts through the mandates, those costs rose, but the ability of the taxpayers to meet those rising costs, of course, was limited. So what does the government do? It restricts care, it denies treatment, it denies service, it rations care. That is sort of a microcosm in Massachusetts of what happens in perhaps some other Western European countries or perhaps even Canada.

I am not here to either praise or condemn those systems in Western Europe and the United Kingdom or in Canada or anywhere else. They are different systems. And people need to understand that what happens in those systems when the costs continue to rise for health care and there aren't the tax dollars to meet those costs, they deny care. I think we all know that people are concerned about cures and not treatments. They want to be treated like human beings and not numbers.

Unfortunately, that can happen in those systems where you have a single-payer system. You take a number, wait for your dialysis, wait for your hip replacement, if you can wait that long. If you are a Canadian, if you have the money, you come across the border and get the care you need when you need it. We need to have this very sober discussion.

Mr. KIRK. By the way, the gentleman points out Canada, a country that has basically a two-tier health care system, the Canadian health care system, and then when you are denied care, which is especially prevalent in any care needing advanced imagery or new oncology medicines to fight cancer, the relief valve is they come to the United States. Some Canadian doctors call it ''Fargo-ing a patient,'' meaning when a patient is denied care or care is going to be tremendously delayed under the Canadian system, they will then refer that patient to Fargo, North Dakota, where they will immediately get care under the U.S. system.

The concern I have though is if we have the government take over health care, where will we be able to drive? Where will we be able to go? That is why in our legislation that we will be outlining on Tuesday, it includes the Medical Rights Act, and the Medical Rights Act says this: We guarantee the right of patients to carry out the decisions of their doctors without delay or denial of care by the government.

The legislation protects the right of each American to receive medical services as deemed appropriate by their doctor.

Mr. TIM MURPHY of Pennsylvania. Let me add to that. That is a great base to be moving from that what they do there does need to be these basic rights outlined, because we have a system that stands with huge barriers between doctor and patient and much of that barrier is the government.

The government through Medicare and Medicaid, for example, handles cost controls by delaying care, by denying care and by denying or diminishing payment. So physicians and hospitals that are paid, for example, 30 or 40 percent less for Medicare services, or saying you are not allowed to do these other tests, we are not going to pay for it, end up promoting a situation that is more based on quantity than quality, and that actually increases many costs and increases the chances for fraud and abuse. In Pennsylvania, there was news in the paper of just millions of dollars again of abuse in this system.

What is so important is if you have the patient and the doctor in charge of their care, you incentivize quality, you make sure the doctor has timely information through electronic medical records, et cetera. Those are important things which we are not doing yet as part of this.

But then you look at other clinics, you look at a Mayo Clinic, you look at the Geisinger Plan, you look at the University of Pittsburgh Medical Center, ones that have really focused on, We are going to change the quality and delivery of care and focus on outcome—you actually see those costs go down. That is part of the focus we need to have.

With that, I yield back to my colleague.

Mr. KIRK. Let me just follow up. I want to talk about some of the solutions we are going to put forward, because what is lost sometimes in this debate is we agree with the President that we should lower costs. We agree with the President that we should expand health care. But we think we have a better way.

Many times in partisan debate people can say that we have no alternative. So we have spent about 90 percent of our time coming up with that alternative. We want to make sure that we guarantee the rights of each patient in the doctor-patient relationship so that you or a loved one in your family is allowed to carry out the decisions made by you and your doctor and not be interfered with by a government bureaucracy.

Also though we are focusing in our legislation coming up on lowering the cost of insurance through alliances, through equalizing the tax benefit for individuals so they get the same benefit that employers get when they buy health insurance, and obviously what we have talked about here, lawsuit reform.

Mr. DENT. That was the point I made a few moments earlier about equalizing the tax treatment. That is a point we are stating; that the 165 million Americans—I think that is about 60 percent of our population—has insurance through their employers, but those individuals who cannot afford insurance, and there are a lot of them out there, unfortunately, cannot afford their insurance, but they get no favorable tax treatment themselves. Their employer receives it, as they should, that treatment, but the employee, the worker or the self-employed individual should get that same favorable treatment.

That is a way to really help particularly the younger population, some of whom have some capacity to purchase insurance. They may be relatively healthy, but they choose not to purchase it. Some use the term ''the invincibles.'' Obviously they are not. But they need insurance, and we can help that population afford a reasonable, comprehensive plan.

□ 1915

And that's one of the major parts of the reform that you and I have worked on. And I think we can do this in a bipartisan manner. I think there are plenty of people in this room, on both sides of the aisle, that would be willing to vote for this type of commonsense reform that's going to help people get access to care and coverage.

Mr. KIRK. And here's what we've been working on. We want to equalize the benefit so that if you buy your own insurance, you get the same tax benefit that an employer gets when it buys for employees.

But here's what I'm concerned about. There are ideas building in strength now, in the Congress and downtown, that talk about cutting the tax benefit that employers get for providing health insurance to their employees.

One study by the Llewellyn Group says that if that tax break that employers get for providing care to their employees is cut, 100 million Americans will lose their health insurance. And so a health reform bill, ironically, will cut the number of Americans who have their own insurance from 170 million to 70 million.

Our bill, our positive alternative, goes in exactly the opposite direction. We're enhancing employer-provided coverage and making sure that it's more available.

But I yield to the gentleman.

Mr. DENT. That's an astounding statistic from the Llewellyn Group. When you talk about 100 million Americans potentially losing their health care, where will they go to get it? That's really the issue. So that employer exclusion, that favorable tax treatment is absolutely essential to making sure that many Americans are able to maintain their coverage. And that's the first thing we have to protect in this whole discussion. We have to protect that first.

And some of the proposals that are floating around this capital, as you correctly pointed out, would either eliminate that exclusion or severely limit it as a way to finance whatever kind of program they're advancing. And this is big money.

So I just wanted to share that with the American people, make sure they understand that that seems to be the primary funding mechanism that many are looking at to finance whatever kind of health care system would be proposed, whether it's a government option or some other proposal, single-payer. That's something to be concerned about.

Mr. KIRK. That's what we worry about. They're talking about maybe a $1 trillion cost of a government plan. And so the most obvious response with such a cost is a huge income tax increase, but we know most Americans oppose that.

Some, including Ezekiel Emanuel, one of the heads of the President's advisory committee, has talked about a national sales tax on top of the other tax, but I think there's significant opposition to that. So they've talked about cutting back on the tax benefit that employers get when they provide health care to their employees, but by this estimate, it could cost over 100 million Americans their health insurance.

I yield to the gentleman.

Mr. TIM MURPHY of Pennsylvania. As that goes, when we look at the government running a plan that costs $1 trillion, that's several hundred billion more than the Pentagon. And I'm not

sure that people would say the Pentagon, for all the pride we have of all our soldiers, our sailors, our airmen and marines, I doubt that people would say that's the model of economic efficiency.

Would they say that Social Security run by the Federal Government is the best investment system? Would they—I mean, pick a system that the Federal Government runs, and it's hardly seen as the best. We know we have a lot of dedicated employees there, but oftentimes they are saddled and handcuffed by regulations.

We have a system that is still, after all these years, Medicaid, that has been around since the 1960s, so fraught with inefficiency that it invites waste, fraud and abuse. It has not been revamped.

An article that appeared in the New England Journal of Medicine a couple of weeks ago by Victor R. Fuchs was saying we've got to fix this system first; otherwise—and I go back to this article from the New Yorker. It says this: Providing health care is like building a house. The task requires experts, expensive equipment and materials, and a huge amount of coordination. Imagine that, instead of paying a contractor to pull a team together and keep them on track, you paid an electrician for every outlet he recommends, a plumber for every faucet and a carpenter for every cabinet. Would you be surprised if you got a house with 1,000 outlets, faucets and cabinets at three times the cost you expected, and the whole thing fell apart a couple of years later?

That's where we are with our health care system. It must be focused on quality and on outcome. And I worry that if we have a government-run system and this bureaucracy created, it's going to be a matter between you and your doctor and this Congress. To get anything done, it's going to take an act of Congress or bureaucracy. That's going to be such a huge cost on top that all the people will say, well, it's going to be less involved with regard to administrative cost. I don't see how that is possible, given the track record we have.

Mr. KIRK. If the gentleman will yield, we also not only see other examples of the government poorly running the bureaucracies that it already has taken over, but recently the government took over the largest bond dealer, Bear Stearns. The government has taken over the largest insurance company, the American International Group, and the government has taken over the largest car manufacturer, GM. And I don't think that any us of would argue that the government is running it better in their current states.

Mr. DENT. And if the gentleman would yield, to follow up on that point you were just making about government ownership and autos and financial services and elsewhere, let's talk a moment about health care. And there's an idea being floated about called a government option, which needs to be, I think, fully understood and vetted before the public. But that government option many fear may become the only option for insurance because a government option coverage perhaps would be able to offer it at a much lower cost than any kind of a private sector insurance product. And the fear is that you would have a backdoor government takeover of our health system through this government option, a very real concern.

And again, I just don't think that we should lose sight of the fact that if we—this turns into a backdoor, single-payer system or a government takeover of health care, what will soon follow will be rationed care, that is, waiting lines, delays, denials of care.

Mr. KIRK. I want to emphasize the point the gentleman raises. Not only, if we create a government health care program, will it compete and may be the lowest cost option because it has a taxpayer subsidy, but that taxpayer subsidy may be paid for by ending some of the tax break that employers have in providing health care to their employees.

Mr. DENT. 165 million Americans.

Mr. KIRK. Right. And so, employers seeing that they don't get a tax break anymore for giving health care to their employees will simply cancel your health insurance program, and then the government will be your only option.

Mr. TIM MURPHY of Pennsylvania. As this goes, I mean, I believe the government does have a role in terms of providing regulations, standards of clinical excellence, and pushing companies toward this constantly. Provide the oversight that says, if you're going to be spending the taxpayers' money on Medicaid, Medicare and the VA, we want to see quality measures.

So, if the Federal Government's going to put up money for electronic medical records, to say we need to see you driving constantly towards interoperability, towards intelligence systems, towards integrated systems, towards ones that are highly interactive with the physician. If the Federal Government can play a role in pushing people towards higher quality, I worry if the Federal Government is the prime owner of this, will the Federal Government, itself, push things towards that, and that's were I have trouble reckoning that.

Mr. KIRK. I am going to keep this on the positive side because what we're doing is we're putting together a positive alternative. And one of the other reforms that we will be outlining is to dramatically expand the number of Americans who can have a health savings account, very much like an IRA, so that they can save, especially in their younger, more healthy years, in a tax deferred account that they will use to make up for their deductible expenses and their health insurance.

Over time, as with our IRAs, an account balance will build up. And then, if each of us reaches the age of Medicare, at 65, with a balance in that account, that account either can become part of our retirement plan or eventually a part of our estate to our children.

This is a much more flexible way of providing health care and, more importantly, it's owned by you, not by a government bureaucracy.

I yield to the gentleman.

Mr. DENT. Well said. And I think we should focus on solutions. We've talked a lot about the challenges and the problems and the costs, but it does come down to solutions. And I think to sum up what we've been talking about tonight in terms of our solutions, you, Congressman KIRK, have been a great leader on the Medical Rights Act. And to make sure that that sacred relationship between doctor and patient is not violated, we have to protect that principle, and that notion must be protected up front.

As we lower the cost of insurance, we've talked about some ideas about making sure that businesses can reach across State lines, they can reach across State lines, realize greater discounts so they can provide more affordable coverage to their employees. That's a cost issue.

Medical liability reform, and we've given some specific examples of things we can do on medical liability reform to help lower the cost of care. Absolutely critical.

We want the States to be innovative. We want them to be innovative. And many States, I believe 34 States, have high risk pools, some of which work reasonably well, and others are not very effective. And so how can we help States innovate, to provide ways to make sure people receive coverage, particularly that uninsured population I think we're all generally concerned about. That's that population that is chronically uninsured, and maybe it's about 10 million people. I don't have the statistics in front of me, but somewhere around 10 million people are chronically uninsured. They're not that under-35 population, but people who really need help and may have a preexisting condition that prevents them from getting picked up. Or a person, right now, let's face it, a lot of people are more—what they're afraid of more than losing their jobs is losing their health care coverage. And I think we have to make sure that we take care of that population, uninsured who have a preexisting condition. We need to help them, particularly if they're high risk. And that's where we can use the States, I think, to be very, very innovative.

And the other thing that we have to talk about too, and we don't talk enough about it, but I think people want to see medical breakthroughs in the United States. They want quality and they want innovation, and they don't want an average system.

And I've always been struck. I visited the country of Ecuador once with my family a few years ago, and I was

struck. The tour guide was telling me about their national system, and then we drove by the hospitals. They're right next to each other, the public hospital and the private hospital, and you could tell which was which visually. The private hospital looked like a hotel, a very inviting place. The public hospital, unfortunately, looked like a building that was somewhat dilapidated. And that's what just frightened me, two tiers of care. Now, this is a Latin American country. Some might call it a third world country. But nevertheless, that's what I saw, and I would never want to see that happen in America.

Mr. KIRK. If the gentleman would yield. What you heard tonight is focusing on positive outcomes, making sure we reform health care, less defensive medicine, deploy health information technology, health individual savings accounts.

We have spent far less time criticizing the President and far more time outlining a new positive agenda. But to close tonight, I'd like to turn to Dr. MURPHY, who's been more in the health care system than all of us, to finish us out.

Mr. TIM MURPHY of Pennsylvania. When I look at this, I want Americans and all of us to imagine a system that's based upon cures and based upon outcome, a system where doctors are in charge of your health care, not insurance companies, not the government. And I know that both sides of the aisle are deeply concerned about this. It is not that one side or the other wants insurance companies or the government to win. We all want patients to win, Democrats and Republicans alike. But we must have a system that's focused upon this, not that creates incentives because we're paying people so low to do more and more tests, not to promote more and more medical procedures, but to really focus on this outcome. We can do this through these things we're doing, the patient and doctor in charge. Don't create more barriers. Make sure we have all the efficiency there for quality. We can do those things. Imagine what can happen. Imagine the possibilities. And let's just not throw it out and say it's too difficult; let the government run it.

With that, I yield back to my colleague, Congressman DENT.

Mr. DENT. Just in conclusion, I just think we want to say a few things. I think in our health care system we certainly want our system to be focused on prevention, not maintenance. We want cures, not treatments. The system should be about doctors, not lawyers. We want patients to be treated like they want to be treated, like human beings. They want to be treated like people and not some number, something abstract. They want to be treated like a human being.

And so, because at the end of the day, we all want our loved ones to be cared for. You don't want them to have to wait. You don't want to see your mother, like mine, who's 80 years old be told that she's contributed her whole life, relatively healthy, we don't want to tell her, I'm sorry, we're going to discard you now that you've reached a certain age. That's what we are concerned about.

So we're going to try to work, I think, in a bipartisan manner, try to work in a way that embraces a lot of ideas that we can all share. And short of a government takeover of our system, I think we can do that. We have the capacity to do it. The American people expect it of us, and I look forward to working with all my colleagues to come to that kind of result.

Mr. KIRK. I thank the gentleman, and we will be outlining a positive set of reforms that we think can attract tremendous bipartisan support this Tuesday, from the centrists.

Mr. PETRI. Mr. Speaker, today, President Obama is in my home state of Wisconsin conducting a town hall meeting to promote his health care agenda.

I know that the residents of my home state will tell him that they are struggling to keep up with the rising cost of their health care premiums, while others are simply unable to afford health care coverage.

Many people in my state have lost their jobs and fear that they won't be able to afford their children's medication or that an unforeseen illness will bankrupt them.

Some individuals who have insurance are simply staying in a job they don't like because their next job may not offer health care insurance.

Others who are happy with their insurance worry that any drastic reform will force them into a system that will limit their choice of doctor or access to medical treatment.

I agree with the President that it is time to fix the health care system in the United States so that all Americans, all my constituents, have access to quality affordable health care coverage.

However, I strongly believe that any reform that we consider in the House must be based on a few important principles.

First, it must give everyone access to quality and affordable health care.

All individuals should have the freedom to choose the health plan that best meets their needs.

Second, any reform should ensure a patient centered system.

Patients in consultation with their doctors should be in control of their health care decisions and not government bureaucrats or insurance agents.

If your child or parent is sick, you should have access to timely tests and treatments and not subject to waiting lists or treatment decisions dependent on anyone other than you and your doctor.

Third, our health care system must emphasize prevention and wellness.

Chronic diseases account for 75 percent of our nation's medical costs. By implementing programs focused on preventing such things as smoking and obesity-related diseases, we will not only save lives, but reduce health care costs.

And lastly, any reform needs to focus on getting rid of the waste, fraud and abuse that plagues our current system. Approximately $60 billion is lost due to fraud in the Medicare program alone. We can't afford to multiply that number through a government takeover of our entire health care system.

Our health care system needs to prioritize efficiency, transparency, and results.

I look forward to working with Members of both parties to ensure that these principles guide any legislation we will consider in the future.

GENERAL LEAVE

Mr. KIRK. Mr. Speaker, I would like to ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore (Mr. BRIGHT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) is recognized for 60 minutes.

Ms. SCHWARTZ. Mr. Speaker, I rise this evening to begin what I hope will be a Special Order time with my colleagues. It's a little earlier than we thought, so we're going to see as they make their way to the floor. Hopefully they will be joining me.

But, as you know, there has been a great deal of discussion about health care reform. We just heard a Special Order now from my colleagues on the other side of the aisle talking about health care reform and some of their thoughts about it, and I think sometimes we focus very much on controversial issues and some of the difficult decisions we have to make as we move forward, and let me start with what we're trying to do on health care reform, on this.

What we want to talk about tonight is some of the very important work we want to do as we really meet the President's goals.

□ 1930

He has laid out to us the goals for health care reform, and they are really threefold. They are to make sure that we contain costs. The fact is that our businesses have said to us that the high cost of health coverage, providing health benefits for their employees, has gone up almost double digits every year. And what that really means is that we have doubled the cost of health care benefits to our companies in the last 10 years. That's unsustainable for our businesses, whether they are small businesses that are trying to be economically competitive in their communities or very large businesses that are really functioning on the global marketplace and really competing with companies that are in countries where health care is not an individual employer's responsibility and where costs are more controlled. So we know it's

an economic competitive issue. There's no question about that.

We also know that it is an issue for government. I serve on the Budget Committee. The costs, and we talk about this, for Medicare is really unsustainable if we don't do a better job of containing costs and improving quality and improving outcomes for our seniors. We're going to talk more about that this evening.

But we also know that it's a huge problem for our families. We hear all the time from our constituents about families that have break in coverage and then suddenly find themselves faced with buying a family policy with a preexisting condition, someone in their family with a preexisting condition, and the cost of that policy, if they can find one, is too high for them to be able to afford.

Typically, I know in the Philadelphia area, a decent insurance policy costs anywhere from $12,000 to $15,000 a year. Well, a family that's earning even $50,000, $60,000 a year, after paying their mortgage and paying their expenses and maybe trying to save something for their children to go to college and meeting all the taxes, local and State, really just don't have those kinds of dollars left for them to find $12,000 to buy a decent policy. So they're shut out, completely shut out, which is really a very significant problem when they want to go for health coverage. So we know cost is absolutely a major issue for our businesses, for our families, and for our government.

So what can we do about it? How can we actually ensure that we will contain costs and improve quality and also be able to extend coverage for the 47, almost 48, million Americans who do not have ongoing health insurance coverage? And the fact is we can do numbers of things, and we have been working hard on this to make sure that we create the kind of market reforms that will enable people to buy meaningful coverage that is affordable for them and that they will have the kind of coverage that will really matter.

We also know that we need to make some real changes in the delivery system. And, again, that's what we are hoping to focus on tonight. And what I mean by that, if for all of us who go to see doctors and nurses and spend time at all in a doctor's office either for ourselves or for our loved ones, we know, and our numbers bear this out, that, in fact, we tend to go to more specialists. We have very fragmented care. What we don't have is access to a primary care provider who knows us, who follows us, works with us when we get a serious disease, helps us know what it is that we need to be doing, helps us comply with recommendations, and really also helps us sort through if we need to see numbers of specialists.

So whether you are basically fairly healthy or have a major health care crisis or a chronic disease, we know that we cannot only get better quality care, help improve health status for all of us and each of us, but also contain costs.

And I'm happy to give you some of the numbers that we have in terms of some of the primary care shortages. We often talk about primary care physicians, but the fact is we also have a shortage of nurses, nurse practitioners, physician assistants, and so many of the health care providers that really should be there for us and want to be there for us but there is simply not enough of them.

The Council on Physician and Nurse Supply says the United States may lack as many as 200,000 needed physicians by 2020. So here we are saying that we want you to go see the primary care physician or nurse practitioner. We don't want to go to the emergency room. Look at the Massachusetts experience where they really worked very hard and effectively to extend coverage to the uninsured. What they found was people were still going to the emergency room because there simply were not enough primary care providers or clinics or community health centers in their communities for them to go to.

Let me go on with some other numbers, if I may. They estimate that there could be a shortage of 800,000 nurses by 2020; 46,000 of those physicians and nurses need to be primary care providers. The U.S. population rose 31 percent between 1980 and 2003, but the number of medical school graduates remained the same. So the population is growing. We're looking at a 30 percent growth in population, and the number of physicians is the same. And what is so interesting about that is I think for a long time we've heard we have enough physicians but they're just not in the right place. Well, I think we've gotten that a little bit wrong. There are simply not enough primary care practitioners, physicians, or other practitioners.

Interestingly, the number of medical students who are choosing primary care is steadily declining. Even amongst those who are specializing in internal medicine, I will say that in 1985, half of all internal medicine residents chose primary care; now only 20 percent do.

I was at a press conference this morning with Congresswoman KATHY CASTOR and Congressman JOHN SARBANES and a young woman who has just graduated from osteopathic school. And she talked about the statistics, and she said that most medical school graduates graduate with almost $200,000 in debt. Their first job as a resident, and still training actually, is usually paid about $40,000. So how do you train for another 3 or 4 years, make $40,000 a year, and pay $200,000? That's just medical school. You may have a course debt from college as well. So it is a major issue going forward to make sure that we have more primary care physicians.

Older Americans also are seeking primary care services twice as often as other age groups. So as the population is aging, and we know the baby boomers are coming, and we are talking about them, of course, in terms of Social Security, but the fact is we know that as we are aging and needing more health services, it is very, very important for us to have access to primary care providers.

Let me also talk about one of the reasons we need primary care providers, and that is all of us, but particularly those with chronic conditions. We think about needing health care when we get sick and have an episodic experience where we might need to go to the hospital and might need to see a physician, might even end up in the emergency room. But for many people, they have chronic conditions, and they need to have an ongoing relationship with health care providers so that they can get the kind of care they need, get the advice, get the right prescriptions, and then be able to work with their medical practitioners to be able to comply with that advice and to be able to make sure that they are healthy. And the number out there is that only 50 percent of Americans who do get health care comply with the recommended health care that they're told to comply with. So obviously we need some work here.

This is a shared responsibility. This is not only a responsibility of those who pay for health services and are reimbursed for health services and those providers but, of course, for patients as well.

So let me just say on chronic conditions, some of these numbers may surprise us. But the five most costly chronic conditions are cardiovascular disease, cancer, diabetes, asthma, and mental health disorders. Over 133 million Americans suffer from at least one of these chronic diseases, and over 75 percent of all Medicare expenditures can be attributed to patients with five or more chronic conditions. Just 10 years ago, these beneficiaries accounted for only 50 percent of the Medicare costs.

So something's wrong. We have to fix this problem. We have to make sure that people can hopefully prevent some of these chronic disease. We might be able to do that in a number of ways. I know there's a lot of discussion about wellness programs for prevention. We have seen some very good models. Particularly some of the larger employers, smaller employers, some of the insurance companies are really working hard to try to incentivize people to eat right, to exercise to be able to prevent some of these conditions and some of these conditions from worsening. But clearly we have a long way to go and we have much work to do to make sure we, again, help folks with chronic diseases be able to be healthier, to get better, to not have the disease get any worse. And, of course, in that process it will save them money and it will save all of us the high cost of taking care of patients.

Any of us who has ever visited a renal dialysis center knows that if we can do more to make sure that somebody who, for example, is diagnosed early as a diabetic follows the prescribed treatment, does try to eat right, exercise, really takes care of themselves, and gets good consistent health care and can prevent themselves from becoming more seriously ill and, of course, going into any kind of renal failure and needing renal dialysis is something that would save them many problems and would save us all a lot of the costs involved.

Just a few more numbers because I think they're pretty telling. Chronic conditions cost American businesses nearly $1 trillion each year in lost productivity. We don't even think about the number of dollars that are lost as workers take time off for serious illnesses. About $125 billion of this is due to lost workdays, and the balance is due to diminished capacity while they are at work. So for businesses it's not only the cost of the insurance and the benefits, but it's also a cost when their own workers are not being able to really work at the full scale of their potential and their capacity.

So we know that we can do more. Economic conditions, the health benefits, really taking serious action to make sure that we have enough primary care providers, and that we do a much better job of coordinating care for those with chronic diseases will really have a dramatic impact on the health status of Americans and on the cost to all of us. And that's really what we want to do.

I think that we have heard some others talking earlier about the need to do medical research. We believe very strongly in that, and we have already made a very good commitment to doing that by putting $10 billion more into NIH. We did that in the Recovery and Reinvestment Act, and that was very significant. Of course, we want to see better treatments and we do want to see cures. That takes dollars for medical research and a real commitment to the science of biomedical research into some of the new products and devices. But it also takes prevention and it also takes better coordination of care.

Patients with chronic diseases need to have access to primary care providers. We talked a bit about that. We need to be able to make sure that they get good ongoing chronic disease management.

And I have introduced legislation. It's House bill 2350, and I have to say it's got enormous support here in the House, 100 cosponsors. I'm very proud of that. And many others are looking another it, and I have only introduced it just a couple of weeks ago. The idea of that legislation is to make sure that we preserve patient access to primary care. And one way to do that is to increase the number of primary care providers by increasing the number of residency program slots for primary care. We're going to hopefully do that. And for more nurse practitioners and more nurses in this country. That would be very helpful. But another concept, and I see another colleague of mine is going to join us, which is just great, but just to finish this thought, there's also reimbursement for a concept called ''medical home.'' This isn't a place. This is a group of services. It's a commitment on behalf of the provider, the doctor, the nurse practitioner, the physician assistant to be able to provide a medical home so that you know you have ongoing care, particularly when you have a chronic disease. And we can talk more about that going forward.

But I want to thank my colleague for joining me. I see Congressman JASON ALTMIRE has joined us. He's also from Pennsylvania, from the other side of the State, from a community, Pittsburgh, which is known for its medical care, medical schools, and it has a lot of health care providers. But I bet and would imagine that Congressman ALTMIRE has some of the same experiences I do, that while we have great quality health care, it is also too often fragmented and is too often not accessible and too often not affordable for too many of our constituents.

So we're here tonight to talk about health care reform, particularly the commitment that we're making as we move forward on health care reform to expand and extend access to more Americans, to make it more affordable. It also means a commitment to fixing our delivery system, and that means a commitment to primary care.

I want to thank Congressman ALTMIRE for joining us, and I welcome his comments.

Mr. ALTMIRE. I thank the gentlewoman for yielding. It's been a pleasure working with the gentlewoman as part of the New Democratic Coalition. We are the co-Chairs of that group.

The gentlewoman hit it right on the head, that we do have the best health care system anywhere in the world if you can afford to get it. If you have access, and there are millions of Americans that have insurance and they like it and they have access to the system, our medical innovation, as the gentlewoman said, our research, our technology far exceeds anything available anywhere else in the world. Our quality at the high end exceeds anything available anywhere else. It's why people come from all over the world to the United States to get their transplants, to get their heart taken care of, to get their high-end, high-tech care because we do it better than anybody else, and there is no question about that.

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The problem is the costs are skyrocketing with our health care system. Every family, every business, every individual in this country is impacted by the cost of health care and not just with what you're paying directly for your health care costs—what your copayment, your premium or your deductible is. The cost of everything that you buy in this country is higher because of health care costs. We use the example of an American-made car. $1,500 of the price of every car made in this country goes to health care costs—to the health care costs of the workers who are involved in putting that car together.

It's more than that. It's every level of the supply chain, every segment. If you think about the company that manufactures the good, the people who ship the good, the people who receive it and stock the shelves, and the people who sell it, at every level, there is a component of cost that is increased because of health care costs of the companies involved in that. This is at every level of the supply chain.

If you think about every segment of our lives, health care is a part of that. What we are trying to grapple with here in this Congress over the next few months is how to preserve what works in our current system, because we don't want to throw the baby out with the bath water. We don't want to lose the good things about our health care system, but we do want to address the things that don't work. So we think about the fact that we spend $2.5 trillion a year on health care in this country, far more than in any other country in the world.

Yet, with some things, we don't get mediocre results; we get bottom-of-the-pack results when compared with other countries—in life expectancy and in infant mortality. We're not in the middle of the pack. We're at the bottom of the pack. We can do better. We're not getting our moneys worth, especially when you consider the 50 million Americans who don't have any health insurance at all. Now, when they show up at the emergency rooms, they get covered; they get treated, but the bill gets passed to the millions of Americans who do have health care coverage. The reason you pay $10 for an aspirin at a hospital is due to the cost shift that takes place, making up for the difference of the people who can't afford their health care. There are tens of millions more who live in fear of losing their coverage. They are one accident, illness or job loss away from losing everything, and that, in the United States of America, is unacceptable.

So we have very high quality at the high end, but we have very high costs, way more than any other country. We have millions of Americans who have coverage and who appreciate their coverage and who like it, but we have tens of millions more who don't have coverage or who are underinsured.

So the challenge we have as a Congress is how to fix what doesn't work—what's broken—and how to preserve what does work. We've put forward a plan, and we're in the very beginning stages. There is a lot of negotiation that's going to go into this, both in the House and in the other body, to talk about how we can achieve that goal—

but make no mistake. As the gentlewoman knows, we are not going to fail. We are going to pass a health care bill this year because the American people have demanded that we do that.

As I said, it affects everybody in this country. The cost increases that are double and triple the rate of inflation every single year are simply unsustainable. We are never going to get ourselves out of the budget crisis that we have over the long term, our annual budget deficit and our structural debt that we have, unless, as the President says, we bend that cost curve on health care. We have to bring costs more into line with the rate of general inflation.

Ms. SCHWARTZ. Would the gentleman yield for just a moment?

I think, when some of our constituents hear some of those words, they really want to know—and I think that's one of the things that we're really interested in pursuing here. They want to know: Well, does it mean I'm going to get less health care? Does it mean I'm not going to get what I need? Does it mean I'm going to go to the emergency room, and they're going to turn me away?

The fact is we're trying to be smarter than that. We want to say no. What we're saying instead is that we want to make sure you get the right services when you need them. I'm sure you hear from constituents who find that they don't go to emergency rooms because there simply aren't doctors in their communities. I remember when I was growing up that there was a general practitioner down the street. We all went to him. I'll bet there's no general practitioner there anymore. I know, in parts of my own district, we've seen some hospital units close. We've seen doctors' offices close. It just isn't the way medicine is practiced right now.

The truth is, with reimbursement to insurance companies and with what we've done under Medicare, we've not created any incentive for doctors or nurse practitioners to go and open offices in small communities and provide those kinds of services. Instead, we've encouraged them to become specialists, to really do the fancy kinds of things. While we need them and while we want to make sure we have those specialized physicians there and available for us and while that has got to be covered, if we only cover that, if we only focus on that, we've really forgotten sort of the simple things, you know, which are:

How do you really talk to patients and make sure that they understand what they need to do? How do we actually make sure that we have a shared responsibility instead of a patient's saying: Oh, I'm sure I can just go and get a pill for that. Wouldn't we all love that, to be able to take a pill and we'd all be fine. It takes more personal responsibility, and it takes a patient-doctor relationship. That's often what's missing is that ongoing relationship with primary care providers—that's both physicians and nurse practitioners—and it's one of the things we want to address.

I'm sure that the gentleman has heard the concept of medical homes. Maybe you'll want to talk about that, about the idea of an ongoing relationship, about the fact that we're really interested in this health care form of creating a new opportunity to reimburse primary care practitioners for that kind of ongoing relationship with patients so that they know which specialists to see and so that they can help people sort through the many medications they take. I was just going to give you one number, which my staff gave me earlier, which I was really quite struck by.

It said that medical beneficiaries with 5 or more chronic conditions see an average of 13 different physicians per year and are prescribed an average of 50 different prescriptions.

That's a lot to sort through if you're not an expert. It really is. Think about actually having someone you can talk to and say: Wait a minute, do I really need to take these? Should I still be taking these? Shouldn't I? You know, who do I ask about this?

I'm sure you've heard some of these stories from your own constituents and probably from some of your own providers as well.

Mr. ALTMIRE. I have, and I thank the gentlewoman.

There is a lot to talk about just with this one concept, with this one component of health care. Part of the issue that we'll, I'm sure, get into is that of computerized medical records, of having an electronic health record that you carry with you everywhere so you avoid this situation that the gentlewoman described where you have, as a consumer, 50 different medications when you show up at a provider's somewhere that's out of your hometown.

If I go to San Diego and put my ATM card in the machine, I can pull up all of my financial records safely and securely. I never think about privacy. If on that same trip I end up in the emergency room, they don't have my medical history. They don't have my family's medical history. They don't have my allergies, my prescription drug regimen. They don't have any imaging that I might have had taken—x rays and so forth.

There is no reason that health care has to be the only industry in the country that hasn't gone to an interconnected/interoperable health information technology system, which is part of where the gentlewoman is going.

The other part—and this is a great point—is we have to begin to have our reimbursement system structured in a way that we incentivize the quality of care rather than the volume of care. We should not just talk about how often the patient goes to see a doctor and then reimburse based solely on that. We should be reimbursed based on: What is the appropriate setting for the patient? Where would the patient rather be? Where is the patient going to get the highest quality care?

We don't do that right now in our health care system. If you have a chronic disease, there are some cases—and certainly it would be on an individual basis and in conversation with your physician—where it shouldn't be determined based on reimbursement, based on money, as to what setting in which you're going to get that care. It should be: What is the best outcome likely based on the setting that you get? If home- and community-based care is the best setting, we shouldn't provide a financial disincentive to get it there. If that's the most appropriate, cost-effective setting and, most importantly, that's where the patient wants to be and that's where his family wants the patient to be, then, by all means, we should incentivize that setting. We're not doing that today.

Ms. SCHWARTZ. If the gentleman would yield, I appreciate very much your raising the issue of health information technology. You're absolutely right.

The health industry has been so slow to really be involved—to really use the computer, to use information technology—in a way that so many other industries have been. As any of us know who started out in our professional careers not using computers, I think we sometimes were slow or were anxious to do it. We were nervous about that.

I remember someone who worked for me a number of years ago who resisted it completely. She said: Don't be silly, I know exactly what I'm doing. I take notes. I do fine. We finally told her she had to use a computer. We just told her that we were doing it. Just a few months later, I remember the computer system went down, and she was like: Oh, my goodness. How can I function?

Well, you can imagine this in health care, which has been so paper-driven and so labor-intensive, the idea that physicians would have this at their fingertips even within their own city or even within their own medical practice sometimes. I was talking with a medical practitioner who said: Sometimes—I don't know—a patient could have been in my office, seeing another doctor the day before, and because the notes weren't transcribed yet, I don't know happened—or 3 days ago.

Another example: A patient who is just visiting Geisinger health system in Pennsylvania—a great model. The primary care physician has the ability to see the hospital records while patients are in the hospital. So they don't have to wait 3 weeks for specialists who saw them in the hospital to write them a summary, have it dictated and mailed to the primary care physician 3 weeks later or 4 weeks later.

It turns out those 3 or 4 weeks are incredibly important, after discharge, for the patient to be following the advice of the physician and knowing what to

do. It's a very uncertain time. You need to be able to have contact with your primary care physician during that time, and the primary care physician needs to know firsthand what happened to you.

An electronic medical record is extremely important in helping a primary care physician provide the right care for you and prevent a re-admission, which is a huge cost for all of us. We've talked a lot about that in terms of infections, but there are a lot of reasons people get re-admitted to the hospital. If we can prevent that by the right kind of home care, as you pointed out, or by the right care and attention from a primary care physician, that is not only going to help that person stay healthier, but it is also going to help that person get the care he wants.

I know we talked about this, too, which is, in terms of improving quality, there are now critical protocols. We like to think that every one of our physicians knows exactly what to do for us. By and large, most of our physicians, fortunately, are pretty good. As for all of us, if you have to do five things for somebody when one comes to you because one has some particular health condition and you tend to do four of those five most of the time, you're probably pretty good. It turns out, if you actually do all five every time, your patients are going to be a whole lot better off for it.

So, you know, maybe we're not used to the fact that the doctor might actually look that up on the electronic medical record and have to check it off, but it turns out that it really makes a big difference when you really did remember to remind one to stop smoking and when you really did remember to tell a parent to put a child in a seatbelt. I mean all of those things may not seem so directly connected to what a physician was seeing one for, but it enables the physician to make sure one gets the care one needs: Remind them about mammograms. It's time. If a woman hasn't had a mammogram for 3 or 4 years, maybe it's time, not to mention making sure that they take the right medications and follow the right orders.

So electronic medical records are what—you're right—the new Dems have really championed, and we have, of course, a President who has championed it as well. We put in $19 billion in the Recovery and Reinvestment Act to really help push this forward in a much more ambitious way—the use of electronic medical records in our physicians' offices and in our hospitals and having them be secure, private and interoperable. It's absolutely key.

I don't know if you wanted to comment on that or on other issues related to primary care or on other things that we can do with the delivery system that really will help us be able to contain costs and to give better care to people.

Mr. ALTMIRE. I wanted to comment, following up on the gentlewoman's comment on quality of care and medical errors.

According to the Institute of Medicine, there are 100,000 people every year who lose their lives due to a preventable medical error. Needless to say, with each one of those individuals, there is a tragic component to their personal stories—to their families or certainly to their own losses of life. There is also a burden to the health care system of medical errors because there are hundreds of thousands more who, because of preventable medical errors, are injured. Their treatment costs more, and each one of those individuals, more importantly, has suffered a severe medical setback. Their families are impacted by that. Their lives may never be the same.

In the aggregate, when we talk about cost reduction, something as simple as preventing infection, as the gentlewoman talked about, or as simple as preventing medical errors through the use of information technology, these are things that are going to save billions of dollars for our health care system in the aggregate. More importantly, they're going to increase quality for every individual who enters our health care system and will prevent these medical errors.

So the gentlewoman is correct that, when you look at even that one segment of health care reform, you're talking about billions of dollars. You're talking about the quality component—impacting lives in a way that is exponential throughout the health care system, not just involving one person.

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Ms. SCHWARTZ. I was going to mention something else, too, that I think that's a really important and good point is that one of the other points that we make that we're also trying to do in health care reform in terms of prevention and chronic disease management is that so many health policies that people buy, the up-front costs are really on them and so that preventative services—the screening, the early intervention, the simple doctor visits that can reduce the incidents of disease and keep you out of the hospital and keep you healthy—sometimes that's what you have to pay out of pocket for.

Some people say, Good. You should pay out of pocket. I think we have to understand what we're doing in health care reform is very much about a shared responsibility.

We were talking about providing some subsidies for lower-income working people. Everybody is going to have to pay into the system. We're going to keep the employer-based system. We're going to help those who really are at a lower income be able to pay on a sliding-scale basis for health insurance either in the private system or public option. But the fact is that we should be creating incentives to get early care: not wait too long, not wait until they're sick, not wait until they go to the emergency room. And that's what we're going to do as well.

So I did want to just finish up by saying that this health care reform effort that we are engaged in is complicated, but it's also very important. We want to make sure that, again, our businesses are able to continue to provide health coverage for their employees, that families can afford it if they're on their own, and small businesses or individuals can afford to pay for health care, and that government can continue to meet our obligations under Medicare for our seniors, something so important.

And we're only going to be able to do that if we do a better job of incentivizing, providing reimbursement, for delivery systems, medical providers, doctors and nurses, and all of the many health care practitioners that are so important to us. We have to make sure that they have the reimbursement, they have the tools to be able to provide the care in the right settings in the community to help us, have the information we need, have the right medical device to work with us to be healthier.

At the end of the day, our hope, I believe, is not only that we will extend coverage, not only that we will contain costs, not only that we will improve quality, but at the end of the day, Americans will be healthier. And if Americans are healthier, we will, in fact, contain costs and be able to afford to make sure that we have no child in America without health coverage, that we don't have families who are bankrupt as a result of health coverage, that we don't have families worrying every day because they have one family member with a chronic disease and they can't get insurance and that they can't act responsibly. That is certainly something that we want to do.

It's a goal that the President has set out. It's a goal that many of us have worked for years on. We're working hard right now to make it happen, and I look forward to standing on this floor to have the opportunity to vote for comprehensive health care reform that will contain costs, that will improve quality, that will help enable every American to have access to affordable, meaningful health coverage in this country.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HIMES (at the request of Mr. HOYER) for today on account of death in the family.

Mr. HILL (at the request of Mr. HOYER) for today until 1 p.m. on account of personal reasons.

Ms. CORRINE BROWN of Florida (at the request of Mr. HOYER) for today after 2 p.m. on account of district business.

Mr. BACA (at the request of Mr. HOYER) for today and June 12 on account of a death in the family.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today after 4 p.m. on account of official business.

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. POLIS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. GIFFORDS, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. MCCLINTOCK) to revise and extend their remarks and include extraneous material:)

Mr. PAULSEN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, June 18.

Mr. POE of Texas, for 5 minutes, June 18.

Mr. JONES, for 5 minutes, June 18.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. CARTER, for 5 minutes, today.

ADJOURNMENT

Ms. SCHWARTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Friday, June 12, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2106. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles and services to the United Kingdom, Germany, the Netherlands, Sweden, Luxembourg, Belgium, France and Kazakhstan (Transmittal No. DDTC 022-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2107. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to the United Kingdom, Russia, Germany, the Netherlands, Sweden, Luxembourg, Belgium, France and Kazakhstan (Transmittal No. DDTC 023-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2108. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Mexico (Transmittal No. DDTC 015-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

2109. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Israel (Transmittal No. DDTC 039-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

2110. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 033-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

2111. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 031-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

2112. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Mexico (Transmittal No. DDTC 029-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

2113. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 035-09), pursuant to 22 U.S.C. 39, section 36(d); to the Committee on Foreign Affairs.

2114. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with the United Arab Emirates (Transmittal No. DDTC 019-09), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

2115. A letter from the Secretary, Department of Energy, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

2116. A letter from the Acting Administrator, General Services Administration, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

2117. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XO38) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2118. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Directed Fishing With Trawl Gear by American Fisheries Act Catcher Processors in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XO63) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2119. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction [Docket No.: 060525140-6221-02] (RIN: 0648-XO46) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2120. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 2 [Docket No.: 061228342-7068-02] (RIN: 0648-XO47) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2121. A letter from the Director Office of Sustainable Fisheries, NFMS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XO32) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2122. A letter from the Secretary, Department of Transportation, transmitting the Department's 2008 Biennial Report to Congress and the National Transportation Safety Board on the regulatory status of open safety recommendations relating to several safety issues, pursuant to 49 U.S.C. 1135(d), amended by Public Law 108-168, section 9; to the Committee on Transportation and Infrastructure.

2123. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Construction Grant Program Notice of Availability of Funds [Docket No: 080411556-8593-01] received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2124. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Technology Innovation Program (TIP) Notice of Availability of Funds and Announcement of Public Meeting (Proposers' Conference) [Docket No.: 090318324-9325-01] (RIN: 0693-ZA89) received May 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

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. POLIS: Committee on Rules. House Resolution 532. Resolution providing for the consideration of the Senate amendment 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 (Rept. 111–145). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. McGOVERN (for himself, Mrs. EMERSON, Mr. MOORE of Kansas, and Mr. JACKSON of Illinois):

H.R. 2817. A bill to address global hunger and improve food security through the development and implementation of a comprehensive governmentwide global hunger reduction strategy, the establishment of the White House Office on Global Hunger and Food Security, and the creation of the Permanent Joint Select Committee on Hunger, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Agriculture, and Rules, 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. McNERNEY (for himself and Mrs. BONO MACK):

H.R. 2818. A bill to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mrs. CAPPS, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. LEVIN, Mr. MEEKS of New York, Ms. KAPTUR, Mr. SNYDER, Ms. SCHWARTZ, and Mr. MORAN of Virginia):

H.R. 2819. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to provide for a performance standard for breast pumps; and to provide tax incentives to encourage breastfeeding; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. BILBRAY, Mrs. BONO MACK, Mrs. CAPPS, Mrs. DAVIS of California, Ms. ESHOO, Mr. FILNER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. MATSUI, Ms. WOOLSEY, Mr. BACA, and Mr. THOMPSON of California):

H.R. 2820. A bill to amend title XVIII of the Social Security Act to transition to the use of metropolitan statistical areas as fee schedule areas for the physician fee schedule in California under the Medicare Program; 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. ROGERS of Kentucky (for himself and Mr. WHITFIELD):

H.R. 2821. A bill to direct the Secretary of the Army to assist entities adversely affected by a Corps of Engineers rehabilitation project relating to the Wolf Creek Dam, Kentucky, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Georgia (for himself, Ms. JACKSON-LEE of Texas, and Mr. GRAYSON):

H.R. 2822. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

By Mr. COFFMAN of Colorado (for himself, Mr. LAMBORN, Mr. ROONEY, and Mr. HARPER):

H.R. 2823. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to enhance and improve certain procedures relating to voting by absent members of the uniformed services, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Mr. HERGER, and Mr. BOUSTANY):

H.R. 2824. A bill to enhance the conduct and support of federally funded comparative effectiveness research relating to health care, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER (for herself, Ms. MOORE of Wisconsin, Mr. CARNAHAN, Mr. McGOVERN, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. NYE, and Mr. BISHOP of New York):

H.R. 2825. A bill to require the Secretary of Defense to debar from contracting with the Department of Defense any company found to have jeopardized the health or safety of Government personnel or found guilty of contract fraud, and for other purposes; to the Committee on Armed Services.

By Ms. BEAN (for herself, Mr. CARSON of Indiana, Mr. RODRIGUEZ, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. HIMES, and Ms. SHEA-PORTER):

H.R. 2826. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the cost of teleworking equipment and expenses; to the Committee on Ways and Means.

By Mr. BUTTERFIELD:

H.R. 2827. A bill to amend the Digital Television Transition and Public Safety Act of 2005 to provide for a coupon program for television antennas; to the Committee on Energy and Commerce.

By Mr. BISHOP of Utah (for himself, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BONNER, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CARTER, Mr. CASSIDY, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CULBERSON, Ms. FALLIN, Mr. FLEMING, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GINGREY of Georgia, Mr. GOODLATTE, Mr. HARPER, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Ms. JENKINS, Mr. SAM JOHNSON of Texas, Mr. JORDAN of Ohio, Mr. LAMBORN, Mr. LATTA, Mr. LEE of New York, Mr. LINDER, Mr. LUCAS, Mrs. LUMMIS, Mr. MANZULLO, Mr. MARCHANT, Mr. McCAUL, Mr. McCOTTER, Mr. McHENRY, Mr. McKEON, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PENCE, Mr. PITTS, Mr. POE of Texas, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. REHBERG, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. SESSIONS, Mr. SIMPSON, Mr. SMITH of Texas, Mr. SOUDER, Mr. SULLIVAN, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. WAMP, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 2828. A bill to provide the United States with a comprehensive energy package to place Americans on a path to a secure economic future through increased energy innovation, conservation, and production; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, Energy and Commerce, Science and Technology, Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Indiana (for himself, Mr. KENNEDY, Mr. STARK, Mr. DAVIS of Illinois, Ms. NORTON, Mr. RUSH, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Ms. LEE of California, Ms. FUDGE, Ms. EDWARDS of Maryland, and Mr. MEEKS of New York):

H.R. 2829. A bill to ensure prompt access to supplemental security income, social security disability, and medicaid benefits for persons released from certain public institutions; to the Committee on Ways and Means, 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. COURTNEY (for himself and Ms. SHEA-PORTER):

H.R. 2830. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to give priority to unemployed veterans in furnishing hospital care, medical services, and nursing home care to certain veterans assigned to priority level 8; to the Committee on Veterans' Affairs.

By Mrs. DAHLKEMPER (for herself, Mr. LANCE, Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, Mr. DENT, Mr. SCOTT of Virginia, Mr. HIMES, and Mr. SIRES):

H.R. 2831. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require the option of extension of dependent coverage for unmarried, uninsured children under 30 years of age under group health plans and under group and individual health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS of Texas:

H.R. 2832. A bill to require the Secretary of the Treasury to develop a strategy and timeline for the repayment of assistance received by financial institutions under the Troubled Asset Relief Program, and for other purposes; to the Committee on Financial Services.

By Mr. ELLISON (for himself, Ms. SCHAKOWSKY, Mr. TIERNEY, and Mr. JOHNSON of Georgia):

H.R. 2833. A bill to require a minimum loss ratio for 90 percent for health insurance coverage offered through an insurance exchange; to the Committee on Energy and Commerce.

By Mr. FALEOMAVAEGA:

H.R. 2834. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to conduct a technological capability assessment, survey, and

economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. BLUMENAUER, Mr. FARR, Mr. MCDERMOTT, Mr. PAUL, Ms. WOOLSEY, Mr. ROHRABACHER, Mr. GRIJALVA, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. STARK, Mr. HINCHEY, Mr. OLVER, and Ms. BALDWIN):

H.R. 2835. A bill to provide for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. HODES (for himself and Ms. SHEA-PORTER):

H.R. 2836. A bill to amend the National Defense Authorization Act for Fiscal Year 2008 to improve and expand suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program; to the Committee on Armed Services.

By Mr. ISSA:

H.R. 2837. A bill to amend section 276 of the Immigration and Nationality Act to impose mandatory sentencing ranges with respect to aliens who reenter the United States after having been removed, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON (for herself and Mr. CLAY):

H.R. 2838. A bill to authorize the Secretary of the Interior to enter into a long-term ground lease for the operation and maintenance of Rock Creek, Langston, and East Potomac as golf courses, and for other purposes; to the Committee on Natural Resources.

By Mr. PASCRELL (for himself, Mr. PIERLUISI, Mr. CROWLEY, Mrs. MALONEY, Mr. SIRES, Mr. MICA, and Mr. TOWNS):

H.R. 2839. A bill to amend the Internal Revenue Code of 1986 to make residents of Puerto Rico eligible for the earned income tax credit; to the Committee on Ways and Means.

By Mr. SARBANES (for himself, Mr. TOWNS, Mr. DINGELL, Mr. MCGOVERN, Mr. WU, Mr. BLUMENAUER, Mrs. CAPPS, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Ms. DEGETTE, Ms. SCHAKOWSKY, Ms. HARMAN, Ms. BALDWIN, and Ms. CASTOR of Florida):

H.R. 2840. A bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics; to the Committee on Energy and Commerce.

By Mr. SPACE (for himself and Mr. BOCCIERI):

H.R. 2841. A bill to amend the Internal Revenue Code of 1986 to make permanent the enhanced charitable deduction for contributions of food inventory; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. SIMPSON, Mr. JONES, Mr. LAMBORN, and Mr. ROHRABACHER):

H.R. 2842. A bill to rescind all stimulus funds that remain unobligated; to the Committee on Appropriations.

By Mrs. MCCARTHY of New York (for herself, Mr. BISHOP of Georgia, Ms. KILPATRICK of Michigan, Mr. LOBIONDO, Mr. CUMMINGS, Ms. BALDWIN, and Ms. BORDALLO):

H. Con. Res. 147. Concurrent resolution expressing the sense of Congress regarding people in the United States with bleeding disorders; to the Committee on Energy and Commerce.

By Mr. DAVIS of Kentucky (for himself and Mrs. DAVIS of California):

H. Con. Res. 148. Concurrent resolution expressing the sense of Congress that comprehensive national security reform is urgently needed to enable our government to meet the novel and complex challenges of the 21st century, and calling on the Executive Branch to implement reforms that achieve greater agency integration for the effective use of the Nation's power, military and nonmilitary; to the Committee on Armed Services.

By Mr. FORBES (for himself, Mr. CONNOLLY of Virginia, Mr. BOOZMAN, Mr. ROTHMAN of New Jersey, Mr. WAMP, Mr. CALVERT, Mr. HERGER, Mr. LAMBORN, Mr. GARRETT of New Jersey, and Mr. MARSHALL):

H. Con. Res. 149. Concurrent resolution calling upon the Capitol Preservation Commission and the Office of the Architect of the Capitol to place the Lincoln-Obama Bible and a copy of Lincoln's Second Inaugural Address on permanent display upon the Lincoln table at the Capitol Visitor Center for the benefit of all its visitors to fully understand and appreciate America's history and Godly heritage; to the Committee on House Administration.

By Ms. KILPATRICK of Michigan (for herself, Mr. MCGOVERN, and Mr. SESTAK):

H. Con. Res. 150. Concurrent resolution supporting the goals and ideals of African American Bone Marrow Awareness Month; to the Committee on Energy and Commerce.

By Mr. KLEIN of Florida (for himself, Mr. WAXMAN, Mr. PENCE, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. CANTOR, Mr. RAHALL, Ms. BERKLEY, Mr. HODES, Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, Ms. SCHWARTZ, Mr. ROTHMAN of New Jersey, Ms. GIFFORDS, Ms. SCHAKOWSKY, Ms. HARMAN, Mrs. MCCARTHY of New York, Mr. NADLER of New York, Ms. EDWARDS of Maryland, Mr. SHERMAN, Mrs. LOWEY, Mr. WEINER, Mr. LATOURETTE, Mr. YARMUTH, Mr. LEVIN, Mr. HASTINGS of Florida, Ms. NORTON, Mr. WEXLER, Mr. SCHIFF, Mr. BERMAN, Mr. POLIS, and Mr. ISRAEL):

H. Res. 529. A resolution condemning the violent attack on the United States Holocaust Memorial Museum on June 10, 2009 and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel; to the Committee on Natural Resources; considered and agreed to.

By Mr. DRIEHAUS (for himself and Mr. CONYERS):

H. Res. 530. A resolution commending the purpose of the third annual Civil Rights Baseball Game and recognizing the historical significance of the location of the game in Cincinnati, Ohio; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY:

H. Res. 531. A resolution congratulating the Northwestern University Wildcats on winning the 2009 NCAA women's lacrosse championship, and to commend Northwestern University for its pursuit of athletic and academic excellence; to the Committee on Education and Labor.

By Ms. LEE of California:

H. Res. 533. A resolution recognizing Helen Thomas for her pioneering career as a woman in journalism, her lifelong commitment to journalistic independence as an essential pillar of American democracy, and her unflagging and honest coverage of every President of the United States since John F. Kennedy; to the Committee on Oversight and Government Reform.

By Ms. EDWARDS of Maryland (for herself, Mrs. MILLER of Michigan, Mr. MASSA, and Mr. CONNOLLY of Virginia):

H. Res. 534. A resolution supporting the goals and ideals of ''National Children and Families Day''; to the Committee on Oversight and Government Reform.

By Mr. FALEOMAVAEGA (for himself, Mr. MANZULLO, Mr. RANGEL, Mr. RAHALL, Mr. MCKEON, Mr. CROWLEY, Ms. HIRONO, Ms. BORDALLO, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of South Carolina, Ms. BERKLEY, Mr. MEEKS of New York, Mr. ISSA, Mr. FLAKE, Mr. TIBERI, Mr. CAO, Mrs. BONO MACK, Ms. WATSON, Mr. PAYNE, Mr. HINCHEY, Mr. SABLAN, Mr. SIRES, Mr. MCDERMOTT, and Mr. ABERCROMBIE):

H. Res. 535. A resolution commending the Congress of Leaders of World and Traditional Religions for calling upon all nations to live in peace and mutual understanding; to the Committee on Foreign Affairs.

By Mr. NEAL of Massachusetts (for himself and Mr. WILSON of South Carolina):

H. Res. 536. A resolution expressing support for the HHT Foundation International's designation of a ''National Hereditary Hemorrhagic Telangiectasia (HHT) Month'' and supporting efforts to educate the public about HHT; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan:

H. Res. 537. A resolution requesting that the President and directing that the Attorney General transmit to the House of Representatives all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

72. The SPEAKER presented a memorial of the House of Representatives of the State of Kansas, relative to HOUSE RESOLUTION No. 6022 supporting the Airborne Laser Program and urging the United States Congress to provide the necessary funding for the ongoing development and operation of the program; to the Committee on Armed Services.

73. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial 8003 respectfully praying that Congress institute a date certain, no later than January 1, 2013, at which time all vendors, suppliers, and manufacturers of health information technology must comply with a uniform national standard of interoperability, such that all electronic medical and health records can be readily shared and accessed across all health care providers and institutions while at the same time preserving the proprietary nature of health information technology producers that will encourage future innovation and competition; to the Committee on Energy and Commerce.

74. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial 8012 respectfully praying that President Obama and Secretary Clinton place the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in the highest category of priority in order to accelerate the treaty's passage through the Senate Foreign Relations Committee and the United States; and that the Washington State Legislature urge the Senate Foreign Relations Committee to

pass this treaty favorably out of Committee and recommend it be approved by the full United States Senate; to the Committee on Foreign Affairs.

75. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial 4005 respectfully praying that the United States Postal Service issue a postage stamp in commemoration of the Nisei veterans' service in the United States Armed Forces during the Second World War; to the Committee on Oversight and Government Reform.

76. Also, a memorial of the Senate of the State of Alaska, relative to Senate Resolve No. 5 Reaffirming support for the environmentally responsible development of the Kensington Gold Mine; and urging the governor to encourage and facilitate the prompt continuation or reinstatement, reactivation, and period extension of permits authorizing the construction and operation of the Kensington Gold Mine upon a decision by the United States Supreme Court in favor of the Kensington Gold Mine; to the Committee on Natural Resources.

77. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 44 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT THE HEARING AID ASSISTANCE TAX CREDIT ACT; to the Committee on Ways and Means.

78. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 45 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PASS AND THE PRESIDENT OF THE UNITED STATES TO SIGN LEGISLATION THAT WILL PROVIDE FLEXIBILITY IN PROVIDING CARE FOR MEDICARE AND MEDICAID DUAL ELIGIBLES AND SHARE MEDICARE SAVINGS; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. SESTAK, Mr. HIMES, and Ms. CASTOR of Florida.

H.R. 22: Mr. QUIGLEY and Mr. TIBERI.

H.R. 24: Mr. CAO, Ms. DELAURO, Mr. FRELINGHUYSEN, Mr. LATTA, Mr. CROWLEY, Mr. LUCAS, Mrs. CAPPS, Mr. DANIEL E. LUNGREN of California, Mr. HONDA, Mr. BLUNT, Ms. GRANGER, and Mr. FRANK of Massachusetts.

H.R. 104: Mr. CARSON of Indiana.

H.R. 179: Mr. PRICE of North Carolina and Mr. LANGEVIN.

H.R. 235: Mr. BARROW and Mr. MURPHY of New York.

H.R. 303: Mr. TAYLOR and Mr. MCINTYRE.

H.R. 444: Mr. FARR and Mr. BOOZMAN.

H.R. 503: Ms. TITUS.

H.R. 556: Mr. SESTAK, Mr. HOLT, and Mr. SMITH of New Jersey.

H.R. 558: Mr. SCOTT of Virginia.

H.R. 574: Mr. PRICE of North Carolina and Mr. BRALEY of Iowa.

H.R. 622: Mr. DEFAZIO.

H.R. 644: Mr. MCNERNEY, Mr. SNYDER, and Mr. VAN HOLLEN.

H.R. 646: Mrs. MALONEY.

H.R. 664: Mr. LATHAM.

H.R. 676: Mr. HARE.

H.R. 722: Mr. CAO.

H.R. 729: Mr. DOYLE, Mrs. MCCARTHY of New York, Mr. ARCURI, Mr. PASCRELL, Mr. MOORE of Kansas, Mr. CARNEY, Mr. KANJORSKI, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. MURTHA, Mr. BISHOP of Georgia, Mr. MILLER of North Carolina, Mr. RYAN of Ohio, Mr. MAFFEI, Mr. BOCCIERI, Mr. SCOTT of Virginia, and Mr. FARR.

H.R. 734: Ms. HERSETH SANDLIN.

H.R. 775: Mr. GRAVES, Mr. DRIEHAUS, Ms. KILROY, Mr. HUNTER, Mr. MCCLINTOCK, Mr. MCKEON, and Mrs. KIRKPATRICK of Arizona.

H.R. 780: Mr. MANZULLO, Ms. JENKINS, Mr. CASTLE, Mr. LEE of New York, Mr. WILSON of South Carolina, Mr. MCKEON, Mr. DAVIS of Kentucky, Mr. UPTON, Mrs. MYRICK, Mr. ROGERS of Alabama, Mr. BARTLETT, Mr. ALEXANDER, Mr. MILLER of Florida, Mr. AKIN, Mrs. BIGGERT, Mr. COBLE, Mr. WHITFIELD, Mr. KINGSTON, Mrs. MCMORRIS RODGERS, Mr. LANCE, Mr. DENT, Mr. EHLERS, Mr. MCHENRY, Mr. LATTA, and Mr. ISSA.

H.R. 795: Mr. DELAHUNT.

H.R. 836: Mr. MEEKS of New York, Mr. BILIRAKIS, Mr. SIRES, Mr. COFFMAN of Colorado, Mr. ROONEY, Mr. THORNBERRY, Mr. POLIS, Mr. THOMPSON of Mississippi, Mr. ORTIZ, and Mr. ETHERIDGE.

H.R. 904: Ms. BALDWIN.

H.R. 934: Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. CAO, Mrs. CAPPS, Mr. AL GREEN of Texas, Ms. LEE of California, Ms. HIRONO, Mr. HONDA, and Mr. SCOTT of Virginia.

H.R. 949: Mr. ELLISON.

H.R. 952: Ms. DELAURO and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 984: Mrs. MALONEY.

H.R. 1016: Ms. WOOLSEY.

H.R. 1017: Mr. LATHAM and Mr. TERRY.

H.R. 1018: Mr. GEORGE MILLER of California.

H.R. 1030: Mr. GENE GREEN of Texas.

H.R. 1064: Mr. ANDREWS, Mr. BRALEY of Iowa, Mr. WALZ, Mr. COURTNEY, Mr. YARMUTH, Ms. MCCOLLUM, Ms. ROYBAL-ALLARD, Mr. KISSELL, Mr. MOLLOHAN, Mr. MURTHA, Mr. KANJORSKI, Mr. CUELLAR, Mr. STUPAK, Mr. ELLSWORTH, and Mr. SMITH of New Jersey.

H.R. 1080: Mr. BROWN of South Carolina.

H.R. 1132: Mr. THOMPSON of Pennsylvania, Mr. DOYLE, Mr. LEE of New York, Mr. EHLERS, Ms. FALLIN, and Mr. BERRY.

H.R. 1173: Mr. THOMPSON of Pennsylvania.

H.R. 1182: Mr. CRENSHAW, Mr. BONNER, Mr. PUTNAM, Mr. MINNICK, Mr. STEARNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MEEK of Florida.

H.R. 1193: Ms. BALDWIN.

H.R. 1207: Mr. WOLF, Ms. CORRINE BROWN of Florida, Ms. SPEIER, Mr. KING of Iowa, Ms. EDWARDS of Maryland, Mr. BRIGHT, Mr. CAO, Mr. POLIS, Mr. KUCINICH, Mr. MCKEON, Mr. COBLE, Mr. BRALEY of Iowa, and Mrs. SCHMIDT.

H.R. 1250: Ms. MARKEY of Colorado, Mr. HONDA, and Ms. FUDGE.

H.R. 1330: Mr. COHEN.

H.R. 1339: Mr. SPRATT, Mrs. LOWEY, and Mr. ALEXANDER.

H.R. 1351: Mr. CHAFFETZ.

H.R. 1352: Mr. DOYLE and Mr. LATHAM.

H.R. 1360: Mr. SESTAK.

H.R. 1361: Mr. PRICE of North Carolina.

H.R. 1402: Mr. GENE GREEN of Texas, Mr. KAGEN, and Mr. SIRES.

H.R. 1405: Mrs. MALONEY.

H.R. 1441: Mr. CARTER and Mr. KENNEDY.

H.R. 1466: Ms. WATSON.

H.R. 1600: Ms. BORDALLO.

H.R. 1612: Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. SESTAK, and Mr. DELAHUNT.

H.R. 1616: Mr. TIERNEY, Mr. WU, Mr. KLEIN of Florida, and Ms. GIFFORDS.

H.R. 1619: Mr. GENE GREEN of Texas.

H.R. 1646: Mr. LATHAM, Mr. BRALEY of Iowa, Mr. SCHIFF, Mr. JACKSON of Illinois, Mr. DELAHUNT, and Mr. SESTAK.

H.R. 1670: Mr. TOWNS, Mr. MAFFEI, Mr. DELAHUNT, Ms. MCCOLLUM, Mr. HOLDEN, and Mr. MURPHY of Connecticut.

H.R. 1677: Mr. COSTELLO, Ms. SCHWARTZ, Mr. KIND, Mr. MICHAUD, Mrs. LOWEY, and Mr. WELCH.

H.R. 1692: Mr. BOOZMAN.

H.R. 1718: Mr. EHLERS.

H.R. 1740: Mr. ROGERS of Michigan, Mr. GOODLATTE, Mr. CONAWAY, and Mr. SCHOCK.

H.R. 1743: Mr. MCCOTTER.

H.R. 1791: Mr. CAMPBELL.

H.R. 1821: Mr. MEEK of Florida.

H.R. 1829: Mr. DAVIS of Alabama.

H.R. 1843: Ms. EDWARDS of Maryland.

H.R. 1855: Mr. AUSTRIA.

H.R. 1868: Mr. BARRETT of South Carolina and Mr. PLATTS.

H.R. 1894: Mr. TOWNS, Mr. DAVIS of Illinois, Mrs. MYRICK, Mr. HINCHEY, and Mr. MORAN of Kansas.

H.R. 1961: Mr. CONNOLLY of Virginia.

H.R. 1970: Ms. DEGETTE.

H.R. 1990: Mr. LUCAS.

H.R. 2029: Mr. MORAN of Virginia.

H.R. 2030: Mr. RUSH, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. CLAY, Ms. LEE of California, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. TOWNS, Ms. WATERS, Mr. WATT, and Ms. WOOLSEY.

H.R. 2054: Mr. DELAHUNT and Mr. PALLONE.

H.R. 2060: Mr. GUTIERREZ and Ms. ROYBAL-ALLARD.

H.R. 2083: Mr. MARSHALL.

H.R. 2084: Mr. KILDEE.

H.R. 2095: Ms. DEGETTE, Ms. FUDGE, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. WATT, Mr. CLEAVER, Ms. WATSON, Ms. WATERS, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ELLISON, Mr. THOMPSON of Mississippi, Mr. FALEOMAVAEGA, Ms. KILPATRICK of Michigan, Mr. DAVIS of Alabama, Mr. CUMMINGS, Mr. SCOTT of Georgia, Mr. JACKSON of Illinois, Mr. FATTAH, Ms. EDWARDS of Maryland, Ms. WOOLSEY, Mr. CONYERS, Ms. RICHARDSON, and Mr. CLYBURN.

H.R. 2097: Mr. FARR, Mr. GRAYSON, Mr. CAO, Mr. LEWIS of California, Mr. FRANKS of Arizona, Mr. JACKSON of Illinois, Mr. MOLLOHAN, Mr. RODRIGUEZ, and Mr. TAYLOR.

H.R. 2110: Mr. COLE.

H.R. 2116: Mr. ADLER of New Jersey.

H.R. 2124: Mr. MILLER of Florida, Mr. DELAHUNT, and Mr. GUTHRIE.

H.R. 2125: Mr. LIPINSKI.

H.R. 2139: Mr. EHLERS, Mr. PLATTS, Mr. MCMAHON, Mr. KIND, Mr. LOEBSACK, Ms. CLARKE, and Ms. MOORE of Wisconsin.

H.R. 2194: Mr. SHUSTER, Mr. CHAFFETZ, Mr. AUSTRIA, Mr. THOMPSON of Pennsylvania, Mrs. MCCARTHY of New York, Mr. FORBES, Mr. BRADY of Pennsylvania, Mr. COFFMAN of Colorado, Mr. YOUNG of Alaska, Mr. MOORE of Kansas, Mr. BOCCIERI, Mr. DEAL of Georgia, Mr. BROWN of South Carolina, Mr. PUTNAM, Mr. FOSTER, Ms. TITUS, Mr. SHADEGG, Mr. SMITH of Washington, and Mr. WALDEN.

H.R. 2209: Mr. DAVIS of Illinois.

H.R. 2245: Mr. LUJÁN, Mr. MITCHELL, Mr. GENE GREEN of Texas, Mr. ROSKAM, Mr. LARSON of Connecticut, Ms. MATSUI, Mr. BRALEY of Iowa, Ms. MOORE of Wisconsin, Ms. MARKEY of Colorado, Mr. BROWN of South Carolina, and Mr. COSTA.

H.R. 2248: Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, and Mr. GUTIERREZ.

H.R. 2254: Mr. DOYLE and Mr. FRANK of Massachusetts.

H.R. 2263: Mr. GRAYSON.

H.R. 2269: Ms. ROS-LEHTINEN.

H.R. 2272: Ms. DELAURO.
H.R. 2273: Mr. SESTAK.
H.R. 2277: Mr. YOUNG of Alaska and Mr. ROGERS of Kentucky.
H.R. 2287: Mr. BUCHANAN, Mr. DUNCAN, and Mr. MCCLINTOCK.
H.R. 2299: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2304: Mr. ABERCROMBIE, Mr. ROE of Tennessee, Mrs. TAUSCHER, Mr. WILSON of South Carolina, Mr. REHBERG, and Mr. FILNER.
H.R. 2314: Mr. KILDEE and Mr. SABLAN.
H.R. 2329: Mr. GENE GREEN of Texas.
H.R. 2345: Mr. BUYER and Mr. YOUNG of Florida.
H.R. 2350: Mr. ALTMIRE, Mr. SCHIFF, Mr. FILNER, and Mr. CARSON of Indiana.
H.R. 2358: Ms. DEGETTE and Ms. BALDWIN.
H.R. 2393: Mr. LAMBORN and Ms. GRANGER.
H.R. 2403: Mr. GRAYSON.
H.R. 2452: Mr. ETHERIDGE, Mr. HUNTER, and Mr. HENSARLING.
H.R. 2472: Mr. AKIN.
H.R. 2478: Mr. PRICE of North Carolina.
H.R. 2488: Mr. MURPHY of New York.
H.R. 2493: Mr. HALL of New York and Mr. SHADEGG.
H.R. 2499: Mr. CAPUANO, Mr. HEINRICH, and Mr. DOGGETT.
H.R. 2502: Mr. GRAYSON.
H.R. 2512: Mr. FORTENBERRY and Mrs. SCHMIDT.
H.R. 2547: Mr. BOOZMAN.
H.R. 2551: Mr. HODES.
H.R. 2560: Ms. SCHAKOWSKY and Mr. MACK.
H.R. 2570: Ms. DEGETTE and Mr. DEFAZIO.
H.R. 2574: Mr. KLEIN of Florida, Ms. EDWARDS of Maryland, and Mr. LARSON of Connecticut.
H.R. 2595: Mr. HINCHEY.
H.R. 2607: Mr. MACK, Mr. AKIN, Mr. COLE, Ms. FALLIN, Mr. FORBES, Mr. GOHMERT, Mr. HUNTER, Mr. OLSON, Mr. PAULSEN, Mr. POSEY, Mrs. SCHMIDT, Mr. WAMP, and Mr. BONNER.
H.R. 2648: Mr. GRAYSON, Mr. ELLISON, and Mr. LOEBSACK.
H.R. 2657: Mr. DEFAZIO.
H.R. 2669: Mr. DEFAZIO and Mr. MEEKS of New York.
H.R. 2676: Mr. EDWARDS of Texas.
H.R. 2691: Ms. MOORE of Wisconsin and Ms. SCHAKOWSKY.
H.R. 2695: Mr. HONDA.
H.R. 2696: Mr. MEEK of Florida and Mr. MCGOVERN.
H.R. 2736: Mr. RAHALL, Mr. MOORE of Kansas, Mr. COHEN, Mr. WELCH, and Mr. CLEAVER.
H.R. 2743: Ms. JACKSON-LEE of Texas, Mr. GRAYSON, Mr. KING of Iowa, Mr. SHIMKUS, Ms. WASSERMAN SCHULTZ, Mr. SCOTT of Georgia, Mr. LATHAM, Mr. POE of Texas, Mr. ACKERMAN, Mr. BERRY, Mr. REHBERG, Mr. FARR, Mr. DRIEHAUS, Mr. HONDA, Mr. SHULER, Mr. BUTTERFIELD, Mr. COSTA, Mr. CARNEY, Mr. BURTON of Indiana, Mr. HINOJOSA, Mr. TIBERI, and Mr. BARROW.
H.R. 2765: Ms. JACKSON-LEE of Texas, Mr. SHERMAN, Mr. JOHNSON of Georgia, and Mr. MAFFEI.
H.R. 2779: Mr. MORAN of Virginia.
H.R. 2796: Mr. MCHUGH and Mr. BURTON of Indiana.
H.J. Res. 42: Mr. DANIEL E. LUNGREN of California and Mr. PAULSEN.
H.J. Res. 47: Mrs. LUMMIS, Mr. BUYER, Mr. TIM MURPHY of Pennsylvania, Mr. BOEHNER, and Mr. BLUNT.
H. Con. Res. 51: Mr. FALEOMAVAEGA.
H. Con. Res. 112: Ms. BALDWIN and Mr. HONDA.
H. Con. Res. 118: Mr. PRICE of North Carolina.
H. Con. Res. 128: Ms. WATSON and Ms. WOOLSEY.
H. Con. Res. 132: Mr. LAMBORN.
H. Con. Res. 143: Mr. INGLIS.
H. Res. 90: Mr. CAO.
H. Res. 130: Mr. LARSEN of Washington.
H. Res. 175: Mr. DANIEL E. LUNGREN of California.
H. Res. 193: Mr. SPRATT and Mr. ALEXANDER.
H. Res. 241: Mr. PAYNE.
H. Res. 245: Mr. BURTON of Indiana and Mrs. HALVORSON.
H. Res. 288: Ms. MARKEY of Colorado, Mr. EDWARDS of Texas, Mr. BISHOP of Georgia, and Mr. HONDA.
H. Res. 314: Mr. DOYLE, Mr. KRATOVIL, Mr. MELANCON, Mr. BARROW, Mr. WELCH, Mr. INSLEE, and Mr. SPACE.
H. Res. 350: Mr. MCINTYRE.
H. Res. 366: Mr. MCINTYRE, Mr. PAYNE, Mr. MILLER of Florida, and Mr. HOEKSTRA.
H. Res. 397: Mr. BARRETT of South Carolina.
H. Res. 443: Mr. GRAYSON.
H. Res. 494: Mr. COBLE.
H. Res. 507: Mr. OBEY, Ms. ESHOO, Mr. BISHOP of New York, and Mr. HIMES.
H. Res. 512: Mr. MARKEY of Massachusetts, Mr. BRIGHT, Mr. GUTHRIE, Mr. OBERSTAR, Mr. DELAHUNT, Mr. MASSA, Mr. MCMAHON, Ms. MCCOLLUM, Mr. MCGOVERN, and Mr. BRALEY of Iowa.
H. Res. 519: Mr. GUTIERREZ, Ms. KILPATRICK of Michigan, Mr. SARBANES, Mr. POE of Texas, and Ms. MCCOLLUM.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 848: Ms. NORTON.
H.R. 2254: Mr. STEARNS.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

48. The SPEAKER presented a petition of the California State Lands Commission, relative to A RESOLUTION OPPOSING THE U.S. DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICES' DRAFT PROPOSED 5-YEAR OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM FOR 2010–2015; to the Committee on Natural Resources.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

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Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

Almighty God of love, whose plan for history is to bring unity to our world, bring unity to this legislative body. Lord, we don't ask for uniformity, which tries to find the lowest common denominator. We desire true unity with its bountiful diversity. Help our lawmakers to create an environment for such harmony. Give them the wisdom to appreciate each other and to honor their differences. May they see the good, even in those who oppose their views, knowing that out of differences can come the synthesis of truth and action that represents maximum wisdom and influence. Empower them to serve one another in a way that honors You.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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 11, 2009.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following the remarks of the leaders, the Senate will be in a period of morning business until 2 p.m. and Senators will be allowed to speak therein for up to 10 minutes each. The first hour is equally divided between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the next half.

Following morning business, the Senate will resume consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. The time until 2:30 will be equally divided and controlled between Senators DODD and ENZI or their designees, from 2 to 2:30. At 2:30, we will vote on passage of the bill.

MEASURES PLACED ON CALENDAR—S. 1232 and H.R. 2751

Mr. REID. Madam President, I understand there are two bills at the desk due for a second reading.

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

The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (S. 1232) to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

A bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

Mr. REID. Madam President, one is the drug reimportation legislation that has been around for a number of years. We are trying to move forward on that legislation. Senators DORGAN, MCCAIN, SNOWE, and a number of people are very interested in that legislation. We are going to try to work it out and have this on the Senate floor on the earliest possible date. The other one is the so-called cash for clunkers bill.

I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

HONORING OFFICER STEPHEN T. JOHNS

Mr. REID. Madam President, yesterday, this city and our country experienced a terrible and horrifying tragedy. A man by the name of Stephen Johns went to work every day for the last 6 years at one of our Nation's most moving museums—a living memorial to one of our world's most horrific atrocities—the Holocaust Memorial Museum.

While standing guard yesterday at that U.S. Holocaust Memorial Museum, Mr. Stephen Johns was killed while protecting thousands of others who were inside the building from the same fate that he suffered. His death has shocked, upset, and angered the Senate, our Nation, and all who detest such senseless bloodshed.

Mr. Johns was murdered in a place built to memorialize humanity's most unspeakable murders. He was a victim of violence and hatred in a place dedicated to teaching us the evils of violence and hatred. He was a target of intolerance in a place created for reflection on the consequences of intolerance. His death reminds us that we have much more work to do.

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

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Stephen Johns was just 39 years old. He had a wife and a son. He grew up in Temple Hills, MD, just a few miles south and east of where I stand today. He still lived in that community. Mr. Johns started working at the Holocaust Museum after spending a year in New Orleans in the aftermath of Hurricane Katrina.

Those who knew Mr. Johns called him ''Big John'' and ''a gentle giant.'' Those who knew him describe him as caring, polite, friendly, and helpful. Even those who didn't know him are deeply saddened by his loss and inspired by his heroism.

In the spirit of the museum where every day he so bravely reported for duty, it is our duty to keep alive his memory. Today, the Holocaust Museum is closed. Its flags fly at half staff. When it opens tomorrow, it will continue to serve as one of our Nation's most poignant reminders of the inexcusable racism, hatred, violence, and cruelty that we must never stop trying to erase from our world. When it opens tomorrow, and every day thereafter, Stephen Johns' courage and courtesy will be missed.

HEALTH CARE

Mr. REID. Madam President, our plan to fix America's broken health care system is based on a simple premise: when it comes to keeping ourselves and our loved ones healthy, people—not corporations—should be in the driver's seat.

We have a plan to right that wrong. That plan is guided by three goals: One, lower the high costs of health care; two, ensure every American has access to that quality, affordable care; three, let people choose their own doctors, hospitals, and health plans.

One of those choices should be a public option. This has two primary benefits: First, people can choose to get their insurance from someone other than a greedy private insurance company; second, the very existence of that public option means there is more competition in the market. As a result, the private options will have to serve their customers even better.

The Republicans often like to pretend the government will force you to take the public option. Every time you hear them say that, you know they are not interested in honest debate. After all, it is right in the name; it is a public ''option.'' So talking about government forcing anybody to do anything is simply unfair and not accurate. It is a public option, meaning you have choices.

If you have coverage, and you like it, you can keep it. You should be able to choose the best coverage for your family. You should be able to compare benefits and prices instead of surrendering to out-of-control corporations. You, the individual, should be in control of your own family's health decisions.

I am confident that both private insurance companies and the option of a public plan can live in harmony. When you send a birthday present to a relative—say, I want to send something to one of my children in Nevada—the products that I choose can be sent by FedEx, UPS, DHL, or you can choose the U.S. Postal Service. The Postal Service may not be perfect, but because that public option is there, the private companies—FedEx, UPS, and DHL—know they cannot overcharge, rip you off, or slack in their service.

Just like our proposal for the health care system, you don't have to choose the Postal Service. But it is good to know it is there. For some, it is all they can afford. I hear every day from Nevadans who are asking for our help. They are people turned down for health coverage by insurance providers who care more about profits than people; people who lost their health coverage when they lost their jobs and now have no means of getting it back; people who play by the rules and rightly demand our health care system be guided by common sense.

Nearly two-thirds of all bankruptcies are caused by medical problems and the exorbitant bills that ensue. Many of the foreclosures are both a cause and an effect for the global credit crisis and can be traced back to health insurance costs.

If you agree we already have enough economic problems on our hands, if you agree we cannot wait another year while 50 million Americans live without any options to stay healthy, then you will agree now is the time for action, not partisan games.

Insurance companies are holding Americans' health hostage. Far too many people cannot afford the ransom. If we are going to fix our broken health care system, we are going to have to return control to the people who need that care.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Madam President, the American people are frustrated with the U.S. health care system. But they are also increasingly concerned about some of the proposals coming from Washington. Now the alarms are beginning to sound. As reported in today's New York Times, the Nation's doctors are strongly opposed to the so-called government plan that appears to be gaining steam in Washington. The American Medical Association says the government plan threatens to restrict patient choice by putting out of business existing health plans that cover nearly 70 percent of Americans.

One estimate suggests that 119 million Americans could lose the private coverage they have as a consequence of the government plan. Moreover, the AMA, in its statement from yesterday, notes that ''the corresponding surge in public plan participation would likely lead to an explosion of costs that would need to be absorbed by taxpayers.''

Republicans and Democrats alike agree that health care reform is needed in this country. But a government plan is not the kind of reform the American people want. They want real reform for a system that's in serious need of it. Unfortunately, what some in Washington are proposing instead is the illusion of a reform that will replace what is good about health care in America with something that is far worse.

Instead of making health care more affordable and accessible, these proposals could make treatments and procedures that everyday Americans currently take for granted less accessible or even impossible to obtain—even as these proposals would add to the colossal and unsustainable debt that already burdens the Federal Government.

I have spoken repeatedly on the Senate floor about the dangers of a government-run health plan. By drawing on the experience of countries that have already adopted these government-run system I have pointed out the serious problems government-run health care creates for millions around the world. I have noted that a common defect of these government-run plans is that they deny, delay, and ration health care. And I have noted that the primary culprit in almost every case is the so-called government board that these countries have established to decide which treatments and medicines patients in these countries can and cannot have. This morning I would like to focus again on these so-called government boards, so people have an idea of what they could expect from a government-run plan here in the U.S.

Britain's government board, the National Institute for Health and Clinical Excellence, or NICE, is responsible for setting guidelines on the use of drugs and treatments for patients in that country. The government bureaucrats at this agency are supposed to weigh the effectiveness of a medicine or a treatment against its cost to the government. If the government thinks that a drug is too expensive, it can refuse to make it available to patients, regardless of any potential benefits.

Last summer, the board in Great Britain denied patients in that country access to four kidney cancer drugs that have the potential to extend life. Here's the chilling explanation it gave to justify the move.

> Although these treatments are clinically effective, regrettably the cost . . . is such that they are not a cost-effective use of . . . resources.

After a public outcry, NICE reversed its position on one of the drugs but affirmed its ban on the other three.

In New Zealand, a government board known as Pharmac reviews potential drugs and treatments and decides whether they should be prescribed to

patients in that country. Pharmac says its goal is to use its ''expertise'' to ''help . . . decide which new hospital medicines are cost-effective.'' And like the government board in Great Britain, if Pharmac does not think a drug's cost justifies its benefits, it can refuse to make it available to patients or doctors who want it.

One drug that Pharmac did not think was worth the cost was Herceptin, which had proven to be effective in fighting breast cancer. Although Pharmac began covering the drug for advanced breast cancer in 2002, it refused to fund the drug for early stage breast cancer. After a public outcry and a reevaluation of the decision, Pharmac finally relented and decided to allow the drug for early stage breast cancer in 2007, but only for a limited amount of treatments.

These kinds of decisions about which drugs should or should not be covered are based on a method commonly known as ''comparative effectiveness.'' Comparative effectiveness is not alien to the U.S. health care system. Indeed, the stimulus bill Congress passed earlier this year included significant funding to lay the groundwork for just this kind of research in the United States. In my view, the more research we do on the effectiveness of drugs and treatments the better. Doctors should have as much good information as possible in dealing with their patients.

What Americans strenuously oppose, however, is the government using this information to deny access to treatment or procedures that patients and doctors choose to pursue—just as government agencies such as NICE and Pharmac do in Great Britain and New Zealand. Americans oppose this kind of government-mandated limitation on health care. They simply will not allow it.

That is why my friend, Senator KYL, will propose a bill that will prohibit the government from ever using comparative effectiveness in this way. It is a wise bill, and it should be included as a part of any health reform we consider. Americans want their doctors to have clinical information on which treatments work best and which ones do not. But government bureaucrats should not be able to use that information to determine what treatments Americans can or cannot get. That is a decision we currently leave between a patient and his or her doctor, and that is where it should remain.

Americans want to see changes in the health care system, but they don't want changes that deny, delay, or ration care. They want reforms that control costs, even as they protect patients. They want us to discourage frivolous medical liability lawsuits that limit access to care in places such as rural Kentucky. They want prevention and wellness programs that cut costs by helping people quit smoking, overcome obesity, and diagnose illnesses early. And they want us to address the needs of small businesses without imposing new mandates or taxes that kill jobs.

All of us want reform, but the government-run plan some are proposing in the United States is not the kind of change Americans are looking for. We should learn the lessons from problems we have seen in countries such as Great Britain and New Zealand. We should learn a lesson from the nightmares so many people in these countries and their families have endured as a result of government-run health care and the bureaucratic government boards that almost always come with it.

Madam President, I am about to yield the floor, but before I do that, I see my friend from Arizona is on the floor. I want to express to him my gratitude for his leadership on this very important issue. The most important issue we will be dealing with this year is the question of whether the government should literally take over and run 16 percent of our economy. We have seen the government take over banks, insurance companies, and automobile companies. Now it appears as if there is an effort underway to take over health care as well.

I thank my friend from Arizona for the contribution he has made on this important issue in the past and say we are looking forward to working together on this in the future.

Madam 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 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The Senator from Arizona.

HEALTH CARE REFORM

Mr. MCCAIN. Madam President, I rise to discuss two issues this morning, health care reform and also the pending supplemental spending bill that, according to news reports, does not include the Senate language that explicitly allowed President Obama to keep photos of detainee abuse during the Bush administration confidential.

I thank my friend from Kentucky, the Republican leader, who has shown such impressive leadership on, as he describes, probably the most important domestic issue that certainly will be addressed by this Congress. I look forward to working with my colleagues over the next few weeks on legislation reforming our current health care system.

Americans are looking to Congress to enact health care legislation that provides all Americans affordable access to health insurance and the ability to choose the health insurance policy that fits each American's needs. Yesterday, it was reported that 62 percent of Americans support Congress enacting a major overhaul of the U.S. health care system, according to a Diageo/Hotline poll.

I believe health care should be available to all and not limited to where you work or how much money you make. I believe any proposal must use competition to improve the quality, availability, and affordability of health insurance and match people's needs, lower prices, and promote portability. I believe American families, not Washington bureaucrats or insurance companies, should be in charge of any health care decision. But I don't believe we need to expand government's bureaucracy to control one-sixth of our economy to ensure the uninsured get health coverage. Nor do I believe Americans should be asked to pay more in taxes to cover the costs of any comprehensive health care reform legislation.

Last month, the Wall Street Journal stated:

> But now Democrats need the money to finance $1.2 trillion or more for their new health insurance entitlement. . . .
>
> A sampler:
>
> End or limit the tax-exempt status of charitable hospitals. . . .
>
> Make college students in work-study programs subject to the payroll tax. Also targeted are medical residents, perhaps on the principle that they'll one day be ''rich doctors.''

I agree that any real health care reform proposal must address the tax treatment of employer-provided health benefits, but not in such a way that would force Americans to fork over more of their hard-earned money to the Federal Government, particularly during these difficult times.

Today individuals who receive health insurance through their employer are not taxed on their health care benefits, as we know. However, those who purchase coverage on their own do not receive such a tax break. That is unfair and regressive. It hits those who need this tax break the most—the self-employed or working poor whose employer does not offer health insurance coverage.

To offset the taxable treatment of this income, I believe Americans should have funds returned to them to assist with the cost of acquiring health insurance. An approach such as this treats individuals equally, in stark contrast to the system we currently have.

Key to any proposal is a policy that allows people to have accessible, portable, and affordable health insurance coverage. Policies should also address what I hear from Americans everywhere I go—choice. Americans want

choice. They want choice of their doctor, their care, their coverage, and employment freedom—freedom to seek employment that is not dependent on whether an employer provides insurance coverage. This is particularly important in today's difficult economic times when Americans are uncertain about whether they will have a job tomorrow. Some, including the President, criticize this approach. However, the New York Times reported:

The Obama administration is signaling to Congress that the President would support taxing some employee health benefits.

While I appreciate the President's and the Democrats' new consideration of such a proposal, it is not acceptable to turn this into a tax-and-spend health care reform. Any new resources derived from changing the existing tax treatment of private health insurance should be devoted to a fairer and more efficient mechanism for Americans to acquire private insurance.

The United States spends over $2.4 trillion on health care. Health insurance premiums continue to rise as employer-based family coverage increased and Medicare and Medicaid spent $818 billion in 2008 and is projected to reach $1.7 trillion by 2018.

I also want to mention something that should trouble every American and every Member of this Chamber.

Last week, I spoke about what the special interests were doing to derail much needed health reform dealing with prescription drugs, a reform that is very bipartisan. Any Member in this Chamber knows I work across the aisle on policies that are important to the American people. Health reform is one issue that fundamentally must be bipartisan.

All Americans are affected by what we do here, so we should be working in a bipartisan manner. It is with extreme regret that I read in ''Roll Call'' this morning about a meeting that Democratic staff was threatening—let me repeat—threatening Democratic lobbyists or the organizations they represent against meeting with Republicans and that attending meetings with Republicans ''will be viewed as a hostile act.''

This is outrageous. I hope the article is inaccurate. I hope the staff on the other side does not view health reform as a process they control by threats and hostilities. I hope we are above that.

Madam President, I ask unanimous consent to have printed in the RECORD the ''Roll Call'' article.

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

[From the Roll Call, June 11, 2009]

BAUCUS AIDES WARN K STREET

(By David M. Drucker, Anna Palmer and Kate Ackley)

Top aides to Senate Finance Chairman Max Baucus (D-Mont.) called a last minute, pre-emptive strike on Wednesday with a group of prominent Democratic lobbyists, warning them to advise their clients not to attend a meeting with Senate Republicans set for Thursday.

Russell Sullivan, the top staffer on Finance, and Jon Selib, Baucus' chief of staff, met with a bloc of more than 20 contract lobbyists, including several former Baucus aides.

''They said, 'Republicans are having this meeting and you need to let all of your clients know if they have someone there, that will be viewed as a hostile act,' '' said a Democratic lobbyists who attended the meeting.

''Going to the Republican meeting will say 'I'm interested in working with Republicans to stop health care reform,' '' the lobbyists added.

Republican leaders have been meeting with health care stakeholders for months, with those sessions occurring ''more frequently than once a month,'' according to a senior Senate GOP aide.

The stated purpose of Thursday's meeting, organized by Sen. John Thune (R–S.D.), is to discuss proposals for how to pay for health care reform.

But the underlying motivation for the get-together is to encourage health care lobbyists and stakeholders concerned about the Democrats' health care reform plans to speak out publicly.

''They need to speak up,'' one Senate Republican leadership aide said. ''They need to help us help them.''

Thune said Democrats are using threats and intimidation to keep unhappy stakeholders silent.

''If you don't engage on this thing, this train's leaving the station,'' Thune said. ''If you want [Republicans] to have more influence, you've got to engage.''

One longtime health care lobbyist agreed that the GOP frustration is spilling out of the Capitol and onto K Street.

''It is notable that Republicans are really finding their voice, and their level of frustration is building with the stakeholders' inability or refusal to speak out,'' this lobbyist said. ''They're getting frustrated. Republicans are doing it themselves.''

One senior Democratic source charged that Thune's meeting and the supposed motives behind it are in fact a smoke screen for killing health care reform altogether.

''While Democrats and many Republicans are working collaboratively to reform health care, a small group of Republicans appear all too eager to derail this promising, bipartisan effort,'' this source said. ''It's politics as usual, it's disheartening and it's a shame.''

Senate Republicans are opposed to plans by President Barack Obama and Congressional Democrats to implement a government-run, public plan option as a part of health care reform. They also are concerned with how Democrats plan to pay for reform.

Recognizing they don't have the votes to stop legislation on their own, Republicans are pushing their natural allies in the business community to help bring public pressure to bear as another way to influence the outcome.

Obama has set Oct. 15 as the deadline for approval of health care reform, and Democratic leaders in Congress are rushing to clear bills from their respective chambers by the end of July.

''Our effort has been to get these folks to speak their mind,'' one senior Senate Republican aide said.

After months of holding their tongues while inclusive, bipartisan negotiations continued in the Senate Finance and Health, Education, Labor and Pensions committees, the business community has now considered speaking out, given their displeasure with the HELP panel's reform bill, which was made public on Tuesday.

But with Baucus' office still warning dissenters that anyone who makes their opposition public could be permanently excluded from future negotiations, the groups representing businesses, health care providers, hospitals and similar stakeholders are still wavering on whether to voice their concerns publicly.

The lineup of lobbyists who attended the Wednesday session included a cast of Democratic insiders similar to that at previous meetings convened by Baucus' staff. The participants included: Jeff Forbes, a former Baucus chief of staff who lobbies at Cauthen Forbes & Williams; Jonathon Jones, a partner with Peck, Madigan, Jones & Stewart; Tarplin Strategies' Rich Tarplin, an assistant secretary at Health and Human Services in the Clinton administration; another former Baucus top aide, David Castagnetti, of Mehlman Vogel Castagnetti and OB–C Group founder Larry O'Brien.

Democratic sources noted Wednesday that Baucus is courting Republican support and remains committed to treating all stakeholders fairly.

On Wednesday, he met with Senate Minority Leader Mitch McConnell (R–Ky.) in the Capitol, part of a marathon day of bipartisan meetings that included a session with his GOP colleagues at the White House and discussions with Republican members of the Finance Committee.

''Chairman Baucus wants to continue to keep health care stakeholders informed of the progress on health reform,'' said the Senator's Finance Committee spokesman, Scott Mulhauser. ''This is a lengthy, transformative process, and meetings like these are an essential part of the ongoing, bipartisan effort to continue to keep everyone at the table working together.''

One lobbyist who attended the Wednesday meeting with Baucus' staff said that the message was more bipartisan. ''They said they anticipate having a bipartisan bill and that the process is going well with Republicans,'' this lobbyist said. But, the lobbyist added, Baucus' team did warn, ''If your clients attack the process or the product, it's going to be hard to work with you.''

As for Baucus, he told reporters earlier this week that he was not aware of health care stakeholders being threatened by his staff to play ball with the Finance Committee-led negotiations or risk being blackballed from the process.

''I'm sure they can all say what they want to say,'' Baucus said, referring to GOP accusations that health care lobbyists have been subject to intimidations and threats. ''It's news to me. I don't think so. I don't know of any.''

Republican lobbyists said they have not felt any threats from their party.

''For a while, Republicans have cautioned industry to be careful about getting in bed with the administration or Kennedy or Baucus too early,'' said Janet Grissom, a lobbyist at Peck, Madigan, Jones & Stewart, who was once a top aide to McConnell.

Mr. MCCAIN. Madam President, I ask unanimous consent for 3 additional minutes.

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

DETAINEE PHOTOS

Mr. MCCAIN. Madam President, it appears the House Democrats, according to a ''Roll Call'' article this morning about the supplemental bill—I ask unanimous consent to have printed in the RECORD this morning's ''Roll Call'' article titled ''Intraparty Fights Pervade Agenda'' concerning the war supplemental bill.

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

[Roll Call, June 11, 2009]

INTRAPARTY FIGHTS PERVADE AGENDA

(By Steven T. Dennis and Emily Pierce, Roll Call Staff)

Democratic leaders appeared to clear the way Wednesday for passage of a $100 billion war supplemental, even as they worked furiously to repair internal rifts over health care and climate change legislation.

The war bill, which has swollen with items including a cash-for-clunkers incentive, will eliminate Senate language explicitly allowing President Barack Obama to keep photos of detainee abuse during the Bush administration confidential.

That language was included by the Senate and is backed by Obama and Republicans, but it has been a deal-breaker for House liberals like Financial Services Chairman Barney Frank (Mass.).

Frank and other Democrats who opposed the war bill originally, have committed to voting for it in order to help carry a $108 billion package of loans to the International Monetary Fund, an Obama priority.

Assuming no Republican support, Democratic leaders need 18 of 51 anti-war Democrats to back the bill, a number that they appear likely to reach despite the continued opposition from leaders of the Congressional Progressive Caucus.

House Republican leaders had derided the IMF money as a ''global bailout'' and vowed to whip hard to defeat the supplemental with it included.

And even moderate House Republicans from auto industry states appeared unlikely to be won over by the inclusion of a cash-for-clunkers provision aimed at jump-starting the auto industry.

''That's going to have no bearing on people's votes on the bill,'' Rep. Fred Upton (R–Mich.) said. ''They're not going to get hardly any Republican votes.''

The outcome of any Senate vote on the supplemental conference report remains uncertain, given that Sens. Joe Lieberman (ID-Conn.) and Lindsey Graham (R–S.C.) threatened to not only filibuster the bill, but also block other Senate business if the supplemental did not include their language barring disclosure of the detainee abuse photos.

One senior Senate Democratic aide said Lieberman and Graham's threat to hold up the supplemental indefinitely was unlikely to last and predicted that Defense Secretary Robert Gates would likely pressure the two defense hawks to relent so that funding for the wars wouldn't run out.

The trickier problem is what delay tactics Graham and Lieberman might use to stymie Senate action on other bills. The senior Senate Democratic aide acknowledged that Senate Majority Leader Harry Reid (D-Nev.) and Speaker Nancy Pelosi (D-Calif.) might have to come up with a plan for passing the language on some other bill that would be able to pass the House, but this aide noted that Obama has the strongest hand in getting Graham and Lieberman to stand down.

Senate Democratic aides said the language to close the prison at Guantanamo Bay, Cuba, was designed to satisfy the Obama administration's need to transport terrorists for trial, as well as to ease, for the most part, Democrats' fear of political repercussions from having detainees permanently housed in the United States.

The language would allow terrorists to be in the U.S. for trial only, which the senior Senate Democratic aide said would ''give Obama some flexibility while also mollifying those that have NIMBY problems.''

But the supplemental has been largely a sideshow to the big push behind the scenes on health care, especially from the White House.

One House Democratic aide to a liberal lawmaker said left-leaning Members have been much more focused on health care reform and are generally happy with the direction negotiations on the issue are going.

''The debate is no longer whether there will be a public plan; it's over what the public plan will look like,'' the aide said.

Democratic House chairmen have dismissed a call from conservative Blue Dogs for a ''trigger'' option that would delay a government-sponsored health care plan, but there are still numerous fights going on behind the scenes—including on the makeup of the plan and how to pay for it.

Some Members fear that a Medicare-style plan that forces doctors to participate will provoke a revolt; others worry that a public plan may ultimately swallow up the entire marketplace.

But parochial concerns are also proving paramount, with individual lawmakers demanding answers on how it will affect their own districts. Rep. Dennis Cardoza (D-Calif.), a leading Blue Dog, said his district is plagued by a lack of doctors in part because of low reimbursement rates under government health programs.

''If that's not addressed, I'm not voting for the bill,'' he said. ''We have huge amounts of details to put on the bones.''

But health care isn't the only issue sparking Democratic intraparty battles.

The cap-and-trade bill limiting carbon emissions, largely negotiated behind closed doors in the House, has rural Democrats balking.

House Agriculture Chairman Collin Peterson (D-Minn.) said Wednesday that Democrats have reached an impasse on the climate change bill. He cast doubts that his committee would pass the bill by next week.

''I think it's very doubtful that we can get anything done by then,'' Peterson said.

Pelosi set a June 19 deadline for committee action on the bill, although she left open the possibility of an extension.

Peterson previously estimated that 45 Democrats would side with him in opposing the climate change measure if an agreement wasn't reached. On Wednesday, he said that number has likely grown.

''The more people look at this, the more problems they've got. My list has grown since I've been looking at it,'' Peterson said.

For his part, Energy and Commerce Chairman Henry Waxman (D-Calif.) said that there are ''very constructive'' discussions taking place and that he still wants the bill on the floor before the July Fourth recess.

House Majority Leader Steny Hoyer (D-Md.) said he expected to bring the war bill to the floor next week. The conference committee was scheduled to meet at 3 p.m. today.

Mr. MCCAIN. I quote from it:

The war bill, which has swollen with items including a cash-for-clunkers incentive, will eliminate Senate language explicitly allowing President Barack Obama to keep photos of detainee abuse during the Bush administration confidential.

The Graham-Lieberman amendment that would classify these photos was accepted by voice vote. In other words, any Senator who wanted to object or vote against it could have called for a vote. Instead, it was unanimously adopted.

According to the ''Roll Call'' article I quoted, that provision will be removed from the emergency supplemental. According to that article:

One senior Democratic aide said Lieberman's and Graham's threat to hold up the supplemental indefinitely [unless their provision was included] was unlikely to last and predicted that Defense Secretary Robert Gates would likely pressure the two defense hawks to relent so that funding for the wars wouldn't run out.

I think this Democratic aide highly underestimates Senator LIEBERMAN, Senator GRAHAM, and the rest of us.

I had a conversation with General Petraeus the day before yesterday. I believe those conversations are confidential, and I asked his agreement to quote from him: If these photos are released, it would harm the ability of the United States military to pursue our national security interests and could put American lives in danger. That is a serious statement from the most respected military leader this Nation has.

I want to point out something very important. Today the President of the United States could issue an Executive order classifying those photos and not allowing them to be released. He could do it today. It is time for the President of the United States to stand up to the leftwing of his party for the good of the national security of this Nation.

I join others, that if that supplemental comes over without the provision which was adopted unanimously by the Senate to make sure those photos are not released because of the harm it would do to America's effort in combating radical Islamic extremism throughout the world and put the lives of the men and women who are serving in our military in greater danger—I intend to join my friends Senator LIEBERMAN and Senator GRAHAM in doing everything we can to oppose such legislation.

This war supplemental is intended to help us win this battle, the war on terrorism, dare I say. It is supposed to help the men and women who are serving in Iraq and Afghanistan as they pursue an implacable and evil enemy and try to instill democracy and freedom in these countries. And if these photos are made public, it will harm their effort and put their lives in danger.

I urge my colleagues to join me in opposing a bill that would eliminate the provision that prevents these photos from being published, and I call on the President today to relieve this pressure and declare, by Executive order, that these photos are classified and not to be released to the world's public.

Madam 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 legislative clerk proceeded to call the roll.

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

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

CLIMATE CHANGE

Mr. BARRASSO. Madam President, the House of Representatives is prepared to pass the President's energy tax. It is also known as the American Clean Energy and Security Act. The act, therefore, is known as ACES—American Clean Energy and Security Act. ACES is the right thing to call this particular bill because it gambles—it gambles—with the future of the American people. In blackjack, the dealer might have an ace that is showing, but one card in the dealer's hand is always hidden. In this case, the hidden card is the card that shows the real cost of this bill to the American taxpayer. What the taxpayer doesn't know is that the game is rigged. The taxpayer is going to lose. No matter how many times the majority adds to this hand another giveaway to special interests, another tax break to offset the monumental cost of this bill, the end will be just the same: The taxpayer goes bust and Washington will win the game.

ACES is the product of a supermajority that the Democrats have in the House of Representatives. Given the rules and given the procedures of the House, reasonable amendments are going to be defeated or even blocked from ever being considered. The final product will not be a real starting point to begin this debate on climate change.

ACES is going to have a devastating effect on our economy, and we will see there will be no environmental benefit from doing this bill—none. That is not just my belief or my assessment alone, it is also the belief of others.

Martin Feldstein, noted Harvard economist, in a recent Washington Post article stated:

> ACES will have a trivially small effect on global warming while imposing substantial costs on all American households.

Let me repeat that: a trivially small effect, while imposing substantial costs. How big are the costs? Well, he cites the Congressional Budget Office, which estimated that the resulting increases in consumer prices needed to achieve just a 15-percent reduction in carbon dioxide—slightly less than the target of this bill—would raise the cost of living $1,600 a year, every year, for every family in America. That is a $1,600 tax on every American family every year.

The Heritage Foundation predicts that the ACES approach could cost the economy $9.6 trillion and more than 1 million lost jobs into the future. And these are just the raw numbers. The real potential for economic pain goes much further.

David Sokol, chairman of MidAmerican Energy, points out that ACES—this bill—could be a bonanza. And for whom will it be a bonanza? For more Wall Street corruption and more Wall Street greed because ACES is going to deal in investment banks, it is going to deal in hedge funds and other speculators who want to speculate in the cap-and-trade market. David Sokol points out:

> If you liked what credit default swaps did to our economy, you're going to love cap and trade.

Coincidently, the House bill actually allows for credit default swaps.

He is not alone in his assessment. British scientist James Lovelock, who is a noted chemist and environmentalist, stated in January that:

> Carbon trading, with its huge government subsidies, is just what the finance industry wanted. It'll make a lot of money for a lot of people and postpone the moment of reckoning.

So he is saying it will make a lot of money for a lot of people in the financial industry.

Carbon markets can also cause huge fluctuations. We can look to Europe as an example and what we saw happen there. In February of this year, the Financial Times wrote an article entitled ''Fall in CO_2 Price a Risk to Green Investment.'' It seems that the price of carbon in the European Union had fallen so low that it no longer provided an incentive to lower the use of carbon.

So those are things happening not just for this country but around the world.

Another problem is the huge economic gamble ACES makes by bypassing cheaper, low-carbon fuels by heavily relying on unreliable expensive energy. This ACES legislation mandates that by 2020 the electric utilities meet 20 percent of their electricity demand through renewable energy sources and energy efficiency. This is the wrong approach. We need an all-of-the-above energy strategy to address our Nation's energy needs. We need to make America's energy as clean as we can, as fast as we can, without raising energy prices for American families. That is how you create and that is how you then sustain economic development. So I would say, let's develop all of our energy sources—wind, solar, geothermal, hydro, clean coal, nuclear, natural gas—all of the energy sources. Our Nation is so blessed with abundant energy resources. They are right here for us to use in a clean and environmentally friendly way. Coal is cheap and abundant in America. It is what is keeping our energy affordable today. Uranium is abundant in America too. Let's develop this proven zero-carbon resource. And, yes, let's develop all of the renewable energies—the wind, the solar, the hydropower. We need it all.

Lisa Jackson, Director of the Environmental Protection Agency, recently took a trip to Wyoming, and this is what she said while she was in 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. It has the coal, it has the wind, it has the natural resources of natural gas and oil and uranium for nuclear power. It has it all, and we need it all.

The bottom line is that the Democrats' cap-and-tax bill costs jobs and it raises energy prices. I don't understand why we can't make America's energy as clean as we can, as fast as we can, without raising energy prices on American families. The administration wants to take a different approach. Why are the American people being given this stacked deck, where all of the options hurt the economy, raise energy prices, and cost jobs? The President says we need green jobs. I agree. We also need red, white, and blue jobs—American energy, American energy sources.

The reality is, this partisan energy tax bill passing in the House is a bad bet for all of us. We shouldn't double down with any more taxpayer money to bail out the climate through an energy tax.

Madam 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 legislative clerk proceeded to call the roll.

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

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

Mr. ROBERTS. Madam President, I understand we are in morning business, and I ask unanimous consent that I be recognized for about 12 minutes.

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

SUPERFUND IN KANSAS

Mr. ROBERTS. Madam President, I rise today to discuss an issue that is one of these ''believe it or not'' issues of waste and abuse concerning billions of tax dollars and stimulus funding. I have some good news and then I have some bad news to report.

First the good news. In the last 24 hours, we have been able to reverse a policy that would have used stimulus money to pave the same road twice within a matter of months. I said yesterday that did not pass the Kansas commonsense test or, for that matter, any State's commonsense test, and would be a huge abuse of taxpayer dollars. We have reversed this plan, this silly plan, in a bipartisan way.

I wish to personally thank Vice President BIDEN, the man charged with overseeing all of the stimulus spending, for taking action to correct this abuse after I contacted him. I really thank the Vice President because the White House moved and the Vice President moved in an expeditious fashion, and I, quite frankly, didn't expect they could move that fast, but they got the job done.

The Vice President will be in Kansas today, and I asked him to review this rather ridiculous example of wasteful spending occurring in Cherokee County, KS, just a short 2-hour drive south on U.S. Highway 96 from where the Vice President will be. You see, a section of old Highway 96 would have been

resurfaced with stimulus funds. Then portions of an EPA Superfund site would have been cleaned up with stimulus funds, and the heavy equipment used for the cleanup would have damaged the newly resurfaced highway, so they would have to go back in and do the highway again. Once this cleanup was complete, additional stimulus funds would have gone to repair the road damage caused by the heavy trucks. Taxpayers would have paid almost $1 million to fix this road twice.

Fortunately, in working with the Vice President, we now have media reports that the Superfund cleanup will occur prior to any roadwork. That is the good news. Again, I credit the Vice President and his staff and his team.

Now for the bad news. While this spending issue has been fixed, there is a much larger spending issue affecting dozens of Kansas families in Cherokee County, KS, and that is still a major problem. I am going to urge the Vice President to again provide leadership. He is the self-proclaimed new sheriff in town. I am an honorary sheriff of Dodge City, KS, my hometown. So from one sheriff to another, I would simply say to the Vice President: Sheriff, I will ride shotgun or you can ride shotgun. We have the problem only half solved.

You see, in April, EPA Region 7 issued a press release saying Cherokee County would receive up to $25 million from the stimulus. According to the press release:

> By starting or speeding up cleanup at Superfund sites, the [stimulus] funding is also increasing the speed with which these sites are returned to productive use. When a Superfund site is redeveloped, it can offer significant economic benefits to local communities, including future job creation.

Unfortunately, for fewer than 100 residents living in the city of Treece, the stimulus funding for this project is literally going down a sinking hole. The city of Treece, KS, sits on the Kansas-Oklahoma border. This small, rural community was once a world leader in lead and zinc mining, mining that lasted for nearly 100 years. As the mining companies shut down in the 1970s, the groundwater began to rise and the pillars that supported the soil above the mine shafts began to collapse and you had a giant sinkhole. Shortly thereafter—in 1983, to be exact—the EPA placed over 500 square miles in southeast Kansas, northeast Oklahoma, and southwest Missouri on the National Priorities List of the Superfund list, including the city of Treece. In total, Cherokee County, KS, where Treece is located, has 115 square miles in the Superfund Program.

Last summer, during a listening tour of this part of Kansas, I saw firsthand how 100 men and women and children are living in absolute blight. They live day by day not knowing when—and I mean when, not if—their homes will collapse into the earth below into a giant sinkhole. They remain there despite the loss of businesses and infrastructure because their homes have no market value and they cannot sell them to fund a new home or even rent one.

As parts of Cherokee County have been on the Superfund list for the last 26 years, the EPA has removed and replaced contaminated topsoil. According to their stimulus press release, the EPA will continue to remove lead-contaminated residential soil at more than 380 acres in Baxter Springs and Treece. That probably sounds like an admirable thing to do, but as the ground below it caves in, the exposed soil that has not been cleaned up will rise, so essentially this is a never-ending process. You are cleaning up topsoil on a single home, and after the sinkhole sinks, obviously the topsoil is going to be contaminated with the contaminated soil underneath the new topsoil. If you get all that, I think you got the problem. This is a never-ending process.

I have worked very long and hard with other members of the Kansas delegation to determine how best to address this situation. The only satisfactory answer anyone has been able to give me is to relocate the town to protect the residents from a complete cave-in. The Federal Government needs to buy out the land from the remaining homes and business owners and then prohibit any future construction on the property affected by the contamination. This is exactly what we did with Pitcher, OK, on the other side of the State line, just a few years ago. Most estimates indicate we could relocate the entire town with $3 million in Federal funding and $500,000 in State funding—funding the State of Kansas has already set aside. During the previous Congress, I introduced legislation to address the Federal portion of this funding.

Fast forward to today, with an economy experiencing a lot of turbulence and a so-called stimulus bill that everyone in this body heard was an absolute necessity and not only a job maintainer but a job creator. So I asked the EPA to use $3 million of already allocated stimulus funding to relocate the community—$3 million. I was told no.

Instead of solving this problem and relocating the families of Treece to a safe facility, the EPA, with the assistance of the stimulus package, continues to spend even more money, $25 million—eight times the amount needed to relocate the community, the 100 people who live in blight and fear that their homes will sink into a sinkhole—to put new soil—this is what they are currently going to do—onto contaminated soil, which is then going to collapse and recontaminate all the soil. This doesn't make sense.

I have had an ongoing dialog with EPA, and they have told me:

> The wastes are causing great environmental harm to southeast Kansas—

We, of course, knew that—

> as evidenced by the documented impacts to birds, fish, mussels, macro-invertebrates, and horses. There is also evidence of harm to humans as it is related to elevated blood lead levels.

The letter went on to say:

> EPA Region 7 believes the situation at the adjacent Region 6 Tar Creek Superfund site in Oklahoma materially differs from the Cherokee County Superfund site, and that is what drives different decisions for the Tar Creek Site.

I am going to refer to a couple of charts here.

This is a picture of Treece, KS, located right here. You can see all of these white objects here. Basically, that is the chat material that has come out of many mines over 100 years.

Here is Treece, KS, and here is Pitcher, OK. Here is a giant chat pile in between. I have been there. You see many little ponds and winding roads, and I advise you not to go fishing in any of those ponds. You might catch a three-eyed fish. At any rate, it is all contaminated, all a sinkhole, whether it is from Treece, KS, in Region 7 with the EPA or whether it is Pitcher, OK, in Region 6 in Dallas. I don't know what the difference is. If this is contaminated, and it is, and this is contaminated and looks the same, and it is, what the heck is the difference?

Let me show another angle so you can appreciate what I am talking about. This is what the people of Treece see every day as the Sun rises and sets. This is a giant chat mountain—all of this contaminated soil. This side of the chat mountain is Treece, the other side is Oklahoma—the same situation, same problem, same contaminated soil, same sinkhole, and the same thing on the other side, except EPA 7 in Kansas City can't get it through their heads that this is identical to the same problem over here.

Instead of spending $25 million to clean up and put topsoil on contaminated soil that will sink, why can't we spend $3 million to save the community of Treece and relocate these people? Basically, EPA Region 7 does not have a factual basis, according to them, ''that would allow the use of regular or [stimulus] funds for a residential buy-out at the Treece subsite.'' Why? We were going to spend money for a road to be built twice. We are spending $25 million to put topsoil on a sinkhole. Why can't we put $3 million to relocate this town?

Here is my question. EPA acknowledged there is evidence of harm to humans. They listed a whole series of other animals and wildlife, and so on and so forth, that they are worried about. I understand that. But why not provide assistance to relocate fewer than 100 people from harm's way?

Furthermore, EPA told me that ''a 10-year timeframe is estimated for complete waste remediation.'' Due to the continual mine collapses, I wonder if the environmental cleanup will ever be completed.

I think it is in the best interests of all taxpayers to quit throwing money down sinkholes and provide an opportunity for 100 folks who have no other

options to move, as their homes are worth nothing. We do not need to spend, again, $25 million on a problem that will not be solved—topsoil on top of the sinkhole. We need to take care of these people and spend $3 million to let them get on with their lives. While American taxpayers are spending untold millions to prevent mortgage collapses, I can see no better use for the stimulus plan than to get the residents of Treece into safe homes.

I said once before, I am an honorary sheriff of Dodge City. I have a badge. You can go to Dodge City and you can meet the marshal, you can see Miss Kitty. You can go down to the Long Branch. We are used to taking care of problems ourselves. Kansas has appropriated $500,000 to do this. All we are asking for is $3 million, not the $25 million that I don't think is going to ever really result in any long-term cleanup.

You have to be there to realize just how bad this is, the pools of water and all. People will tell you: Senator, we are going to take you around this way. Don't walk this way.

So I would just ask Sheriff Joe, who is the self-declared sheriff on stimulus money, help me out here. Ride sidesaddle or you can drive the stage. Help me get $3 million. You have already stopped the ridiculous situation of building the road twice after we had destroyed it with stimulus money. That is the good news. But the rest of the story is that the citizens of Treece need to be relocated. We can do this for $3 million.

This remains an awful way to treat any community. I think it is not a wise use of taxpayer money. It does not pass the Kansas commonsense smell test.

I yield the floor.

HEALTH CARE

Mr. BENNET. Madam President, I rise today to discuss the urgent need for health care reform. The people of Colorado, and the American people, have waited for too long for Washington to act.

We should begin with a basic principle: if you have coverage and you like it, you can keep it. We will not take that choice away from you.

But even as we keep what works, we must confront the challenges of soaring health care costs and the lack of access to affordable, quality health care. The status quo is unacceptable. Every day, families in Colorado and across America face rising premiums. Their plans offer fewer benefits. They are denied coverage because of preexisting conditions.

And until we fix the health care system, we will not be able to fix the fiscal mess in which we find ourselves.

Since 1970, the share of health care as a part of the GDP has gone from 7 percent to 17 percent. The United States spends over $2 trillion in health care costs, including over $400 billion on Medicare. President Obama has said the biggest threat to our nation's balance sheet is the skyrocketing cost of health care. He is right.

In Colorado, we have not waited on Washington. We have made real progress in showing how you can provide high quality health care at a lower cost. Last week, the New Yorker magazine published an article titled ''The Cost Conundrum'' that highlights the important work that has been done in Mesa County, CO. Over 30 years ago this community serving 120,000 people came together, doctors, nurses, and the nonprofit health insurance company. They agreed upon a system that paid doctors and nurses for seeing patients and producing better quality care. They realized that problems and costs go down when care is more patient-focused.

In Mesa County, the city of Grand Junction implemented an integrated health care system that provides follow-up care with patients. This follow-up care has helped lower hospital readmissions rates in Grand Junction to just 3 percent. Compare that to the 20 percent rate nationwide, and it is clear that our rural community on the Western Slope of Colorado is onto something groundbreaking.

High readmission rates are a large problem for our seniors. Nearly one in five Medicare patients who leave a hospital will be readmitted within the following month, and more than three-quarters of these readmissions are preventable. Rehospitalization costs Medicare over $17 billion annually.

It is painful for patients and families to be caught up in these cycles of treatment. All too often, care is fragmented; you go from the doctor, to the hospital, to a nursing home, back to the hospital and then back to the doctor again. Patients are given medication instructions as they are leaving the hospital, many times after coming off of strong medications. They do not know whom to call, and they are not sure what to ask their primary care doctor.

The solution, both our Denver and Mesa County health communities have found, is to provide patients leaving the hospital with a ''coach.'' This coach is a trained health professional connecting home and the hospital. This coach teaches patients how to manage their health on their own.

Our Denver health community created a model based on this idea called the Care Transitions Intervention. Their work is the basis for the Medicare Care Transitions Act of 2009, a bill I introduced to implement this model on the national level. This legislation recognizes that patient care should not begin in a doctor's office and end at the hospital doors. Investing in coaching and transitional care now can head off huge costs down the road. It has the advantage of being both preventive and responsive.

Take 67-year-old Bill Schoens, from Littleton, CO, who recently suffered a heart attack. Before he was released from the hospital, registered nurse Becky Cline was assigned as his Transitions Coach. She made sure that he understood the medications that his doctors prescribed and everything else he needed to do to get healthy. Bill even pointed out, ''When you are in the emergency room, you are all drugged up and can barely remember what to do. Confusion starts to set in.''

Becky went through each step Bill needed to follow when he left the hospital. Becky evaluated Bill's ability to follow doctor's orders in his environment and helped him maintain his own Personal Health Record. With her help, when Bill visited the doctor, he did not have to remember everything that happened since he left the hospital; it was all in the book.

Bill said, ''When people are in front of their doctor, their blood pressure goes sky high and they forget what they need to ask.'' He said he found the help and guidance he received from his Transitions Coach ''invaluable and life-saving.''

We need patient-centered coordinated care, care that views nurses, doctors and family members not as isolated caregivers, but as partners on a team whose ultimate goal is to make sure patients get the guidance and care they need. Hospitals are not the problem, primary care physicians are not the problem, and nurses are not the problem. Our fragmented delivery system of care is the problem.

This bill also makes sure that we are teaching patients to manage their own conditions at home.

Sixty-nine-year-old Frank Yanni of Denver, CO, had surgery for a staph infection of the spinal cord. After leaving the hospital, he noticed that the pain he was experiencing weeks after surgery was getting worse. Having been ''coached,'' he identified the problem and knew to insist on visiting his doctor immediately. A hospital test showed that Mr. Yanni required a second surgery. His coach said that, ''Had he let that go for even another week, he could have ended up in the ICU, septic and horribly sick.''

Our Colorado transition of care model, reflected in our legislation, gives health care systems the choice of whether to create this program. But it allows existing patient-centered transitional care programs like the one in Mesa County, CO, to continue on.

We want communities and providers to think and work together to reduce readmission rates, reduce costs and provide better coordinated care to our patients. Other systems should look at Colorado and the systems in 24 States that have already begun to follow this model.

As we begin to emerge from the economic downturn, we must call upon existing health care professionals from all walks of life—nurses, nurse practitioners, social workers, long-term care, and community health workers—to serve as transitional coaches.

Colorado nurses like Becky Cline have found that focusing on transitional care has leveraged their skills,

empowering them to take a more active role with patients. They are able to work with both patients and family caregivers. For too long, family caregivers have been ''silent partners.'' Some 50 million Americans provide care for a chronically ill, disabled or aged loved one. This bill recognizes their importance, connecting them with a coach who can teach them how to properly coordinate at-home care.

This bill is only a small part of the solution to the complex challenges of our fragmented health care system. The problems of rising costs and limited access affect people from all walks of life.

Skip Guarini of Parker, CO, is a self-employed private consultant and retired U.S. Marine. After years of regular doctors' visits, Skip's dentist discovered a lump on his thyroid during a routine exam that had gone undetected by his physician despite 10 previous exams.

Skip underwent a CT/MRI scan, ultrasound, and biopsy, all of which were inconclusive. A second series of tests 6 months later revealed that the lump had grown, and Skip underwent surgery. During the surgery, doctors found cancer. Skip was then sent to an endocrinologist who ordered more tests. All tests came back negative. A second full body scan revealed no sign of cancer anywhere in Skip's body.

All these exams and screenings cost Skip $122,000.

Since then, Skip has maintained perfect health, but he cannot obtain private insurance because of the thyroid surgery. He now relies on COBRA and is paying a monthly premium of $1,300. This coverage is set to expire in less than 1 year, at which point Skip will have no insurance.

Hollis Berendt is a small business owner in Greeley, CO. She is covered through her husband's employer, which is ''a luxury many other small business owners don't have,'' she said.

After graduating from Colorado State University in 2004, their daughter Abby found a job with a large company in New York City. She was told she could not get health care coverage until she had been working for the company 1 year. At 10 months of employment, she was diagnosed with an ovarian tumor that would require surgery. The expenses were too much for Abby, so her parents had to take out a second mortgage to pay her medical bills.

Hollis shared that ''this experience brought to light, all too clearly, how close we all are to losing everything due to a health issue.''

The current system is hurting our small business people and their employees. Take Bob Montoya of Pueblo, CO, who runs Cedar Ridge Landscape in Pueblo with his brother Ron. They are torn between providing health care coverage for employees and keeping the business afloat.

Last year, the business paid out $36,000 for a health care plan to cover Bob and Ron's families and one other employee. The other 12 employees and their families do not get coverage through their work. Bob said, ''As business owners, we want to do right by the people who work for us, but if all our employees opted into our health care plan and paid their 50 percent, we would be forced out of business.''

He said it is an ''impossible situation'' for him and his employees.

Like too many small business owners, Bob can not find good health care coverage at a cost he can afford.

He said, ''The longer it takes to pass comprehensive health care reform, the more jobs will be lost as small businesses shut their doors due to rising costs.''

These Coloradans speak for countless others across the nation. All they ask for is a health care system that works for them, a health care system that does not crush them with unreasonable costs, and a health care system that does not deny them coverage just because they have pre-existing conditions. I am hopeful.

I am hopeful that we can keep what works in our system and fix what is broken. I am hopeful that this Congress, working with our President, will finally deliver on the promise of health care reform. The people of Colorado deserve it. The American people deserve it.

I yield the floor, and 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. NELSON of Florida. 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. NELSON of Florida. Mr. President, I understand we are in morning business. I ask unanimous consent to speak for up to 20 minutes.

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

OFFSHORE DRILLING

Mr. NELSON of Florida. Mr. President, the Senate Energy Committee has just approved an energy bill that adopted a very controversial amendment that would allow oil to be drilled 10 miles off of the coast of Florida.

I wish to refer to this chart. Here is the peninsula of Florida. This is the panhandle of Florida, including Pensacola, Fort Walton Beach, Panama City, and Cape San Blas. Some of our largest military installations in America are here: the Pensacola Naval Air Station, the big complex of the Air Force, Eglin Air Force Base in that area of Fort Walton Beach. Down here in Panama City is Tyndall Air Force Base, where they are training all of the F–22 pilots. As one can see on this map, the rest of the gulf coast of the United States includes Alabama, Mississippi, Louisiana, and then Texas.

This chart illustrates what the Dorgan amendment does to Florida. It shows the western planning area of the gulf, the central planning area, and what is known as the eastern planning area. The chart shows that in legislation we passed in 2006, a compromise was struck whereby the oil industry could drill in an additional 8.3 million acres, in addition to the 33 million acres they have under lease in the central and western gulf—33 million that they have under lease that they had not drilled. We worked out an additional 8.3 million acres in this tan area called lease sale 181. In exchange, the compromise was for the protection of the Gulf of Mexico, everything east of this longitude line known as the military mission line. Why? Because everything east of this line is the largest testing and training area for the U.S. military in the world. It is where we are training our F–22 pilots out of Tyndall Air Force Base, it is where we are training our Navy pilots in Pensacola, and it is where we are testing some of the most sophisticated weapons systems in the world that are under the test and evaluation component of Eglin Air Force Base.

This is the area. It is also where we are training our Navy squadrons at Key West Naval Air Station. They will send in a squadron down here to Key West, and when they lift off from the Boca Chica runway, within 2 minutes they are over protected airspace. So they don't have a lot of travel time. They don't spend a lot of gas getting to their training area, which is out here. So we see that we have this area that is now protected.

I wish to have printed in the RECORD a letter from the Secretary of Defense—and this is actually from the previous Secretary of Defense, Secretary Rumsfeld—in which he says the use of this for oil and gas production would be incompatible with the needs of the U.S. military in this test and training area.

I ask unanimous consent to have this letter printed in the RECORD, if I may.

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

THE SECRETARY OF DEFENSE,
Washington, DC, November 30, 2005.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services, Russell Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of October 7, 2005, concerning the potential effect of Department of Interior-administered oil and gas leasing on military training and readiness in the Eastern Gulf of Mexico. The Department of Defense (DoD) fully supports the national goal of exploration and development of our nation's offshore oil and gas resources. The DoD, the Department of the Interior, and affected states have worked together successfully for many years to ensure unrestricted access to critical military testing and training areas, while also enabling oil and gas exploration in accordance with applicable laws and regulations.

DoD conducts essential military testing and training in many of the 26 Outer Continental Shelf (OCS) planning areas. Prior

analysis and existing agreements with Interior recognize that areas east of the 86° 41′ line in the Gulf of Mexico (commonly know as the ''Military Mission Line'') are especially critical to DoD due to the number and diversity of military testing and training activities conducted there now, and those planned for the future. In those areas east of the Military Mission Line, drilling structures and associated development would be incompatible with military activities, such as missile flights, low-flying drone aircraft, weapons testing, and training.

As the planning process for Interior's new 5-year OCS oil and gas leasing program proceeds, DoD will continue both to evaluate its military requirements and to work with Interior to ensure the 2007–2012 oil and gas program, and any future lease sales resulting from it, strike the proper balance between our nation's energy and national security goals.

Sincerely,

DONALD RUMSFELD.

Mr. NELSON of Florida. Mr. President, here is what people don't understand. The committee that adopted this amendment, 13 to 10, doesn't realize this is the largest testing and training area for the U.S. military. That is why in the legislation in law we protect everything east of that line that we passed 3 years ago. In return, we gave the oil boys an additional 8.3 million acres in lease sale 181 and lease sale 181 south. That, by the way, is in addition to their 33 million acres they have under lease here, and here, as shown on this map, that they have not drilled.

Why do the oil companies want to have this additional lease area when, in fact, they have a lot of leases they haven't drilled—33 million acres plus another 8 million acres? Well, it is because a lease has a legal value. If there is estimated to be any oil or gas there, that has a value, and those leases then become a part of the assets of the company, which increases the value of the company, which, of course, then makes their stock worth more. But what we struck in the compromise 3 years ago that everybody out here on this Senate floor agreed to—agreed to, I might say, with Senator MARTINEZ and me—was in exchange for getting that additional area, they would leave the military mission test and evaluation and training area alone.

In the last round of BRAC, which is the Base Realignment and Closure Commission, the ''r'' of BRAC stands for realignment. Is it any wonder that in that round of evaluating military bases they decided to send all the pilot training for the new stealth fighter—the F–22—that they brought it here to Tyndall Air Force base at Panama City? Why? Because they have that area.

Listen, this fighter does a dog fight at 1.5 Mach, twice what an F–16 and an F–15 does a dog fight at. They are doing a dog fight, doing tight turns at about .75 Mach. The new F–22 stealth fighter will go into and engage another aircraft at 1.5 Mach. When you do turns at twice the speed of an F–15 and F–16, you have a much wider radius of a turn. That is why they need all that area. When they are dropping on targets, they are dropping live ordnance.

When we are testing long-range weapons systems at Eglin Air Force Base—some that we release from airplanes, some that are shot from ships—we need hundreds of miles of range. That is why the operative policy of the Department of Defense is that you can't have oil rigs out here to interfere with national security preparation, but, apparently, that is not the way 13 Members of the Senate Energy Committee understood this argument.

Now there is another argument. By the way, I might point out that in that realignment of the bases, they are bringing into Eglin Air Force base all the pilot training for the new F–35. That is the Joint Strike Fighter that is still being developed, but that will be coming out within the next few years. That is the Joint Strike Fighter for the Navy, the Marines, and the Air Force. That Joint Strike Fighter will be sold to some of our allies.

Where is the pilot training? Right here because of the restrictions, it being a test, a training, and an evaluation area. That is why the U.S. military brought these new assets into this area.

There is another reason now that I get so exercised about this, other than the fact of the agreements that were set, that were agreed to; the compromises that were struck 3 years ago are now being abrogated.

That is, they now bring oil rig leasing within 10 miles of the world's most beautiful beaches. There are not too many Americans who don't know that the beaches running from Pensacola all the way through Panama City to Mexico Beach are some of the world's most beautiful beaches. They are sugary white sand, and people from all over go to enjoy this extraordinary valuable resource. It is God's way of giving us a blessing on Earth that people enjoy when they want to go to the beach.

Can you imagine, what the Energy Committee has passed, allowing oil rigs 10 miles off the world's most beautiful beaches? Environmentally, that is one thing, but let's look at the economy of Florida. The economy of Florida—we are a peninsula. We have more coastline than any other State, save Alaska, but Alaska doesn't have a lot of beaches. We have more beaches than almost—not almost—than any other State. Is it any wonder we want to protect our economy, which is a $60 billion-a-year tourism industry, particularly at a time when the economy is being savaged as much as it is?

Yet the Senate Energy Committee would say they are not only going to ignore the military tests and training range that has been off-limits in the law, but now they are going to run rigs up to 10 miles offshore and threaten those sugary white beaches.

Well, let me tell you a few points about this wise energy policy they have supposedly adopted. We all know increased domestic drilling is not going to decrease U.S. dependence on foreign oil. That has been shown over and over. Why? Because if there was oil there, you are not going to get it into production for 10 years. So using the scare tactics of the gas prices going up and up doesn't do a bit for decreasing U.S. dependence on foreign oil and helping gas prices. But let's say it would. Even though bad oil spills and shipping accidents take place, let's say, for a moment, the technological innovations now have made all drilling operations safe; and if the United States wishes to remain dependent on oil, well, shouldn't we drill anywhere we can find oil? How about Colorado for oil shale? But, oh, no, that is off-limits.

How about the five Great Lakes? They should have plenty of black gold. But, no, that is off-limits. How about the oil-rich Arctic National Wildlife Refuge? That is off-limits. This Senator has supported keeping that off-limits. No, the reality is that, instead, some of my colleagues in the Senate want to come—it is kind of like: don't tax you, don't tax me, go tax that ''fella'' under the tree. They want to go and hit somebody else. They want to cut the heart and the lungs out of the U.S. military testing area. They want to come in and start fouling up the most beautiful beaches in the world, the northwest Florida coast.

Three years ago, we opened that additional 8.3 million acres. We didn't allow any drilling any closer than 100 miles off Pensacola, 125 miles off Panama City, 237 miles off Tampa Bay, and over 300 miles off Naples. Why are some people pushing to change this so soon after that compromise that was struck 3 years ago? It is the oil industry, that is why. The oil industry has those 33 million acres out here in the central and western gulf. It is leased, it is not being drilled, but that is not enough for them. Even though the industry hand-picked areas opened here in the 2006 compromise, it now feels it can make more of a profit by drilling closer to Florida's coast.

I don't think we should have to trash our coastline and our economy and the U.S. military so big oil can increase its profit margin. There are serious national security implications if this were to become law. I wish to show you something else. Look at this picture. This is a beach in Pinellas County, Florida after an oil spill. You know what that is—that is oil mixing with white, sugary, powdery, white sand.

Drilling 10 miles off the coast of Florida would destroy the economy of the Nation's fourth largest State. It would convert Florida's world-class beaches to an industrial coastline. We would trade the world's top beaches and the tourist attractions for an industrial waste line dotted with transmission pipes, storage tanks, and oil rigs. We would take away the U.S. military's last unfettered testing and training range—and take it away during a time of war.

Supporters of opening the eastern gulf say we need to do it to help get America off foreign oil. Tell me, then, why isn't there a clause in the drilling amendment passed specifying that all oil and natural gas that would be produced in the eastern gulf has to stay in the United States for domestic consumption?

But, no, that is not there because, the truth is, any oil that would be drilled could be sent to any other country in the world, reducing our use of foreign oil not by one single drop.

If we wish to reduce our dependence on foreign oil—and you have heard me say this ad infinitum—we need to increase our use of alternative energy, energy-efficient cars and appliances.

Mr. President, is my time coming to a close?

The PRESIDING OFFICER. Yes.

Mr. NELSON of Florida. I ask unanimous consent to proceed for an additional 5 minutes.

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

Mr. NELSON of Florida. Recently, we have seen how gas prices have started to rise. Why? Last year, the price of oil went up to $147 a barrel. Why, in 1 day, did the price of oil rise $37 for a barrel of oil? It is because those greedy speculators on unregulated futures commodities markets had been able to bid up crude oil prices in part due to a legal loophole, called the Enron loophole, which, in effect, unleashed insider trading similar to condo flipping since 2001.

Some Gulf Coast States, such as Louisiana, have embraced drilling. Congress even agreed to prop them up with revenue sharing. But because Louisiana doesn't have beaches—or has beaches that are left such as this one in the picture—and they don't have a tourism economy like Florida's, it isn't worth the risk to the jobs and the revenue and the economy of Florida.

Florida's Gulf Coast has some of the most beautiful beaches in the world. These beaches account for a substantial portion of the $60 billion-a-year tourism economy.

Would you visit a beach with oil operations along its shores? Would you want to go to a beach that looks like this photo? I'll tell you a little more about it. This photo is of a relatively small oil spill that occurred as a result of a shipping accident in Pinellas County, FL, in 1993. It simply doesn't make sense to jeopardize Florida's tourism industry and put the coastline at risk of ending up like this.

I will close by reading a timely editorial that appeared in today's St. Petersburg Times. That is one of Florida's largest newspapers. This was so poignant I think it is worth me inserting it into the RECORD, which I will.

I ask unanimous consent that the entire article be printed in the RECORD.

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

[From the St. Petersburg Times, June 11, 2009]

AGAIN, WITH FEELING: NO NEW DRILLING

There is a rhythm to summer that has become as predictable in Washington as it is predatory and senseless: Schools let out, vacation season begins, gas prices rise and opportunists in Congress—encouraged by Big Oil—cite the pain at the pump to push for expanding offshore drilling, jeopardizing Florida's priceless coastline.

Do any of the 13 members of the Senate Energy and Natural Resources Committee who voted to expand drilling Tuesday realize that the nation is moving in the opposite direction and seeking to reduce reliance on fossil fuels with a cleaner energy policy?

The committee approved an amendment to a Senate energy bill that would allow gas and oil drilling just 45 miles off Florida's west coast and even closer off the Florida Panhandle. It would wipe out a 2006 congressional compromise that bans drilling within 230 miles of Tampa Bay and 100 miles of the Panhandle through 2022. That exclusion zone is a reasonable line of defense. Florida's beaches are vital to the state's status as a world-class tourist destination.

Allowing drilling within 10 miles off the eastern Gulf Coast also would jeopardize an important training area for the Air Force and Navy.

As an energy strategy, the measure makes the Senate look hopelessly out of date. Twenty-eight states, in the absence of leadership in Washington, have set targets for renewable energy production. The purpose of energy legislation in both houses of Congress is to fashion a way to leverage billions of tax dollars to curb emissions of global-warming greenhouse gases, build more fuel-efficient cars and to foster investment in alternative energies.

The drilling amendment is an example of a time-honored tactic of tacking on something distasteful to broadly supported legislation. The bill, which committee members expect to pass today, also unfortunately encourages some Republican state legislators who have unsuccessfully sought to open state waters in the gulf to drilling. If the 2006 federal line falls, there will be no stopping the short-sighted in Tallahassee.

Sen. Bill Nelson, D-Fla., has vowed to filibuster the bill if it comes to that. The state's congressional delegation needs to show united opposition, and House members need to demand Speaker Nancy Pelosi stand by her commitment to the 2006 drill-free zone. Gov. Charlie Crist, who is running to succeed Sen. Mel Martinez, R-Fla., also needs to quit waffling and oppose this. And Defense Secretary Robert Gates should explain the implications for naval training and national security should offshore rigs and their attendant infrastructure spring up along the training ranges for America's military pilots. The energy bill is supposed to chart a new strategy going forward. The Senate is headed backward.

Mr. NELSON of Florida. This is what the article says:

There is a rhythm to summer that has become as predictable in Washington as it is predatory and senseless: Schools let out, vacation season begins, gas prices rise and opportunists in Congress—encouraged by Big Oil—cite the pain at the pump to push for expanding offshore drilling, jeopardizing Florida's priceless coastline.

The St. Petersburg Times editorial continues:

Do any of the 13 members of the Senate Energy and Natural Resources Committee who voted to expand drilling Tuesday realize that the nation is moving in the opposite direction and seeking to reduce reliance on fossil fuels with a cleaner energy policy?

The committee approved an amendment to a Senate energy bill that would allow gas and oil drilling just 45 miles off Florida's west coast and even closer off the Florida Panhandle. It would wipe out a 2006 congressional compromise that bans drilling. . . .

And it goes on to cite the numbers I told you, basically keeping that eastern area off-limits.

The editorial continues:

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The editorial concludes by saying:

The drilling amendment is an example of a time-honored tactic of tacking on something distasteful to broadly supported legislation.

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I thank the Presiding Officer for her indulgence that I could get this off my chest. I don't want to mess up the Energy bill. It is critical for us. I am supportive of many of its provisions. But I am simply going to have to assert my rights under the Senate rules if they try to bring this as a part of that Energy bill.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak in morning business for up to 15 minutes.

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

HEALTH CARE REFORM

Ms. KLOBUCHAR. Madam President, the time for health care reform is now. We cannot afford to wait any longer. For some time, Peter Orszag, now President Obama's Budget Director, has warned that rising health costs are unsustainable and represent the central fiscal challenge facing the country.

At $2.4 trillion per year, health care spending represents close to 17 percent of the American economy, and it will exceed 20 percent by 2018 if current trends continue. Hospitals and clinics are also providing an estimated $56 billion in uncompensated care. Meanwhile, businesses are squeezed on the bottom line, forced to reduce or drop health coverage for their employees. Without action, costs will continue to rise and waste will proliferate.

We need to make health care affordable for everyone, and we need to reduce the waste and fraud that plagues the current system.

To my colleagues who are conjuring up reasons not to pass reform this year, using scare tactics about nationalized health care and engaging in fear mongering, I say we cannot stay where we are. We cannot stay where we are. They must be getting different mail than I am. I am getting mail, and I am getting people coming up to me all over the State. Even though our State has some of the most affordable health care in the country, people know their money is being spent in other States that are not as efficient. They know health care coverage when the economy is tough is very difficult to come by, and that is what they are coming up to me and talking about. They are not saying let's stay the way we are. They are saying reform this system.

In 2008, employee health premiums increased by 5 percent, two times the rate of inflation, and the annual premium for an employer health plan covering a family of four averaged nearly $12,700.

Families cannot continue to bear the burden of runaway health costs. If we do not act, these costs are going to break the backs of the American people. We must remain committed to enacting a uniquely American solution to our Nation's health care problem. We must keep what works and fix what is broken.

As Congress prepares to take up landmark health care legislation, many in Washington are looking to my State, the State of Minnesota, as a leader. Among them is the President of the United States. President Obama has provided leadership and vision on this issue, and in a recent weekly radio address, he has highlighted how the Mayo Clinic and other innovative health care organizations succeed in providing high-quality care at relatively low cost. As he has said, we should learn from the successes and promote the best practices, not the most expensive ones.

In Minnesota, the Mayo Clinic is not alone. Health partners Park Nicollet and Essensia Health are already among those working to deliver the best health care at the least price. At 92 percent of the State covered by some kind of health care insurance, Minnesota has a strong history making sure the health care system promotes both quality care and access—92 percent coverage.

Minnesota, Washington, Wisconsin, Iowa, Utah, and North Dakota are just a few of the States that can help provide leadership to help Congress and the administration as we work to develop a quality integrated health care system that reduces cost to the taxpayer and improves health care outcomes.

It is no coincidence that as we speak, the President is in Wisconsin, another State that understands to have high-quality care, you do not necessarily have to have high prices. In fact, it is the opposite.

I will distill this cost issue into some understandable language. I grew up watching the Minnesota Vikings. Year after year, our State has waited for the Vikings to win the Super Bowl. We have been to the Super Bowl four times, and we have never won the Super Bowl. All during that same amount of time, the people of our country have been waiting for health care reform. They have been waiting for something to happen to make health care more affordable. The people of this country cannot wait any longer. We might be able to wait on the Vikings; the people cannot wait any longer.

The importance of Minnesota's best practices can be outlined in a game plan for national health care reform with a few key pointers: rewarding quality, not quantity; promoting coordinated, integrated care; and focusing on prevention and disease management.

We are never going to be able to move the ball for that next first down unless we start talking about costs; otherwise, we are simply going to have different people pay for the same expensive health care but not do anything to reduce the cost.

First, our game plan for health care reform to reduce costs is to be sure to keep score. That means measuring outcomes and rewarding providers who deliver quality results. Right now in many places, we are not getting our money's worth from our health care dollars. In Miami, Medicare spends twice as much on the average patient as it does in Minneapolis, even though quality is much better in Minnesota—twice as much.

If we look at this chart, we will see that the areas in dark blue are the higher spending regions of the country. They receive the lion's share of Medicare payments. The light blue areas—States such as Minnesota, Montana, and Iowa—are areas where Medicare spending is low but quality of care is often high.

In a recent New York Times article, some explained these differences in spending as they were trying to explain how can this happen that you have twice the Medicare, twice the taxpayers' dollars for the same kind of medical treatments as you would in another part of the country. Some said it is a difference in cost of living, sicker people, more teaching hospitals. But research shows those factors only explain 18 percent of the variation in spending.

It is no surprise. Most health care is purchased on a fee-for-service basis, so more tests and more surgeries mean more money. Quantity, not quality, pays.

According to research at Dartmouth Medical School, nearly $700 billion per year is wasted on unnecessary or ineffective health care—$700 billion per year. That is 30 percent of total health care spending. So to my colleagues who are fear mongering and saying we should do nothing, I say how about $700 billion, 30 percent of total health care spending that we have the opportunity to change around to benefit the people of this country?

Just look at this fact, if you want to look at quality care. The Mayo Clinic ranked as one of the highest quality institutions in this country. If you look at the last 4 years of the lives of chronically ill patients, some of the most difficult times for people in this country, an independent study from Dartmouth came out after they looked at what the Mayo Clinic did. They have a team of doctors working together with quality ratings incredibly high. Then they looked at what was going on in other regions of the country.

If all the hospitals in this country used the same protocol that Mayo Clinic used in the last 4 years of a patient's life, where the quality rating is incredibly high, we would save $50 billion every 5 years in Medicare spending—$50 billion.

So, no, I don't think the answer is just to throw away health care reform and do a lot of fear mongering. I think the answer is to work together to bring this kind of cost savings to the rest of the country.

There is general consensus that Medicare should reward value, and value consists of both quality and efficiency. However, value is not taken into account when Medicare determines payment for providers.

To begin reining in costs, we need to have all health care providers aiming for high quality, cost-effective results. That is why I plan to introduce legislation with Senator CANTWELL and others that would authorize the U.S. Health and Human Services Secretary to create a value index as part of a formula used to determine Medicare's fee schedule—paying for value. This indexing will help regulate overutilization because those who produce more volume will need to also improve care or the increased volume will negatively impact fees. You have to have those incentives in place in how you do the payments or you are never going to reduce costs.

In adding a value index, my bill would give physicians a financial incentive to maximize quality and value of their services instead of volume. Linking rewards to the outcomes for the entire payment area creates the incentive for physicians and hospitals to

work together to improve quality and efficiency.

I am also interested in the idea that the President has proposed to give increased consideration to recommendations made by the Medicare Payment Advisory Committee, MedPAC, a commission created by a Republican Congress. MedPAC's recommendations for payment reform include bundling, which has potential significant cost savings. Giving the recommendations made by experts increased authority could be a valuable tool to help rein in health care spending and improve quality in a responsible way.

So the first part of our game plan for reducing costs for health care is focusing on value. The second part of the game plan for making health care more affordable is to focus on teamwork.

Understandably, patients like it when their health care providers talk with one another and even work together. This means higher quality care, as well as more efficient care. In too many places, however, patients must struggle against a fragmented delivery system where providers duplicate services and sometimes work at cross-purposes—an x ray here, an x ray there, an expert here, an expert there. It is like a football team with 11 quarterbacks but no wide receivers, no running backs and no offensive line. This does not work in football, and it is not going to work in health care.

The beauty of integrated care systems is that a patient's overall care is managed by a primary care physician in coordination with specialists, nurses, and other care providers as needed. It is one-stop shopping. In our rural communities, critical access hospitals utilize this model and provide quality health care for residents in their community with a team of providers.

To better reward and encourage this collaboration, we also need to have better coordination of care and less incentive to bill Medicare by volume. Increasing the bundling of services in Medicare's payment system has the potential to deliver savings and start encouraging quality, integrated care.

When it comes to improving care, changing who pays a doctor will make no more difference. The lesson of high-quality, efficient States such as Minnesota and Wisconsin is that someone has to be responsible for the care of the patient from start to finish, from one goal line to the other. Bundling will ensure that practice is rewarded.

This is a very interesting chart. It does not look interesting, but it is. A lot of people think the more you pay, the better quality care you get. This was a MedPAC analysis of county level fee-for-service expenditures, a national study.

Do you know what they found? They found that those areas of the country, those counties that had low utilization—in other words, maybe someone called a nurse line or a doctor referred them to one specialist instead of them going to three on their own—they found they had the highest quality care. Why is that? It makes sense. You have one primary doctor who knows exactly what is going on, is checking your charts and can send them to one specialist so mistakes are not make. You go to one specialist who does not know you are taking a certain medication and you are allergic to another. High-quality care with low utilization; lowest quality care with high utilization.

That is probably the opposite of what most people in this country think. But, literally, you get the highest quality care in those parts of the country where you are paying less money.

As I said, if people start to say our area of the country is so expensive, only 18 percent of that difference with the high-quality, low-cost States and the low-quality, high-cost States can be attributed to cost of living.

Research has shown that moving toward a better integrated and coordinated delivery system would save Medicare alone up to $100 billion per year. So if people don't want to talk about reform and they want to make a bunch of fear-mongering statements, let them explain to the American people why we are not going to save $100 billion per year.

Finally, the last game pointer is that the best offense is a good defense. My dad covered football his whole life for the newspaper, and this is what he would always say to me: It works on the football field and it works in health care. It is a lot better for both the patient and the patient's pocketbook if a chronic medical problem can be prevented or managed early to stave off complications and the need for costly care. Right now, physicians are paid to treat diseases, not prevent them. Yet a payment system that encourages prevention and disease management could generate enormous savings because a large portion of health care spending is devoted to treating a relatively small number of people with chronic medical conditions.

Let me give an example of this. This is Health Partners, which is a clinic in Minnesota—all over our State. A lot of patients are members of it. They started looking at how can we do a better job with diabetes. They did this back in the fourth quarter of 2004 compared to the fourth quarter of 2008. You see here an increase in quality for the patients, an increase in percentage of patients with optimal diabetes control, because they put in some practical protocols.

What do you see with costs? You see an actual major decrease in the cost per patient. That is the green line. The yellow line is an increase in the patients with optimal diabetes control, as the doctors determined. The green line is a decrease in cost. The red line is patients with diabetes who had asked that they recommend Health Partners clinics. So even as they saw this dramatic reduction in cost, they were still on the up in terms of recommending using Health Partners clinics. Most people don't like their HMOs very much. They always have reasons to complain. So I think this is amazing that they were able to show this kind of result.

At Park Nicollet in Minnesota, they have implemented a congestive heart failure program with Medicare. In the 3 years since the program began, Park Nicollet has saved nearly $5,000 per patient, per year.

Diabetes, congestive heart disease, and back problems all contribute to the excessive cost and growth in our health care system and cause decreased productivity in our economy. One study found that the most costly 20 percent of Medicare patients in a given year account for 84 percent of total Medicare spending. By contrast, the least costly 40 percent of Medicare patients accounted for just 1 percent of overall spending. As the examples from Minnesota and other places demonstrate, effectively managing these and other chronic illnesses is essential to health care reform.

A recent New Yorker magazine article showcased the Mayo Clinic in the context of health care's cost conundrum.

Madam President, I ask unanimous consent for 3 more minutes.

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

Ms. KLOBUCHAR. According to the author, a physician, we are in ''a battle for the soul of American medicine.'' On one side is a fragmented, volume-driven model that too often crosses into profiteering. There are good parts about our health care system, believe me. I know this because I live in Minnesota. We have to maintain those. But we have to fix this broken cost structure. On the other side, you see this model offered by Mayo and other peer institutions across the country where doctors collaborate to provide the best, most efficient care for their patients.

On one side is more of the same, which is both financially and morally unsustainable; on the other side is a new direction that promises to curb cost while expanding affordable coverage. It is time to choose sides. For the sake of our fiscal health and for the sake of millions of Americans struggling to afford the care they need, I urge my colleagues to choose the latter.

Yesterday, I met with a bipartisan group of Senators, and I have to tell you I still have hope that we are going to get this done and I have hope that there will be bipartisan support for this. What I am talking about today—cost reduction, putting these incentives in place—isn't a Democratic issue or a Republican issue. It is an American issue. This is an American cause, and we can find a uniquely American solution to this problem so that we can reduce costs and make health care better quality. I can tell you, having spent my entire life in the State of Minnesota and having a daughter who was

born very sick, who couldn't even swallow when she was born, I know we can get high-quality health care at lower cost. They do it every day in my State, and we can do it in the rest of the country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, when it comes to health care, Republicans want reform that respects patient freedom and choice. We want to maintain the sanctity of the doctor-patient relationship. We believe doctors, not Washington, should tailor an individual's care. Washington-run health care would delay or deny care and would displace millions of Americans who are happy with their current health insurance. Federal bureaucracies are not known for being efficient, innovative, or hassle-free.

On Wednesday, the majority whip said:

> Those who come to the floor of the Senate defending the health insurance companies and saying they want no change in the health care system have to defend the indefensible.

Well, who exactly has come to the floor and said that? Who in the Senate has come to the floor and said they want no change? I know of no one who has done that. This is a straw man argument, usually made when you can't win an argument on the merits, but it has become a familiar refrain from some of our friends on the other side of the aisle. They present a false choice between doing what they want and doing nothing. When they don't want to listen to Republican ideas, they accuse us of wanting to do nothing. It happened with the stimulus bill, and it is happening now with health care.

Republicans want health care reform. I have said this repeatedly, and so has Senator MCCONNELL. I have noted that there are abundant problems in our current system, that a routine visit to the doctor can be surprisingly expensive. Too many people have to go without basic care for a host of reasons, whether they are unemployed or work for a business that doesn't have health care or perhaps have a preexisting condition.

The task before us is to ensure that all Americans have access to quality health care without degrading the quality of care for anyone. In other words, those who are happy with their care—and that is the majority of Americans—don't want to have to sacrifice their care in order to take care of the problem of those who are having issues. And by access to care, I don't mean access to a government waiting list.

There are two ways to approach health care reform while trying to keep costs in line. One, which President Obama says he rejects, is to create a competitive marketplace in which consumers get to pick the plan that works the best for their families. Competition helps the consumer. The more competition, the better. And this concept does not include a Washington-run plan.

The other is for the government to ration care by deciding what treatments you can get and which medications you can have. Yes, you can cut costs this way, but it is not right, it is not what Americans want, nor is it what physicians want. The American Medical Association, an organization of 250,000 of America's physicians, said in a recent statement that it does not ''. . . believe that creating a public health insurance option for nondisabled individuals under the age of 65 is the best way to expand health insurance coverage and lower costs.'' I agree. The doctors—those who provide the care—are concerned about what a Washington-run health care would mean for their patients and for the uninsured Americans who need to get in to see them.

Republicans have been discussing the state of health care in Canada and the United Kingdom because those countries have government-run health care and they delay or deny treatment for many of their citizens in order to keep costs under control. The Canadian and British Governments created these systems with the best of intentions, but government-run care is not serving their citizens' needs, and we don't need to replicate their problems here in the United States. In fact, in Canada, Claude Castonguay, chair of the commission which recommended that Quebec establish a government-run system in the 1960s, declared last year that ''the system is in crisis''—his words. Private clinics are opening all over Canada at the rate of one per week to treat those who are on waiting lists at the public hospitals. Many Canadians who have the resources to get out of the bureaucratic government have chosen to do so.

As the Republican leader pointed out today, Britain's National Institute for Health and Clinical Excellence—the entity responsible for setting guidelines on pharmaceuticals and treatments for British patients—last year denied patients in that country access to four kidney cancer drugs that have the potential to elongate patients' lives. The institute explained it this way:

> Although these treatments are clinically effective, regrettably, the cost is such that they are not a cost-effective use of resources.

A chilling statement, indeed. The stories of patients being denied treatment by their governments are real.

President Obama and some of my colleagues in the Senate have argued—as the majority whip has—that a public or a government-run option can compete with other insurers and that this government-run option would be only one choice of many. My question is, Why is it needed?

And what will it do? Government-run health care would crowd out other insurers, quickly becoming a monopoly. I have cited these statistics from the Lewin Group, which has made this point. Someone who has insurance through his or her company could be forced into the government's plan if the employer decides it is simpler and cheaper to pay a fine to the government and eliminate its coverage. A company might say: Why bother with the paperwork and administration when we can just pay a fine and tell people to get onto the government insurance rolls? As I said, that is what health experts say will happen. The Lewin Group I cited before has estimated that 119 million people will be shifted from a private plan onto a government plan if it is created. That would affect two-thirds of the 170 million Americans who currently have private insurance, all but ending private insurance in America.

President Obama said recently:

> If we don't get this done this year we're not going to get it done.

Well, why is that? Why does that have to be so? Could it be because the President would prefer that we rush a bill through before Americans get a chance to absorb what Washington-run health care would mean for their families? If this is worth doing, it is worth doing right. It is worth taking the time to do it right.

Americans are compassionate, and we want coverage for our neighbors just as much as we want it for our own families. But I will tell you that my constituents worry about the cost, and they do not want the Federal Government to cover others at their expense, both in cost and in the form of rationed care. So one of the first questions for this program is, How much is it going to cost and who is going to pay it? Another question is, What is going to be the effect on seniors who are in Medicare? Do they have anything to worry about? And my answer to that is, absolutely, because some of the conversation has to do with ''reforming the way our seniors get their health care.''

We haven't heard much about the exact price of government-run health care, but we know the cost will be extremely high. And whatever we spend, it won't be enough to ensure all Americans get the care they need. So when we begin talking about cost and being more concerned about the cost than the quality of care, as was the institute in Britain I just quoted, then we get into a situation where we are going to have to ration care, and that is something neither our seniors nor families with coverage today want at all.

We need a real marketplace of options. Choice, freedom, and competition should be guiding principles for the health care reform we all want.

I reiterate that Republicans as well as Democrats want reforms in our health care system. There are people who need coverage, and we all understand there are ways we can save money. The question is, Do we do this through more government control, more government bureaucracy, government-run insurance companies, fines on employers, and raising taxes in order to add 40 or 50 million more people to insurance rolls or do we try to

achieve the results through removing barriers to competition which currently exist?

Republicans have noted a whole series of laws right now that could either be reformed or repealed in order to allow more competition, in order to reduce prices for those already in the market and give patients more choice. I don't know why the resistance to this insurance reform. I don't know of anybody who likes the way insurance companies always do their business. I know I don't. So why not reform and enable those who would do it the way people want to have products that could be offered to the public and which presumably the public would buy if they are concerned about the way their insurance is currently being offered?

So this is not a matter of one side wanting reform and the other side not; it is a matter of different approaches. And from my constituents, I can tell you they are concerned about what they have and they are concerned about what they are going to have to pay. As much as they want to help other people have the same kind of coverage they do, they don't want it at the expense of their families, by having care rationed to them and their families as a result of the fact that it would cost more money than we are currently paying.

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. BROWN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

JOB LOSS CRISIS

Mr. BROWN. Madam President, in my State of Ohio and States such as Michigan, Indiana, Pennsylvania, middle-class families already hit by a terrible recession are facing a new wave of devastating job losses and plant closings. Some 400,000 Ohioans are employed, directly or indirectly, because of the auto industry. The auto industry crisis is a crisis especially in my State and in Michigan and in the other States in the region.

As Congress works to help the industry through these most difficult times, the industry must do all it can to keep jobs here at home. That is why it was welcome news when GM announced that rather than start more small car production in China and Mexico, which they have done in the past, they would open a new small car manufacturing plant somewhere in one of these auto States.

This crisis has hit home in my State, especially in Mansfield, where GM has one of its best stamping plants. Workers at this plant were asked to make concessions over the past 2 years, and they did. They were asked to produce in an exceptionally efficient manner, and they now rank at or near the top, across a range of performance standards. The Mansfield GM Fisher Body Stamping Plant played by the rules, did all that was expected of them, and they made it to the top, literally to the top of GM's stamping plants. Yet GM has decided to close this facility.

GM's decision not to include the Mansfield stamping plant in the New GM, this new coming-out-of-bankruptcy company, one that is focused on building fuel-efficient cars for the 21st century, is troubling, it is more than troubling to employees and members of the Mansfield community and to me.

Yesterday, I met with GM officials who were direct and polite and are trying to do their best. I met with GM officials to try to understand their decision. I am not convinced this makes sense for the New GM, to close this Mansfield Fisher Body Stamping Plant. I know it does not make sense for Ohio. GM's own scorecard shows the Mansfield plant has met nearly 100 percent of its targets and has a productivity rate of 94 percent. According to GM's records, it is the single highest ranked stamping plant in GM.

The plant that is a very close second is 70 miles away, north of Mansfield, in Parma, OH. By GM's own records, those are the two top-rated stamping plants. It makes little sense to me and to the town and GM workers at Mansfield that the company would not want its best and brightest to embark on its new path toward success.

The auto crisis hit home in Twinsburg, OH. Twinsburg is the home of the most modern stamping plant in Chrysler's network. It ranks among the highest in safety and productivity. Yet Twinsburg's workers and their families got the rug pulled out from under them last month. The crisis is playing itself out every day as auto suppliers struggle to find credit.

So it is not just Mansfield and Twinsburg, it is not just the loss of fewer than 100, but 80 or 90 people in families in the Columbus area who lost jobs when a GM supply center announced it was closing. It is also what happens to those companies that supply the auto companies, and they, frankly, employ more workers than the auto companies themselves do.

The crisis plays itself out every single day as auto suppliers struggle to find credit. If a manufacturer has auto customers, banks seem to put them on a black list and do not want to extend any loans, even those backed by the Small Business Administration.

The crisis plays itself out in Warren and Dayton, where Delphi salaried workers, who played by the rules, are left without the pensions they deserve. These stories from Mansfield, from Twinsburg, from Warren, from Dayton, from smaller communities are, unfortunately, not unique. There are more stories, stories from small Ohio towns such as Trotwood, near Dayton; Van Wert, on the Indiana border; and Greenwood and from other cities across Ohio and the Midwest.

That is why it angered me when I sat in the Banking Committee as I was chairing, as Chairman DODD was working on health care issues, when I heard these restructuring proposals for Chrysler and GM portrayed by my more conservative colleagues in this body as ''giveaways'' to workers. When they label this as ''everybody sacrificed except the workers,'' the workers have seen tens of thousands of lost jobs. We have seen a $7-an-hour cut in compensation for these workers. That is a $14,000 a year hit that these workers are taking. They are far from giveaways.

American autoworkers, their families, and their communities are all in this together and have suffered with their communities perhaps more than anybody.

Just 3 years ago there were a quarter million members of the UAW. After these GM and Chrysler restructurings in the auto industry, that number of worker members will be below 100,000. These are men and women who make up our Nation's middle class, the heartbeat of America, if you will.

They work hard, they support their families. They are watching as their chance at the American dream goes up in smoke. It is an American tragedy. Anyone who dismisses it otherwise should be ashamed.

Wages have decreased for entry-level workers. Wages have been frozen. Key health care benefits were eliminated for both active and retired workers. Understand, the much maligned legacy costs that companies are burdened with, if you will, these legacy costs, health care and pensions, were negotiated at the bargaining table when workers said: We will take less money in salary and wages today if you put that money aside for pensions and health care—for health care now and for pensions later. So they gave up dollars at the bargaining table. That is what these legacy costs are.

These concessions, combined with swapping GM's contributions owed to the VEBA with stock, a step that will increase risks for retirees, will save General Motors billions. That is a good idea because we want this company to survive and thrive.

Every facet of this restructuring has an impact on hard-working Americans, on their communities, their States, their Nation as a whole. We should ask yourselves this: Is the government doing everything it can to protect and create American jobs? Is the government ensuring that top-performing segments of Chrysler and GM are not sacrificed because of expediency or politics or information gaps or favoritism?

I held a conference call with mayors from Ohio's auto communities recently. Nearly all of them raised the fact that they may need to eliminate police and fire and their other local government entities, eliminating teaching positions and others, because

of the shortfall in tax revenue from plant closings. Some mayors have already done that.

The worry from these mayors reminds us we are talking more about jobs and bottom line. We are talking about our Nation's manufacturing future. We are talking about our Nation's middle class.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. Mr. President, I ask unanimous consent to be permitted to speak for up to 15 minutes.

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

HEALTH CARE

Mr. CASEY. Mr. President, I rise this afternoon to speak of a subject that is on the minds of so many Americans. It is also the subject of a lot of attention and work here in Washington, and that issue is health care. I won't try today to cover every aspect of it and to cover all of the details that are being debated here in Washington, but I rise to begin a series of speeches that I and others will be giving on this topic.

I don't think I need to recite the challenge the people of Pennsylvania and America face when it comes to their health care. I do believe there is some consensus, not only here in Washington but around the country, about what we have to do. We have to take action, and as we take action, we have to be very clear about what we tell people and what is in the legislation: that if you like the health care you have, you can keep it; if you don't like what you have or you don't have any health care, we are going to put a bill in front of the American people—in front of the Senate and the House, and then legislation before the American people—which will allow that kind of choice.

I believe there is consensus about that. There is consensus about some fundamental keys to reform. No. 1 is the question of cost reduction. We can't get through this process and not get a handle on costs, especially for the future. No. 2: I think there is a great consensus about choice, preserving the kinds of choices people have now and in fact enhancing the choices that people have in their health care decisions. No. 3: To ensure quality, affordable health care for all Americans. The nature of that issue is that we can build on our current system, but that we have too many people—as many as almost 50 million—who are uninsured.

There are a lot of people to thank here in Washington for the work that has been done already. I know we are a long way off. We have a lot more to do. There are weeks and weeks of work still ahead of us, but a few bear mentioning. Obviously, the President of the United States, President Obama, has made this a central issue of his Presidency and has worked very hard and has continued to make this a priority. We want to commend his leadership. It is essential. We cannot move this legislation without his help.

Senator KENNEDY, who has worked on this issue for more than four decades, I guess, now, has given tremendous leadership and inspiration. Whether he is here physically or whether he is not, he is providing that and has provided that for the American people for a generation on health care.

Senator BAUCUS, the head of the Finance Committee, has worked not just months but years on this. Especially in the last year, in the last 6 months, he has been working very hard to get it right on that essential committee.

Senator DODD has stepped into the Health, Education, Labor and Pensions Committee leadership role because Senator KENNEDY hasn't always been able to be here because of his own health challenges.

I also wish to commend the bipartisan spirit that I think is evident on both sides of the aisle. People want to get this done, and they want to get it done in a bipartisan manner.

What I will speak about today is an aspect of this challenge which I think is not getting enough attention and enough focus and, therefore, may not get enough resolution in the legislation, and that is the issue of what happens to our children, especially children who are poor or those with disabilities, those with special needs. I believe the theme—not just the theme and not just the goal but the ironclad promise that we should make when we talk about reforming health care and getting legislation passed—the ironclad promise should be as follows: No child worse off. No child in America should be worse off at the end of this process, especially poor children and especially those who have special needs, those with a disability.

Despite all of the great work—and I could cite a long list of people to thank for children's health insurance—the legislation that was passed in the 1990s and the reauthorization is great news: 6 million kids covered, plus 4 million more who will be covered, so almost 10 million—almost 11 million, actually—more than 10 million children are covered by that. That is wonderful. We should be happy about that. We got that done this year. Here is the problem: There are still 5 million more who are not covered. So I rise today to speak about coverage and a focus on those children.

Here is what I believe when it comes to children in our society. I believe every child born in America is born with a light inside them. For some children, the reach of that light will be boundless. It will be scintillating. You won't be able to see it, it will be so bright, because of that child's potential or because of his or her circumstances, but their potential and, therefore, the light within them is boundless. For some other children, that light will be a little more limited because of circumstance, or because of other limitations they may have. No matter what the situation that child is in, no matter how brightly or not so brightly that light is shining, we have to make sure we are there for them, especially when it comes to health care. So I believe that light has to continue to shine, and one of the reasons I am so grateful for the work that has been done already is that in our committee, we have made children a priority.

The Health, Education, Labor and Pensions Committee has not only produced a bill already—it is from one side of the aisle, the Democratic side; we are working with our Republican colleagues now—but the Affordable Health Choices Act is now on the table for debate. We are working on it today, hours and hours yesterday and today, and we will continue that with our Republican colleagues.

There are a number of provisions in there for children that speak directly to this concern I have. Senator DODD has shown tremendous leadership on this issue of helping our children through this legislation. But I believe we have to focus the attention of the country on the challenge, and that is why I have introduced S. Res. 170.

I ask unanimous consent that the entire resolution be printed in the RECORD as a part of my remarks.

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

S. RES. 170

Whereas Medicaid is a cornerstone of the Nation's health care infrastructure, providing critical health coverage to Americans who have the greatest needs: children and adults whose financial means are very modest and people who are in poorer health compared to the population at-large, including individuals with significant disabilities and those with multiple chronic illnesses;

Whereas Medicaid provides health coverage to ¼ of the Nation's children and more than ½ of all low-income children;

Whereas because minority children are more likely to be from low-income families, Medicaid has been shown to reduce racial and ethnic disparities in health care, as it provides coverage for 2 out of every 5 African-American and Hispanic children;

Whereas by limiting cost-sharing and premiums, Medicaid provides a comprehensive benefit package and ensures that children have access to affordable coverage and the health care services they need to stay healthy and meet developmental milestones;

Whereas Medicaid is designed to meet the complex health care needs of low-income and special needs children by including a wide range of essential and comprehensive services that many private insurers do not cover;

Whereas Medicaid provides developmental assessments for infants and young children (including well-child visits, vision and hearing services, and access to a wide range of therapies to manage developmental disorders and chronic illnesses) and coverage for in-home support, long-term care for special needs children, and transportation services;

Whereas Medicaid provides a care coordination benefit that supports at-risk children by coordinating State health services, thereby furthering the ability of States to effectively coordinate medical and social services that are provided by multiple organizations and agencies;

Whereas administrative spending is lower in Medicaid than through private insurance;

Whereas Medicaid is critical for ensuring that children have access to safety-net providers in their local communities and for training health care professionals, including pediatricians; and

Whereas Medicaid provides low-income children with the full complement of services they need to meet their unique health and developmental needs: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress should ensure that reform of our Nation's health care system shall benefit all children and that no child shall be worse off, particularly the most vulnerable low-income children and children with disabilities; and

(2) strengthening our Nation's Medicaid program should be a priority and that low-income children should not be moved into a health care exchange system that could disrupt and diminish their benefits, cost-sharing protections, availability of care standards and protections, and access to supports, services, and safety-net providers.

Mr. CASEY. S. Res. 170 is cosponsored by Senators DODD, ROCKEFELLER, BROWN, WHITEHOUSE, and SANDERS. I will highlight some of the features of it.

First, it starts with a recognition that the Medicaid Program is a cornerstone of the Nation's health insurance infrastructure. It notes in the resolution that Medicaid covers a quarter of all children in the country—one-quarter—and half of all poor children. It notes as well that Medicaid has been shown to reduce racial and ethnic disparities in health care and provides coverage for two out of every five African-American and Hispanic children.

Medicaid is a comprehensive benefit package. It provides developmental assessments for infants and young children. It has care coordination benefits in support of at-risk children, and Medicaid's administrative spending is lower than that through private insurance.

Here is the end of the resolution, and I am summarizing here: It is the intent of this resolution to say that the Nation's health care system shall benefit all children—all children—and that no child shall be worse off at the end of this debate. Low-income children should not be moved into a health care exchange system that could disrupt and diminish their benefits. That is S. Res. 170.

I believe it is critically important to emphasize this idea, that no child should be worse off as a result of health care reform—not a single child—and in particular, those who have special needs or who happen to be poor.

We know from our research that children are not small adults. They have different challenges. They have developmental and health care needs that are very different from adults. The challenges they have, the problems they encounter can be exacerbated if children face economic challenges or have any kind of special needs. These needs must be met, and if they are not met, the whole trajectory for the future of that child will be changed for the worse.

Let me say in conclusion, we have seen throughout our history that there are some people who cannot do something on their own, that they need the help of a program, they need the help of a government, and thank goodness we made the determination a long time ago that our health care system is part of that equation. When I think about health care and when we think about the health care of children, no matter what income level their family happens to be in, but especially if they are poor or have special needs, and you think of the love of a mother, with the kind of love that a mother provides to a child, there are so many things that one mother can provide for her child. She can help with that child's education. She can provide nurturing and care and love to make sure that child develops in the way we would hope. She can even help somewhat in that child's health care. But no matter how much a mother loves her child, no matter how skilled she is, no matter how dedicated she is to the welfare of her child, and no matter how much she loves that child, she cannot—cannot—provide the kind of protections that health insurance provides and the kind of medical attention that a good hospital or a good doctor or a good health care professional can provide.

So we have a choice. We can have health reform legislation, and everyone will pat each other on the back and we will all be happy we got it done. That would be wonderful. But if we get this bill passed and we have fallen short with regard to our children, especially those who are poor and have special needs, I think we will have failed not only those children, of course, but we will have failed the obligation we have to make sure that every child comes through this with the kind of protections and the kind of help they should have a right to expect, and that that mother can have a sense that this country, this government has made a full commitment—not a partial commitment but a full commitment—to children.

Let us, as we go forward, remember the love that a mother has for her child and the limitations—no matter how much that mother loves that child and what she is able to do—that we must help her with in this debate. Let us not forget, and let us make sure that the legislation we pass on health care reform has as one of its ironclad promises: no child worse off.

Mr. President, I yield the floor and would note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Mr. President, what is the business before the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The bill clerk read as follows:

A 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.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided and controlled between the Senator from Connecticut, Mr. DODD, and the Senator from Wyoming, Mr. ENZI, or their designees.

Mr. DODD. Mr. President, I see my friend from Ohio, Senator BROWN, who has been a champion of this issue, not only as a Member of this body but as a former Member of the other body. He has spoken eloquently on this already. I will defer to him whatever time he may wish to use. I am told Senator ENZI will be here shortly. We will go back and forth between now and 2:30.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. I thank the Senator.

Mr. President, I have watched with great admiration Senator DODD's work on this bill. I also worked on this bill with HENRY WAXMAN in the House of Representatives. Senators KENNEDY, DODD, DURBIN, and Congressman WAXMAN have helped to bring these issues forward, and they have never given up.

I boil this issue down to basically almost one sentence. I remember sitting in front of the Health Subcommittee in the House years ago and seeing the tobacco company executives swear to tell the truth, and they didn't exactly tell the truth when they talked about nicotine not being an addiction. I learned one simple concept at that hearing—and we have known this for a number of years—which is that 400,000 Americans die every year from tobacco-related illnesses. On average, that means more than 1,000 Americans die every day from tobacco-related illnesses.

If you are a tobacco executive, you think about this: You have lost 400,000 customers every year, more than a thousand customers every day, and you

need to replenish your customer base. What do you do? You need to find 400,000 new customers every year. You don't go to people of Senator DODD's and my generation; you don't even go to my children's age group; they are in their late twenties. You aim your marketing campaign at the young men and women sitting in front of me, the pages on the steps in front of the Presiding Officer's chair. You aim at people 14, 15, 16, 17, 18 years old. You have to find 400,000 new customers every year and more than 1,000 customers every day. And they are pretty successful at it.

I heard Senator DODD talk a few minutes ago in another meeting, and he said something like 3,000 new young people start smoking every day. Of those 3,000, for many it becomes a lifelong habit and many will die as a result of smoking. So the key point about this legislation—what makes the legislation Chairman DODD brought forward today so important—is to have the FDA finally be involved in tobacco-related illness and regulation. What makes it so important is we need somebody to stand between the very well-paid drug company marketing executives and these 13-, 14-, 15-, and 16-year-olds who aren't nearly as sophisticated. We need some assistance in making sure those targeting efforts cannot get those young people addicted.

One thousand Americans every day die from tobacco-related illnesses. They need 1,000 new customers every day to replenish their customer base. This legislation will help stop that. That is why this is important, and the Senate needs to pass this legislation. That is why this 15-year effort to do this right finally is coming to fruition. We need to pass this and get it to the President. He is eager to sign it. It will matter greatly in affecting America's public health in the decades ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank my colleague from Ohio for his remarks and for his efforts over the years. This has been a long journey. It goes back 50 years. Back then, the Surgeon General of the United States warned of the health effects of smoking—a half century ago.

I know we will have a big vote at 2:30, and that is great news. Sometimes a large vote such as this minimizes the impact of the decision. This has been a very long battle. Somebody told me the other day the issue to ban smoking on airplanes only passed the Congress by one vote. Imagine today if somebody tried to restore the right, or privilege, to smoke on airplanes. I doubt you would find one vote in favor. Even smokers object to smoking on airplanes today. So only by a one-vote margin did Congress vote to ban that practice.

On Monday, we had a cloture vote. People can vote for a lot of different reasons. I don't suggest that everybody who voted against cloture was in favor of continuing to allow the tobacco industry to be unregulated. But by a 1-vote margin, basically, 61 votes, on a bipartisan basis, we terminated that debate, which is bringing us to the vote in 20 minutes. While it may seem like another vote on this day, June 11, 2009, it is a significant vote. I don't know of another vote in the last number of years as important as this one. We are going to start a markup in the next week—my friend from Wyoming has been involved in this and is passionate about the issue of smoking. We are going to mark up bills and fashion a major health care reform debate in this country. What better way to begin that debate than by the vote we are going to take in a few minutes.

For the first time in the history of our country, we will insist that tobacco products be regulated by the FDA. To put this into perspective, the FDA regulates not only all the food and other products we ingest, it regulates cosmetics, mascara, lipstick, and all sorts of products that we not only ingest but that we also use on our bodies. It also controls the products your pets consume, such as cat food, dog food, hamsters, and whatever else; the FDA has the power to regulate that.

But for 50 years, the tobacco industry has successfully fought the ability to regulate tobacco products. Yet 3,000 to 4,000 kids start smoking every day in this country; 400,000 a year die, as you have heard from Senator BROWN. It is incredible to me that for more years than many want to believe or count, we have had an industry that has gone basically unregulated. Of course, the idea that you can put cherry flavors and strawberry flavors in a cigarette and use cartoon figures to market it, that is not aimed at the 30- and 40-year-old tobacco user, it is aimed at children. One thousand of those children become addicted every day, and one-third that number will die prematurely from smoking.

I will guarantee you there is not an adult smoker who wishes their child would begin smoking. I guarantee you that virtually 100 percent of adult smokers have many wishes for their children and one is that their children never start the habit that they did. We are told by health officials, experts, that the average person who smokes and tries to quit, tries seven times before effectively kicking the habit. I am a former smoker. Let me tell you, it is hard. I know others have not smoked, and my colleague from Wyoming talks about his own family smoking. He never did, but he grew up in a family that did. My mother smoked cigarettes and my father smoked cigars and pipes in our house with six children. Many of my siblings smoked growing up, all of whom have stopped. But it is hard.

Today, in the name of my colleague from Massachusetts, Senator KENNEDY, who for four decades championed this, as well as HENRY WAXMAN in the House, DICK DURBIN of Illinois, SHERROD BROWN of Ohio, MIKE ENZI of Wyoming, and many others who have fought this battle, we will vote at 2:30. It will go through overwhelmingly, and we will go on to the next matter.

Our leader, HARRY REID, insisted we stay on this matter. That is leadership. He could have easily said let's move on to another issue, it is taking too long—3 weeks to get it done. But because HARRY REID and DICK DURBIN and MIKE ENZI stayed with us and insisted we go through a normal process, which is right to do in our committee, with the good staff people who have worked hard on this, we are going to get this done today. We might move on to the next issue then.

For the first time, we will make a difference by requiring that the FDA regulate the production, the sale, and the marketing of these products. That is history. I cannot tell you how proud I am to be involved in it, in the name of TED KENNEDY and the others who came before us, including Mike DeWine of Ohio, Tom Davis, HENRY WAXMAN and many others and the thousands of organizations that joined us in this effort today.

Mr. DURBIN. Will the Senator yield?

Mr. DODD. Yes.

Mr. DURBIN. I thank the Senator from Connecticut for his leadership on this issue. Just a few weeks ago, he had the legislation on credit card reform.

I thank Senator ENZI for making this a true bipartisan effort. We would not be here today without his cooperative effort.

I thank Senator DODD for invoking the name of our great hero, TED KENNEDY, who started this fight.

In just a few minutes, this Senate will make a historic decision, and I think it will make the right decision. Joe Camel will be given a life sentence and put away forever, and we are going to give our kids and families across America a fighting chance for a better life.

This bill is historic. It has been a long time coming. I thank my colleagues for all their work to make it possible.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today in support of the Family Smoking Prevention and Tobacco Control Act. I have thought long and hard about this legislation, and after a lot of work and a few good improvements, I believe this bill is the only bill we will consider seriously that will make it difficult for kids to get tobacco, make it difficult for them to start smoking, and that is the important point.

I want to be clear, I still do not think there is enough in this bill to stop smoking. One smoker is too many. But maintaining the current state of tobacco regulations is not acceptable to me.

One issue we have not discussed much is the cost of tobacco use to nonsmokers. Many smokers say it is their business what they put into their bodies. Ordinarily, they would be right.

But when it comes to tobacco, we all pay for what smokers put into their bodies and breathe out into the air. We all bear the increased financial costs of the diminished health of smokers. When one of your colleagues smokes, health insurance premiums go up for everybody. Every senior who uses tobacco creates a further strain on Medicare, and since you pay for that, too, through your taxes, it puts a strain on your wallet.

If smokers were the only ones who paid the price for smoking, we would not be having this debate at all. But since the extra costs get shifted to the rest of us, it becomes our problem too. Secondhand smoke penalizes those who do not smoke, particularly the families of smokers. I hope they listen to that and realize that.

Unfortunately, I know a lot about this since my parents' smoking impacted me. My mom, we thought, quit, but she became a closet smoker, which goes with Senator DODD's comment that it is hard to give it up, and I understand how hard it is to give it up. When she quit smoking and was not smoking around me, my doctor told me he was glad I quit smoking. I said I never did. He showed me the lung x rays he had taken the year before at my athletic physical and that year at my athletic physical. When they quit smoking around me, I also got over extreme hay fever.

Nearly 22 million U.S. children aged 3 to 11 are exposed to secondhand smoke. Approximately 30 percent of indoor workers in the United States are not covered by smoke-free workplace policies. Those numbers are just too high. We cannot keep paying that price.

I also have concerns about the long-term financial health of this new center at FDA. The bill gives FDA increases in funding for this program for the first 10 years but leaves it flat after that. I think Congress will have to revisit that issue or this program will wither on the vine and we will not have meaningful tobacco regulation. We cannot let that happen.

This bill does contain three important provisions for which I fought; increased fines on tobacco companies, larger color graphic warning labels, and reporting to Congress on how the program is going. I would like to talk about each of these for a moment.

We know from decades of experience that the tobacco companies are not inclined to follow the law. They do not have a history of being forthcoming with the health information in their possession. Just 2 weeks ago, the U.S. Court of Appeals for the District of Columbia found that the tobacco companies were guilty of " . . . a decades-long conspiracy to deceive the American public about the health effects and addictiveness of smoking cigarettes."

I am pleased I was able to add a measure to the bill that increased civil penalties for violations of the new law and sends a strong message that we are serious about expecting compliance from the tobacco industry.

The new larger color graphic warning labels provision I authored will do a lot to reduce smoking. Everyone from the World Health Organization to the Congressional Budget Office says these warnings work. Research shows these warnings have a big impact. One-fifth of the participants reported smoking less as a result of the labels. Only 1 percent reported smoking more.

We should want kids who are thinking about taking up this deadly habit to have a bit of a shock just by looking at the package. We should want smokers to think about these health issues each time they light up. Any tool in our arsenal that makes people think twice about taking up tobacco should not be an option, it should be a requirement. Now these labels are a requirement.

Finally, we now require reports on the performance of FDA's tobacco center and on the financial situation of the program. Without this regular reporting, Congress would have little insight into the operation and status of this new program. These reports play an important role in establishing the health of the programs and FDA's performance in carrying out the law.

I want to make sure the agency is doing what it is supposed to do and that the fees are paying for FDA's tobacco control activities. These reports will help us do just exactly that.

I have always stood against tobacco. The footing would have been better if changes such as my phase-out amendment to reduce tobacco use over 100 years was accepted. I know how addictive it is. I did not want to make it too short a period of time. I thought 100 years was plenty reasonable. We did not have a chance to debate that or look at it. I actually offered that a little more than a year ago. It was a new amendment then. New amendments have trouble getting traction, except in New Zealand. New Zealand liked this approach to stopping smoking and looked at it in their legislature. They even called it the Enzi bill. Of course, you have to realize that is how it sounds and that is the way they spelled it, but in New Zealand, "NZ" stands for their country. I think they were talking about their country's bill rather than something I had written. It was kind of fun to watch anyway.

I think we need to look at some approaches such as that idea where the tobacco companies have to reduce the number of cigarettes they are selling each and every year or purchase a number from another company to make up for the increase in cigarettes they sold, which would reduce smoking at least in one part and over a long period of time would eliminate this problem.

This bill is just one step toward the goal I know we all share, which is reducing the public health toll of tobacco use. I urge my colleagues not to rest on their laurels and think this bill is enough to combat tobacco. I intend to continue the fight against tobacco, and I ask my colleagues to join me.

I thank Senator DODD, who has been chairing this effort and working on this bill with me, for giving us a voice and taking the bill through the whole process. It was extremely important, extremely valuable. The floor discussion took longer but with less debate than I anticipated. I know some parliamentary issues got in the way of that. We could have had more success, but there were some additional amendments that could not be resolved.

I always ask people to do relevant or germane amendments to the bills. When they talk about doing other ones, it sometimes slows our process down dramatically and usually does not result in any of those amendments happening anyway.

I also wish to thank all the staff who worked on this bill. They, too, have been very diligent, have looked at everything, have done tremendous research. I particularly thank Amy Muhlberg for her efforts on this legislation. I think she knows the tobacco bill and other proposals better than probably anybody. She has real diligence and passion for it. I also thank Greg Dean of my staff for his efforts. He has a legal mind that helps us on these issues.

I thank Senator BURR for his hard work during this process. Although he ultimately was not successful, his efforts helped advance the debate and highlight some areas where improvement is needed. He put considerable time and energy into preparing a viable alternative, and I appreciate the way he created options.

Chris Wall of Senator BURR's staff was extremely helpful during the markup and floor debate, and I thank him and compliment his work with my staff and others on this bill. Jeff Teitz and Ben Olinsky of Senator KENNEDY's staff, and Jim Fenton and Jeremy Sharp of Senator DODD's staff were also critical to our progress on this bill. Finally, Megan Hauck from the Republican leader's office and the floor staff for their assistance.

I do intend to continue the fight against tobacco. I ask my colleagues to join me in this fight. I thank Senator DODD for all of his efforts. There is true passion.

I yield the floor.

REGULATING TOBACCO WAREHOUSES

Mr. WARNER. Mr. President, the bill before us grants standby authority to the Secretary of Health and Human Services to regulate "tobacco warehouses." Because the bill already draws a bright line between tobacco companies that actually manufacture tobacco products and those, including growers and "tobacco warehouses," that do not manufacture, I would expect that the Secretary would utilize the standby authority to regulate tobacco warehouses only under unforeseen and unanticipated circumstances that give rise to public health concerns.

Mr. DODD. That is my general understanding of the provision.

Mr. WARNER. I thank the Senator.

PESTICIDE REGULATION

Mr. CHAMBLISS. Mr. President, the EPA's Office of Pesticide Programs has been protecting the environment, agricultural workers and the public health by regulating pesticides for many years. These chemicals are commonly used in agriculture, including the production of tobacco leaf. EPA approves the use of all pesticides in the United States under the authority of the Federal Insecticide, Fungicide and Rodenticide Act—FIFRA. I would ask Senator HARKIN if this bill would in any way limit the authority of the Administrator of the Environmental Protection Agency to regulate pesticides under FIFRA.

Mr. HARKIN. I would respond to the Senator from Georgia that it is my understanding that nothing in the Family Smoking Prevention and Tobacco Control Act would restrict the Administrator's authority provided under FIFRA.

Mr. DODD. I agree with my colleagues from the Committee on Agriculture, Nutrition and Forestry.

Mr. AKAKA. Mr. President, I support the Family Smoking Prevention and Tobacco Control Act. Tobacco products kill approximately 400,000 people each year. The Food and Drug Administration, FDA, must be provided with the authority to regulate deadly tobacco products, restrict advertising, and further restrict access of tobacco to children.

The Campaign for Tobacco-Free Kids estimates that almost 10 percent of Hawaii high school students smoke. Flavored cigarettes are one of the repulsive methods used by tobacco companies to get children and teenagers to start smoking. In 2004, R.J. Reynolds Tobacco Company tried to exploit images of my home state of Hawaii and the name of one of our islands in an attempt to make smoking more attractive. One of the cigarettes, which was named Kauai Kolada, was flavored with hints of pineapple and coconut. Another lime-flavored cigarette was featured in the predatory marketing campaign. It was extraordinarily offensive that a manufacturer of such a deadly product would exploit and taint the images and names from Hawaii in an attempt to attract young smokers. This is just one example of some of the products and marketing used to attract young people to become smokers.

This legislation includes a long overdue prohibition on fruit and candy flavored cigarettes. It also will permit the FDA to restrict advertising, marketing, and sales practices in an attempt to further limit the access of tobacco products to children. This bill will help protect our children and improve the public health of our country. We must prevent tobacco companies from cultivating another generation of smokers so that they can increase sales and reap more profits at the expense of the health and well-being of our families.

In order to supplement the loss in revenue from this bill, the House added provisions to increase revenue through the introduction of a Roth-like option for Thrift Savings Plan participants. The additional revenue also covered a number of annuity enhancement, correction, and equity provisions for Federal employees. The Lieberman amendment included these provisions as well as the Non-Foreign Area Retirement Equity Assurance Act, to provide Federal employees in Alaska, Hawaii, and the territories locality pay. I strongly supported the Lieberman amendment and all the Federal employee annuitant provisions, and I am very disappointed that a lack of cooperation for this bipartisan amendment led to its defeat. I am hopeful that we will be able to address these critical issues to Federal employees very soon.

I appreciate all of the work done on this important issue by my friend from Massachusetts, Senator KENNEDY, and my friends from Connecticut, Senators DODD and LIEBERMAN. I look forward to the enactment of this vital legislation.

Mr. LEAHY. Mr. President, I am pleased the Senate is moving once again to pass legislation to regulate tobacco products in the United States. Senator KENNEDY's lifetime efforts to improve the public's health are exemplified in his fight to pass the Family Smoking Prevention and Tobacco Control Act. Despite many setbacks, Senator KENNEDY has worked tirelessly to pass this legislation and I am proud to join him again as a cosponsor of this bill. This legislation is long overdue and I look forward to it being signed into law.

The health risks associated with smoking are undisputed and cost hundreds of thousands of Americans their lives every year. Tobacco products will kill one out of three long-term smokers, leading to over 400,000 deaths per year. The Surgeon General has determined that smoking causes lung cancer, heart disease, and other serious illnesses. Deaths from tobacco products exceed deaths from HIV/AIDS, illegal drug use, alcohol use, car accidents, suicides, and murders combined.

Despite the dangers of smoking, we have seen that children have the greatest risk of becoming addicted to tobacco. Each day more than 3,500 children will try a cigarette for the first time and 1000 of those kids will become regular smokers. Among adult smokers, 90 percent started smoking as children and teens under the age of 18. In my home State of Vermont, more than 18 percent of high school students smoke. According to the Campaign for Tobacco-Free Kids, 12,000 children in Vermont will ultimately die from smoking if smoking rates remain unchanged.

These statistics are horrifying but perhaps not surprising given the historic lack of regulation of the tobacco industry. At a congressional hearing as late as 1994, tobacco industry chairmen and CEOs testified that nicotine is not addictive, even though decades of evidence showed otherwise. In fact, the tobacco industry has increased the nicotine levels in cigarettes by more than 11 percent from 1998 to 2005, increasing the risk of cigarette addiction. If enhanced nicotine levels in cigarettes is not enough to convince us that the tobacco industry should be regulated, a new study released this spring showed that changes the tobacco industry has made to cigarette design over the years has increased the risk of lung cancer for those who smoke.

In addition to making their products more potent and addictive, study after study has shown how the tobacco industry continues to successfully target advertising to minors to get them hooked for life on smoking. Each year, the tobacco industry spends over $13 billion in advertising—that is $36 million every day. Studies have showed that children are three times more sensitive to tobacco advertising than adults and are more likely to be influenced to start smoking by cigarette marketing than by peer pressure.

This bill addresses these shameful business practices by giving the United States Food and Drug Administration the authority for the first time to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco. It will require manufacturers to better disclose the contents and consequences of their products in new, stronger warning labels on packages. It will also prohibit cigarette companies from labeling their brands as reduced risk ''lite'' or ''ultra-lite'' unless the government can certify that those claims are true. The very purpose of the Food and Drug Administration is to protect the interests and safety of consumers and this legislation will finally allow the FDA to hold the tobacco industry accountable for their products.

A recent ruling by the District of Columbia Circuit Court highlights the need for serious regulation of the tobacco industry. The DC Appeals Court confirmed the district court's ruling, which found that the tobacco industry had for decades engaged in deceptive marketing tactics to conceal the negative health impacts of smoking. The ruling confirmed that tobacco companies had not changed the way their products were marketed in response to the Master Settlement Agreement, and instead the industry has more than doubled spending on marketing campaigns that included spurious claims of ''healthier'' cigarettes that are ''light'' or ''low-tar.'' The ruling did not, however, require that the tobacco industry surrender profits that resulted in the misleading advertising or stop the industry from adding flavors to make products more appealing to kids or to manipulate nicotine levels to increase addictiveness and harm. The tobacco industry must be regulated to create transparency in the contents of tobacco products and to help stop hundreds of thousands of preventable deaths each year.

For far too long, the tobacco industry has been given free rein to mislead

the public and encourage children and teens to take up smoking. The passage of this bill will give the FDA the authority it needs to effectively protect children from smoking and improve consumer awareness of tobacco industry practices, which will in turn save American lives. I urge all Senators to support passage of the Family Smoking Prevention and Tobacco Control Act.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleagues. We are getting close to the time of the vote. I would be remiss if I did not also mention our staff. I often say in a time such as this, Senators get the opportunity to stand at a podium and be heard, but there are literally dozens of people whose names most Americans will never know who make these moments happen. They deserve public recognition because they worked tirelessly, late nights, weekends, around the clock negotiating, working with each other trying to iron out provisions of the bill.

On Senator KENNEDY's staff: Jeff Teitz, Michael Myers, Ben Olinsky, Terri Roney, Shawn Daugherty, and Portia Wu. Some are in the Chamber. I thank them immensely on behalf of Senator KENNEDY.

Senator DURBIN's staff: Tom Falletti and Sara Singleton have been terrific in this effort. We thank Tom and Sara for their work.

Senator ENZI's staff: Greg Dean and Amy Muhlberg. We thank them immensely. They worked hard on this bill.

Finally I want to thank Jim Fenton from my office, Rachael Holt, Jeremy Sharp, who is sitting next to me, and Monica Feit. I have gotten a lot of help in this effort, with Senator KENNEDY's staff and Senator ENZI's staff.

There are members of the majority leader's staff who deserve our thanks as well. We always have to thank Lula, Tim, and others who make it all possible. We thank them all very much for what they do.

Again, as Senator DURBIN said, and Senator ENZI and others have said, this is a historic moment for our Chamber to be able to do something. Fifty years ago the Surgeon General warned us of tobacco use, and a half century later we are about to insist the agency in charge of food, drugs, cosmetics, and pet food also be able to include tobacco. We are about to do that.

The House and Senate bills are similar, and I believe we will have a Presidential signature on this legislation very quickly.

On behalf of millions of families across this country and as the father of a 4-year-old and a 7-year-old who do not know anything about tobacco yet, and whose mother does not smoke, never did, and a father who did but stopped, on behalf of my children and millions of children around this country, we are told by the Congressional Budget Office that an 11-percent reduction in youth smoking can happen immediately with the passage of this bill. That may not seem like much, but it is a beginning. We may just reach the goal of my colleague from Wyoming of a 100-percent reduction of young people smoking. My hope is that certainly will be the case.

Mr. President, with a little bit of time remaining, I am prepared to yield back the time, and at the appropriate moment, I will ask for the yeas and nays.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Wyoming has 3 minutes 30 seconds remaining.

Mr. ENZI. Mr. President, I yield back the remainder of my time.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Under the previous order, the bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that 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 Missouri (Mr. BOND).

Further, if present and voting, the Senator from Missouri (Mr. BOND) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—79

Akaka	Grassley	Nelson (FL)
Barrasso	Gregg	Pryor
Baucus	Harkin	Reed
Bayh	Hutchison	Reid
Begich	Inouye	Risch
Bennet	Johanns	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Sessions
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Shelby
Cardin	Landrieu	Snowe
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lincoln	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Martinez	Vitter
Crapo	McCain	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Feingold	Murkowski	Wyden
Feinstein	Murray	
Gillibrand	Nelson (NE)	

NAYS—17

Alexander	Coburn	Inhofe
Bennett	DeMint	Isakson
Brownback	Ensign	Kyl
Bunning	Graham	McConnell
Burr	Hagan	Roberts
Chambliss	Hatch	

NOT VOTING—3

Bond	Byrd	Kennedy

The bill (H.R. 1256), as amended, was passed, as follows:

H.R. 1256

Resolved, That the bill from the House of Representatives (H.R. 1256) entitled ''An Act 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.'', do pass with the following amendment:

Strike all after the enacting clause and insert the following:

DIVISION A—FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Family Smoking Prevention and Tobacco Control Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Scope and effect.
Sec. 5. Severability.
Sec. 6. Modification of deadlines for Secretarial action.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

Sec. 101. Amendment of Federal Food, Drug, and Cosmetic Act.
Sec. 102. Final rule.
Sec. 103. Conforming and other amendments to general provisions.
Sec. 104. Study on raising the minimum age to purchase tobacco products.
Sec. 105. Enforcement action plan for advertising and promotion restrictions.
Sec. 106. Studies of progress and effectiveness.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

Sec. 201. Cigarette label and advertising warnings.
Sec. 202. Authority to revise cigarette warning label statements.
Sec. 203. State regulation of cigarette advertising and promotion.
Sec. 204. Smokeless tobacco labels and advertising warnings.
Sec. 205. Authority to revise smokeless tobacco product warning label statements.
Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

Sec. 301. Labeling, recordkeeping, records inspection.
Sec. 302. Study and report.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year, and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco-induced disease. Such a reduction in youth smoking would also result in approximately $75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products, and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2005, the cigarette manufacturers spent more than $13,000,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco marketing than adults: more than 80 percent of youth smoke three heavily marketed brands, while only 54 percent of adults, 26 and older, smoke these same brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the first amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration, and the restriction on the sale and distribution of, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this division.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion play a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both domestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public of tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death. The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that ''low tar'' and ''light'' cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking ''low tar'' and ''light'' cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(39) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from ''low tar'' and ''light'' cigarettes, and such products may actually increase the risk of tobacco use.

(40) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk are so high that there is a compelling governmental interest in ensuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(41) As the Federal Trade Commission has found, consumers have misinterpreted advertisements in which one product is claimed to be less harmful than a comparable product, even in the presence of disclosures and advisories intended to provide clarification.

(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated modified risk tobacco products is to empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction be reviewed in advance of marketing, and to require that the evidence relied on to support claims be fully verified.

(44) The Food and Drug Administration is a regulatory agency with the scientific expertise to identify harmful substances in products to which consumers are exposed, to design standards to limit exposure to those substances, to evaluate scientific studies supporting claims about the safety of products, and to evaluate the impact of labels, labeling, and advertising on consumer behavior in order to reduce the risk of harm and promote understanding of the impact of the product on health. In connection

with its mandate to promote health and reduce the risk of harm, the Food and Drug Administration routinely makes decisions about whether and how products may be marketed in the United States.

(45) The Federal Trade Commission was created to protect consumers from unfair or deceptive acts or practices, and to regulate unfair methods of competition. Its focus is on those marketplace practices that deceive or mislead consumers, and those that give some competitors an unfair advantage. Its mission is to regulate activities in the marketplace. Neither the Federal Trade Commission nor any other Federal agency except the Food and Drug Administration possesses the scientific expertise needed to implement effectively all provisions of the Family Smoking Prevention and Tobacco Control Act.

(46) If manufacturers state or imply in communications directed to consumers through the media or through a label, labeling, or advertising, that a tobacco product is approved or inspected by the Food and Drug Administration or complies with Food and Drug Administration standards, consumers are likely to be confused and misled. Depending upon the particular language used and its context, such a statement could result in consumers being misled into believing that the product is endorsed by the Food and Drug Administration for use or in consumers being misled about the harmfulness of the product because of such regulation, inspection, approval, or compliance.

(47) In August 2006 a United States district court judge found that the major United States cigarette companies continue to target and market to youth. USA v. Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

(48) In August 2006 a United States district court judge found that the major United States cigarette companies dramatically increased their advertising and promotional spending in ways that encourage youth to start smoking subsequent to the signing of the Master Settlement Agreement in 1998. USA v. Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

(49) In August 2006 a United States district court judge found that the major United States cigarette companies have designed their cigarettes to precisely control nicotine delivery levels and provide doses of nicotine sufficient to create and sustain addiction while also concealing much of their nicotine-related research. USA v. Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

SEC. 3. PURPOSE.

The purposes of this division are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products as provided for in this division;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco-related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this division (or an amendment made by this division) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this division (or an amendment made by this division) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

(c) REVENUE ACTIVITIES.—The provisions of this division (or an amendment made by this division) which authorize the Secretary to take certain actions with regard to tobacco products shall not be construed to affect any authority of the Secretary of the Treasury under chapter 52 of the Internal Revenue Code of 1986.

SEC. 5. SEVERABILITY.

If any provision of this division, of the amendments made by this division, or of the regulations promulgated under this division (or under such amendments), or the application of any such provision to any person or circumstance is held to be invalid, the remainder of this division, such amendments and such regulations, and the application of such provisions to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

SEC. 6. MODIFICATION OF DEADLINES FOR SECRETARIAL ACTION.

(a) DELAYED COMMENCEMENT OF DATES FOR SECRETARIAL ACTION.—

(1) IN GENERAL.—Except as provided in subsection (c), with respect to any time periods specified in this division (or in an amendment made by this division) that begin on the date of enactment of this Act, within which the Secretary of Health and Human Services is required to carry out and complete specified activities, the calculation of such time periods shall commence on the date described in subsection (b).

(2) LIMITATION.—Subsection (a) shall only apply with respect to obligations of the Secretary of Health and Human Services that must be completed within a specified time period and shall not apply to the obligations of any other person or to any other provision of this division (including the amendments made by this division) that do not create such obligations of the Secretary and are not contingent on actions by the Secretary.

(b) DATE DESCRIBED.—The date described in this subsection is the first day of the first fiscal quarter following the initial 2 consecutive fiscal quarters of fiscal year 2010 for which the Secretary of Health and Human Services has collected fees under section 919 of the Federal Food, Drug, and Cosmetic Act (as added by section 101).

(c) EXCEPTION.—Subsection (a) shall not apply to any time period (or date) contained—

(1) in section 102, except that the reference to ''180 days'' in subsection (a)(1) of such section shall be deemed to be ''270 days''; and

(2) in sections 201 through 204 (or the amendments made by any such sections).

(d) ADJUSTMENT.—The Secretary of Health and Human Services may extend or reduce the duration of one or more time periods to which subsection (a) applies if the Secretary determines appropriate, except that no such period shall be extended for more than 90 days.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(rr)(1) The term 'tobacco product' means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

''(2) The term 'tobacco product' does not mean an article that is a drug under subsection (g)(1), a device under subsection (h), or a combination product described in section 503(g).

''(3) The products described in paragraph (2) shall be subject to chapter V of this Act.

''(4) A tobacco product shall not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetic, medical device, or a dietary supplement).''.

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 910 as sections 1001 through 1010; and

(3) by inserting after chapter VIII the following:

''CHAPTER IX—TOBACCO PRODUCTS

''SEC. 900. DEFINITIONS.

''In this chapter:

''(1) ADDITIVE.—The term 'additive' means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring or coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

''(2) BRAND.—The term 'brand' means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, packaging, logo, registered trademark, brand name, identifiable pattern of colors, or any combination of such attributes.

''(3) CIGARETTE.—The term 'cigarette'—

''(A) means a product that—

''(i) is a tobacco product; and

''(ii) meets the definition of the term 'cigarette' in section 3(1) of the Federal Cigarette Labeling and Advertising Act; and

''(B) includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

''(4) CIGARETTE TOBACCO.—The term 'cigarette tobacco' means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements applicable to cigarettes under this chapter shall also apply to cigarette tobacco.

''(5) COMMERCE.—The term 'commerce' has the meaning given that term by section 3(2) of

the Federal Cigarette Labeling and Advertising Act.

''(6) COUNTERFEIT TOBACCO PRODUCT.—The term 'counterfeit tobacco product' means a tobacco product (or the container or labeling of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a tobacco product listed in a registration under section 905(i)(1).

''(7) DISTRIBUTOR.—The term 'distributor' as regards a tobacco product means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

''(8) ILLICIT TRADE.—The term 'illicit trade' means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

''(9) INDIAN COUNTRY.—The term 'Indian country' has the meaning given such term in section 1151 of title 18, United States Code.

''(10) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act.

''(11) LITTLE CIGAR.—The term 'little cigar' means a product that—

''(A) is a tobacco product; and

''(B) meets the definition of the term 'little cigar' in section 3(7) of the Federal Cigarette Labeling and Advertising Act.

''(12) NICOTINE.—The term 'nicotine' means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

''(13) PACKAGE.—The term 'package' means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

''(14) RETAILER.—The term 'retailer' means any person, government, or entity who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

''(15) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

''(16) SMALL TOBACCO PRODUCT MANUFACTURER.—The term 'small tobacco product manufacturer' means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence, the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer.

''(17) SMOKE CONSTITUENT.—The term 'smoke constituent' means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

''(18) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

''(19) STATE; TERRITORY.—The terms 'State' and 'Territory' shall have the meanings given to such terms in section 201.

''(20) TOBACCO PRODUCT MANUFACTURER.—The term 'tobacco product manufacturer' means any person, including any repacker or relabeler, who—

''(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

''(B) imports a finished tobacco product for sale or distribution in the United States.

''(21) TOBACCO WAREHOUSE.—

''(A) Subject to subparagraphs (B) and (C), the term 'tobacco warehouse' includes any person—

''(i) who—

''(I) removes foreign material from tobacco leaf through nothing other than a mechanical process;

''(II) humidifies tobacco leaf with nothing other than potable water in the form of steam or mist; or

''(III) de-stems, dries, and packs tobacco leaf for storage and shipment;

''(ii) who performs no other actions with respect to tobacco leaf; and

''(iii) who provides to any manufacturer to whom the person sells tobacco all information related to the person's actions described in clause (i) that is necessary for compliance with this Act.

''(B) The term 'tobacco warehouse' excludes any person who—

''(i) reconstitutes tobacco leaf;

''(ii) is a manufacturer, distributor, or retailer of a tobacco product; or

''(iii) applies any chemical, additive, or substance to the tobacco leaf other than potable water in the form of steam or mist.

''(C) The definition of the term 'tobacco warehouse' in subparagraph (A) shall not apply to the extent to which the Secretary determines, through rulemaking, that regulation under this chapter of the actions described in such subparagraph is appropriate for the protection of the public health.

''(22) UNITED STATES.—The term 'United States' means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

"SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

''(a) IN GENERAL.—Tobacco products, including modified risk tobacco products for which an order has been issued in accordance with section 911, shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V.

''(b) APPLICABILITY.—This chapter shall apply to all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

''(c) SCOPE.—

''(1) IN GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or in sections 101(a), 102, or 103 of title I, title II, or title III of the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect, expand, or limit the Secretary's authority over (including the authority to determine whether products may be regulated), or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

''(2) LIMITATION OF AUTHORITY.—

''(A) IN GENERAL.—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer's capacity as a manufacturer. The exception in this subparagraph shall not apply to a producer of tobacco leaf who grows tobacco under a contract with a tobacco product manufacturer and who is not otherwise engaged in the manufacturing process.

''(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

''(d) RULEMAKING PROCEDURES.—Each rulemaking under this chapter shall be in accordance with chapter 5 of title 5, United States Code. This subsection shall not be construed to affect the rulemaking provisions of section 102(a) of the Family Smoking Prevention and Tobacco Control Act.

''(e) CENTER FOR TOBACCO PRODUCTS.—Not later than 90 days after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish within the Food and Drug Administration the Center for Tobacco Products, which shall report to the Commissioner of Food and Drugs in the same manner as the other agency centers within the Food and Drug Administration. The Center shall be responsible for the implementation of this chapter and related matters assigned by the Commissioner.

''(f) OFFICE TO ASSIST SMALL TOBACCO PRODUCT MANUFACTURERS.—The Secretary shall establish within the Food and Drug Administration an identifiable office to provide technical and other nonfinancial assistance to small tobacco product manufacturers to assist them in complying with the requirements of this Act.

''(g) CONSULTATION PRIOR TO RULEMAKING.—Prior to promulgating rules under this chapter, the Secretary shall endeavor to consult with other Federal agencies as appropriate.

"SEC. 902. ADULTERATED TOBACCO PRODUCTS.

''A tobacco product shall be deemed to be adulterated if—

''(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or added deleterious substance that may render the product injurious to health;

''(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

''(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

''(4) the manufacturer or importer of the tobacco product fails to pay a user fee assessed to such manufacturer or importer pursuant to section 919 by the date specified in section 919 or by the 30th day after final agency action on a resolution of any dispute as to the amount of such fee;

''(5) it is, or purports to be or is represented as, a tobacco product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

''(6)(A) it is required by section 910(a) to have premarket review and does not have an order in effect under section 910(c)(1)(A)(i); or

''(B) it is in violation of an order under section 910(c)(1)(A);

''(7) the methods used in, or the facilities or controls used for, its manufacture, packing, or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

''(8) it is in violation of section 911.

"SEC. 903. MISBRANDED TOBACCO PRODUCTS.

''(a) IN GENERAL.—A tobacco product shall be deemed to be misbranded—

''(1) if its labeling is false or misleading in any particular;

''(2) if in package form unless it bears a label containing—

''(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

''(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

''(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

''(D) the statement required under section 920(a),

except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

''(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

''(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

''(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

''(6) if it was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered under section 905(b), 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

''(7) if, in the case of any tobacco product distributed or offered for sale in any State—

''(A) its advertising is false or misleading in any particular; or

''(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

''(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that tobacco product—

''(A) a true statement of the tobacco product's established name as described in paragraph (4), printed prominently; and

''(B) a brief statement of—

''(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

''(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing;

''(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

''(10) if there was a failure or refusal—

''(A) to comply with any requirement prescribed under section 904 or 908; or

''(B) to furnish any material or information required under section 909.

''(b) PRIOR APPROVAL OF LABEL STATEMENTS.—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product to ensure that such statements do not violate the misbranding provisions of subsection (a) and that such statements comply with other provisions of the Family Smoking Prevention and Tobacco Control Act (including the amendments made by such Act). No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement, except for modified risk tobacco products as provided in section 911. No advertisement of a tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act.

''SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

''(a) REQUIREMENT.—Each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

''(1) Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

''(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 4(e) of the Federal Cigarette Labeling and Advertising Act.

''(3) Beginning 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all constituents, including smoke constituents as applicable, identified by the Secretary as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand. Effective beginning 3 years after such date of enactment, the manufacturer, importer, or agent shall comply with regulations promulgated under section 915 in reporting information under this paragraph, where applicable.

''(4) Beginning 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, all documents developed after such date of enactment that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

''(b) DATA SUBMISSION.—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

''(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

''(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

''(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

''(c) TIME FOR SUBMISSION.—

''(1) IN GENERAL.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

''(2) DISCLOSURE OF ADDITIVE.—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

''(3) DISCLOSURE OF OTHER ACTIONS.—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has by regulation been designated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under intended conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

''(d) DATA LIST.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Secretary) the list established under subsection (e).

''(2) CONSUMER RESEARCH.—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

''(e) DATA COLLECTION.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish, and periodically revise as appropriate, a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand. The Secretary shall publish a public notice requesting the submission by interested persons of scientific and other information concerning the harmful and potentially harmful constituents in tobacco products and tobacco smoke.

''SEC. 905. ANNUAL REGISTRATION.

''(a) DEFINITIONS.—In this section:

''(1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term 'manufacture, preparation, compounding, or processing' shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

''(2) NAME.—The term 'name' shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

''(b) REGISTRATION BY OWNERS AND OPERATORS.—On or before December 31 of each year,

every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person. If enactment of the Family Smoking Prevention and Tobacco Control Act occurs in the second half of the calendar year, the Secretary shall designate a date no later than 6 months into the subsequent calendar year by which registration pursuant to this subsection shall occur.

''(c) REGISTRATION BY NEW OWNERS AND OPERATORS.—Every person upon first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person's name, place of business, and such establishment.

''(d) REGISTRATION OF ADDED ESTABLISHMENTS.—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

''(e) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

''(f) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

''(g) BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.—Every establishment registered with the Secretary under this section shall be subject to inspection under section 704 or subsection (h), and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by 1 or more officers or employees duly designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

''(h) REGISTRATION BY FOREIGN ESTABLISHMENTS.—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

''(i) REGISTRATION INFORMATION.—

''(1) PRODUCT LIST.—Every person who registers with the Secretary under subsection (b), (c), (d), or (h) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which have not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

''(A) in the case of a tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

''(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

''(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

''(2) CONSULTATION WITH RESPECT TO FORMS.—The Secretary shall consult with the Secretary of the Treasury in developing the forms to be used for registration under this section to minimize the burden on those persons required to register with both the Secretary and the Tax and Trade Bureau of the Department of the Treasury.

''(3) BIANNUAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

''(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

''(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

''(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

''(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

''(j) REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—

''(1) IN GENERAL.—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of February 15, 2007, shall, at least 90 days prior to making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall prescribe)—

''(A) the basis for such person's determination that—

''(i) the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007, or to a tobacco product that the Secretary has previously determined, pursuant to subsection (a)(3) of section 910, is substantially equivalent and that is in compliance with the requirements of this Act; or

''(ii) the tobacco product is modified within the meaning of paragraph (3), the modifications are to a product that is commercially marketed and in compliance with the requirements of this Act, and all of the modifications are covered by exemptions granted by the Secretary pursuant to paragraph (3); and

''(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

''(2) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 21 months after such date of enactment.

''(3) EXEMPTIONS.—

''(A) IN GENERAL.—The Secretary may exempt from the requirements of this subsection relating to the demonstration that a tobacco product is substantially equivalent within the meaning of section 910, tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

''(i) such modification would be a minor modification of a tobacco product that can be sold under this Act;

''(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

''(iii) an exemption is otherwise appropriate.

''(B) REGULATIONS.—Not later than 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph.

"SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.

''(a) IN GENERAL.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section 902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product.

''(b) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking or other notification under section 907, 908, 909, 910, or 911 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

''(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

''(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time

is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

''(c) LIMITED CONFIDENTIALITY OF INFORMATION.—Any information reported to or otherwise obtained by the Secretary or the Secretary's representative under section 903, 904, 907, 908, 909, 910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

''(d) RESTRICTIONS.—

''(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

''(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

''(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

''(3) LIMITATIONS.—

''(A) IN GENERAL.—No restrictions under paragraph (1) may—

''(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

''(ii) establish a minimum age of sale of tobacco products to any person older than 18 years of age.

''(B) MATCHBOOKS.—For purposes of any regulations issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase of tobacco products, shall be considered as adult-written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult-written publications.

''(4) REMOTE SALES.—

''(A) IN GENERAL.—The Secretary shall—

''(i) within 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, promulgate regulations regarding the sale and distribution of tobacco products that occur through means other than a direct, face-to-face exchange between a retailer and a consumer in order to prevent the sale and distribution of tobacco products to individuals who have not attained the minimum age established by applicable law for the purchase of such products, including requirements for age verification; and

''(ii) within 2 years after such date of enactment, issue regulations to address the promotion and marketing of tobacco products that are sold or distributed through means other than a direct, face-to-face exchange between a retailer and a consumer in order to protect individuals who have not attained the minimum age established by applicable law for the purchase of such products.

''(B) RELATION TO OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to take additional actions under the other paragraphs of this subsection.

''(e) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

''(1) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

''(A) IN GENERAL.—In applying manufacturing restrictions to tobacco, the Secretary shall, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing, and storage of a tobacco product conform to current good manufacturing practice, or hazard analysis and critical control point methodology, as prescribed in such regulations to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Such regulations may provide for the testing of raw tobacco for pesticide chemical residues regardless of whether a tolerance for such chemical residues has been established.

''(B) REQUIREMENTS.—The Secretary shall—

''(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

''(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

''(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A);

''(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices; and

''(v) not require any small tobacco product manufacturer to comply with a regulation under subparagraph (A) for at least 4 years following the effective date established by the Secretary for such regulation.

''(2) EXEMPTIONS; VARIANCES.—

''(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall—

''(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

''(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

''(iii) contain such other information as the Secretary shall prescribe.

''(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

''(i) the date the petition was submitted to the Secretary under subparagraph (A); or

''(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee,

whichever occurs later, the Secretary shall by order either deny the petition or approve it.

''(C) APPROVAL.—The Secretary may approve—

''(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

''(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

''(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

''(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

''(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the end of the 3-year period following the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

''(f) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes.

"SEC. 907. TOBACCO PRODUCT STANDARDS.

''(a) IN GENERAL.—

''(1) SPECIAL RULES.—

''(A) SPECIAL RULE FOR CIGARETTES.—Beginning 3 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. Nothing in this subparagraph shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this subparagraph.

''(B) ADDITIONAL SPECIAL RULE.—Beginning 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a tobacco product manufacturer shall not use tobacco, including foreign grown tobacco, that contains a pesticide chemical residue that is at a level greater than is specified by any tolerance applicable under Federal law to domestically grown tobacco.

''(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco

product standards in paragraph (1) in accordance with subsection (c).

''(3) TOBACCO PRODUCT STANDARDS.—

''(A) IN GENERAL.—The Secretary may adopt tobacco product standards in addition to those in paragraph (1) if the Secretary finds that a tobacco product standard is appropriate for the protection of the public health.

''(B) DETERMINATIONS.—

''(i) CONSIDERATIONS.—In making a finding described in subparagraph (A), the Secretary shall consider scientific evidence concerning—

''(I) the risks and benefits to the population as a whole, including users and nonusers of tobacco products, of the proposed standard;

''(II) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(III) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

''(ii) ADDITIONAL CONSIDERATIONS.—In the event that the Secretary makes a determination, set forth in a proposed tobacco product standard in a proposed rule, that it is appropriate for the protection of public health to require the reduction or elimination of an additive, constituent (including a smoke constituent), or other component of a tobacco product because the Secretary has found that the additive, constituent, or other component is or may be harmful, any party objecting to the proposed standard on the ground that the proposed standard will not reduce or eliminate the risk of illness or injury may provide for the Secretary's consideration scientific evidence that demonstrates that the proposed standard will not reduce or eliminate the risk of illness or injury.

''(4) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product—

''(A) shall include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

''(i) for nicotine yields of the product;

''(ii) for the reduction or elimination of other constituents, including smoke constituents, or harmful components of the product; or

''(iii) relating to any other requirement under subparagraph (B);

''(B) shall, where appropriate for the protection of the public health, include—

''(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product;

''(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

''(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

''(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

''(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d);

''(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product; and

''(D) shall require tobacco products containing foreign-grown tobacco to meet the same standards applicable to tobacco products containing domestically grown tobacco.

''(5) PERIODIC REEVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

''(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

''(A) use personnel, facilities, and other technical support available in other Federal agencies;

''(B) consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting entities; and

''(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Secretary's judgment can make a significant contribution.

''(b) CONSIDERATIONS BY SECRETARY.—

''(1) TECHNICAL ACHIEVABILITY.—The Secretary shall consider information submitted in connection with a proposed standard regarding the technical achievability of compliance with such standard.

''(2) OTHER CONSIDERATIONS.—The Secretary shall consider all other information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or nontobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand.

''(c) PROPOSED STANDARDS.—

''(1) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

''(2) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

''(A) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health;

''(B) invite interested persons to submit a draft or proposed tobacco product standard for consideration by the Secretary;

''(C) invite interested persons to submit comments on structuring the standard so that it does not advantage foreign-grown tobacco over domestically grown tobacco; and

''(D) invite the Secretary of Agriculture to provide any information or analysis which the Secretary of Agriculture believes is relevant to the proposed tobacco product standard.

''(3) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall set forth a finding with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

''(4) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

''(d) PROMULGATION.—

''(1) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under subsection (c) respecting a tobacco product standard and after consideration of comments submitted under subsections (b) and (c) and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

''(A) if the Secretary determines that the standard would be appropriate for the protection of the public health, promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in subsection (c); or

''(B) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

''(2) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade. In establishing such effective date or dates, the Secretary shall consider information submitted in connection with a proposed product standard by interested parties, including manufacturers and tobacco growers, regarding the technical achievability of compliance with the standard, and including information concerning the existence of patents that make it impossible to comply in the timeframe envisioned in the proposed standard. If the Secretary determines, based on the Secretary's evaluation of submitted comments, that a product standard can be met only by manufacturers requiring substantial changes to the methods of farming the domestically grown tobacco used by the manufacturer, the effective date of that product standard shall be not less than 2 years after the date of publication of the final regulation establishing the standard.

''(3) LIMITATION ON POWER GRANTED TO THE FOOD AND DRUG ADMINISTRATION.—Because of the importance of a decision of the Secretary to issue a regulation—

''(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigars other than little cigars, all pipe tobacco, or all roll-your-own tobacco products; or

''(B) requiring the reduction of nicotine yields of a tobacco product to zero,

the Secretary is prohibited from taking such actions under this Act.

''(4) AMENDMENT; REVOCATION.—

''(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person, may by a regulation, promulgated in accordance with the requirements of subsection (c) and paragraph (2), amend or revoke a tobacco product standard.

''(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

''(5) REFERRAL TO ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary may refer a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard to the Tobacco Products Scientific Advisory Committee for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment.

''(B) INITIATION OF REFERRAL.—The Secretary may make a referral under this paragraph—

''(i) on the Secretary's own initiative; or

''(ii) upon the request of an interested person that—

''(I) demonstrates good cause for the referral; and

''(II) is made before the expiration of the period for submission of comments on the proposed regulation.

''(C) PROVISION OF DATA.—If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the Advisory Committee with the data and information on which such proposed regulation is based.

''(D) REPORT AND RECOMMENDATION.—The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation under this paragraph and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation.

''(E) PUBLIC AVAILABILITY.—The Secretary shall make a copy of each report and recommendation under subparagraph (D) publicly available.

''(e) MENTHOL CIGARETTES.—

''(1) REFERRAL; CONSIDERATIONS.—Immediately upon the establishment of the Tobacco Products Scientific Advisory Committee under section 917(a), the Secretary shall refer to the Committee for report and recommendation, under section 917(c)(4), the issue of the impact of the use of menthol in cigarettes on the public health, including such use among children, African-Americans, Hispanics, and other racial and ethnic minorities. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsections (a)(3)(B)(i) and (b).

''(2) REPORT AND RECOMMENDATION.—Not later than 1 year after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol.

''(f) DISSOLVABLE TOBACCO PRODUCTS.—

''(1) REFERRAL; CONSIDERATIONS.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee for report and recommendation, under section 917(c)(4), the issue of the nature and impact of the use of dissolvable tobacco products on the public health, including such use among children. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsection (a)(3)(B)(i).

''(2) REPORT AND RECOMMENDATION.—Not later than 2 years after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act at any time applicable to any dissolvable tobacco product.

"SEC. 908. NOTIFICATION AND OTHER REMEDIES.

''(a) NOTIFICATION.—If the Secretary determines that—

''(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

''(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk, the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

''(b) NO EXEMPTION FROM OTHER LIABILITY.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

''(c) RECALL AUTHORITY.—

''(1) IN GENERAL.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

''(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

''(B) NOTICE.—An amended order under subparagraph (A)—

''(i) shall not include recall of a tobacco product from individuals; and

''(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b).

''(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a).

"SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

''(a) IN GENERAL.—Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

''(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

''(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

''(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

''(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

''(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

''(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

''(b) REPORTS OF REMOVALS AND CORRECTIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

''(A) to reduce a risk to health posed by the tobacco product; or

''(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be reported under this subsection shall keep a record of such correction or removal.

''(2) EXCEPTION.—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

"SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.

''(a) IN GENERAL.—

''(1) NEW TOBACCO PRODUCT DEFINED.—For purposes of this section the term 'new tobacco product' means—

''(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of February 15, 2007; or

''(B) any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007.

''(2) PREMARKET REVIEW REQUIRED.—

''(A) NEW PRODUCTS.—An order under subsection (c)(1)(A)(i) for a new tobacco product is required unless—

''(i) the manufacturer has submitted a report under section 905(j); and the Secretary has issued an order that the tobacco product—

''(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007; and

''(II) is in compliance with the requirements of this Act; or

''(ii) the tobacco product is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j)(3).

''(B) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—Subparagraph (A) shall not apply to a tobacco product—

''(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the

Family Smoking Prevention and Tobacco Control Act; and

''(ii) for which a report was submitted under section 905(j) within such 21-month period,

except that subparagraph (A) shall apply to the tobacco product if the Secretary issues an order that the tobacco product is not substantially equivalent.

''(3) SUBSTANTIALLY EQUIVALENT DEFINED.—

''(A) IN GENERAL.—In this section and section 905(j), the term 'substantially equivalent' or 'substantial equivalence' means, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

''(i) has the same characteristics as the predicate tobacco product; or

''(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

''(B) CHARACTERISTICS.—In subparagraph (A), the term 'characteristics' means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

''(C) LIMITATION.—A tobacco product may not be found to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

''(4) HEALTH INFORMATION.—

''(A) SUMMARY.—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

''(B) REQUIRED INFORMATION.—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

''(b) APPLICATION.—

''(1) CONTENTS.—An application under this section shall contain—

''(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

''(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

''(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

''(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

''(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

''(F) specimens of the labeling proposed to be used for such tobacco product; and

''(G) such other information relevant to the subject matter of the application as the Secretary may require.

''(2) REFERRAL TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

''(A) may, on the Secretary's own initiative; or

''(B) may, upon the request of an applicant,

refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation respecting the application, together with all underlying data and the reasons or basis for the recommendation.

''(c) ACTION ON APPLICATION.—

''(1) DEADLINE.—

''(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under subsection (b)(2), shall—

''(i) issue an order that the new product may be introduced or delivered for introduction into interstate commerce if the Secretary finds that none of the grounds specified in paragraph (2) of this subsection applies; or

''(ii) issue an order that the new product may not be introduced or delivered for introduction into interstate commerce if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

''(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order under subparagraph (A)(i) may require that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

''(2) DENIAL OF APPLICATION.—The Secretary shall deny an application submitted under subsection (b) if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

''(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

''(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

''(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

''(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, and there is a lack of adequate information to justify the deviation from such standard.

''(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to remove such application from deniable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Secretary).

''(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether the marketing of a tobacco product for which an application has been submitted is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

''(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

''(5) BASIS FOR ACTION.—

''(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

''(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product, the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

''(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

''(1) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after due notice and opportunity for informal hearing for a tobacco product for which an order was issued under subsection (c)(1)(A)(i), issue an order withdrawing the order if the Secretary finds—

''(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

''(B) that the application contained or was accompanied by an untrue statement of a material fact;

''(C) that the applicant—

''(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

''(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

''(iii) has not complied with the requirements of section 905;

''(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was reviewed, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

''(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was reviewed, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

''(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when such order was issued, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, compliance with which was a condition to the issuance of an order relating to the application, and that there is a lack of adequate information to justify the deviation from such standard.

''(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing an order issued pursuant to subsection (c)(1)(A)(i) may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with section 912.

''(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an order would cause serious, adverse health consequences or death, that is greater than ordinarily caused by

tobacco products on the market, the Secretary shall by order temporarily suspend the authority of the manufacturer to market the product. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application.

''(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

''(1) in person by any officer or employee of the department designated by the Secretary; or

''(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Secretary.

''(f) RECORDS.—

''(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an order issued pursuant to subsection (c)(1)(A)(i) for an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such order.

''(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge of custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

''(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

"SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

''(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless an order issued pursuant to subsection (g) is effective with respect to such product.

''(b) DEFINITIONS.—In this section:

''(1) MODIFIED RISK TOBACCO PRODUCT.—The term 'modified risk tobacco product' means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

''(2) SOLD OR DISTRIBUTED.—

''(A) IN GENERAL.—With respect to a tobacco product, the term 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products' means a tobacco product—

''(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

''(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

''(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

''(III) the tobacco product or its smoke does not contain or is free of a substance;

''(ii) the label, labeling, or advertising of which uses the descriptors 'light', 'mild', or 'low' or similar descriptors; or

''(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product's label, labeling, or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

''(B) LIMITATION.—No tobacco product shall be considered to be 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products', except as described in subparagraph (A).

''(C) SMOKELESS TOBACCO PRODUCT.—No smokeless tobacco product shall be considered to be 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products' solely because its label, labeling, or advertising uses the following phrases to describe such product and its use: 'smokeless tobacco', 'smokeless tobacco product', 'not consumed by smoking', 'does not produce smoke', 'smokefree', 'smoke-free', 'without smoke', 'no smoke', or 'not smoke'.

''(3) EFFECTIVE DATE.—The provisions of paragraph (2)(A)(ii) shall take effect 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act for those products whose label, labeling, or advertising contains the terms described in such paragraph on such date of enactment. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with paragraph (2)(A)(ii).

''(c) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section if it has been approved as a drug or device by the Food and Drug Administration and is subject to the requirements of chapter V.

''(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

''(1) a description of the proposed product and any proposed advertising and labeling;

''(2) the conditions for using the product;

''(3) the formulation of the product;

''(4) sample product labels and labeling;

''(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

''(6) data and information on how consumers actually use the tobacco product; and

''(7) such other information as the Secretary may require.

''(e) PUBLIC AVAILABILITY.—The Secretary shall make the application described in subsection (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

''(f) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee any application submitted under this section.

''(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to the Tobacco Products Scientific Advisory Committee under paragraph (1), the Advisory Committee shall report its recommendations on the application to the Secretary.

''(g) MARKETING.—

''(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall, with respect to an application submitted under this section, issue an order that a modified risk product may be commercially marketed only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

''(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

''(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

''(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

''(A) IN GENERAL.—The Secretary may issue an order that a tobacco product may be introduced or delivered for introduction into interstate commerce, pursuant to an application under this section, with respect to a tobacco product that may not be commercially marketed under paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

''(i) such order would be appropriate to promote the public health;

''(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b) is limited to an explicit or implicit representation that such tobacco product or its smoke does not contain or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

''(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

''(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is reasonably likely in subsequent studies.

''(B) ADDITIONAL FINDINGS REQUIRED.—To issue an order under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

''(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

''(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the reasonably likely overall impact of use of the product remains a substantial and measurable reduction in overall morbidity and mortality among individual tobacco users;

''(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

''(I) is or has been demonstrated to be less harmful; or

''(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

''(iv) issuance of an order with respect to the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

''(C) CONDITIONS OF MARKETING.—

''(i) IN GENERAL.—Applications subject to an order under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

''(ii) AGREEMENTS BY APPLICANT.—An order under this paragraph shall be conditioned on the applicant's agreement to conduct postmarket surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the order on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the order was based in accordance with a protocol approved by the Secretary.

''(iii) ANNUAL SUBMISSION.—The results of such postmarket surveillance and studies described in clause (ii) shall be submitted annually.

''(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

''(A) the scientific evidence submitted by the applicant; and

''(B) scientific evidence and other information that is made available to the Secretary.

''(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

''(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

''(B) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

''(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

''(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

''(E) comments, data, and information submitted by interested persons.

''(h) ADDITIONAL CONDITIONS FOR MARKETING.—

''(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the marketing of a product under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

''(2) COMPARATIVE CLAIMS.—

''(A) IN GENERAL.—The Secretary may require for the marketing of a product under this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

''(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

''(3) LABEL DISCLOSURE.—

''(A) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances that may be produced by the consumption of that tobacco product, that may affect a disease or health-related condition or may increase the risk of other diseases or health-related conditions associated with the use of tobacco products.

''(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

''(4) TIME.—An order issued under subsection (g)(1) shall be effective for a specified period of time.

''(5) ADVERTISING.—The Secretary may require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product.

''(i) POSTMARKET SURVEILLANCE AND STUDIES.—

''(1) IN GENERAL.—The Secretary shall require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the applicant conduct postmarket surveillance and studies for such a tobacco product to determine the impact of the order issuance on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

''(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Secretary as necessary to protect the public health.

''(j) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g) if the Secretary determines that—

''(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);

''(2) the application failed to include material information or included any untrue statement of material fact;

''(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

''(A) a tobacco product standard is established pursuant to section 907;

''(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

''(C) any postmarket surveillance or studies reveal that the order is no longer consistent with the protection of the public health;

''(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or subsection (i); or

''(5) the applicant failed to meet a condition imposed under subsection (h).

''(k) CHAPTER IV OR V.—A product for which the Secretary has issued an order pursuant to subsection (g) shall not be subject to chapter IV or V.

''(l) IMPLEMENTING REGULATIONS OR GUIDANCE.—

''(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

''(A) to the extent that adequate scientific evidence exists, establish minimum standards for scientific studies needed prior to issuing an order under subsection (g) to show that a substantial reduction in morbidity or mortality among individual tobacco users occurs for products described in subsection (g)(1) or is reasonably likely for products described in subsection (g)(2);

''(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

''(C) establish minimum standards for postmarket studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

''(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception;

''(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product; and

''(F) establish a reasonable timetable for the Secretary to review an application under this section.

''(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

''(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

''(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 910 and which the applicant seeks to commercially market under this section.

''(m) DISTRIBUTORS.—Except as provided in this section, no distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would reasonably be expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

"SEC. 912. JUDICIAL REVIEW.

''(a) RIGHT TO REVIEW.—

''(1) IN GENERAL.—Not later than 30 days after—

''(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

''(B) a denial of an application under section 910(c),

any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

''(2) REQUIREMENTS.—

''(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

''(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

''(i) the record of the proceedings on which the regulation or order was based; and

''(ii) a statement of the reasons for the issuance of such a regulation or order.

''(C) DEFINITION OF RECORD.—In this section, the term 'record' means—

''(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

''(ii) all information submitted to the Secretary with respect to such regulation or order;

''(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

''(iv) any hearing held with respect to such regulation or order; and

''(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

''(b) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

''(c) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

''(d) OTHER REMEDIES.—The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

''(e) REGULATIONS AND ORDERS MUST RECITE BASIS IN RECORD.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

''SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.

''The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

''SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.

''(a) JURISDICTION.—

''(1) IN GENERAL.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

''(2) ENFORCEMENT.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act and shall be considered a violation of a rule promulgated under section 18 of that Act.

''(b) COORDINATION.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986—

''(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

''(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

''SEC. 915. REGULATION REQUIREMENT.

''(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations under this Act that meet the requirements of subsection (b).

''(b) CONTENTS OF RULES.—The regulations promulgated under subsection (a)—

''(1) shall require testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand and subbrand that the Secretary determines should be tested to protect the public health, provided that, for purposes of the testing requirements of this paragraph, tobacco products manufactured and sold by a single tobacco product manufacturer that are identical in all respects except the labels, packaging design, logo, trade dress, trademark, brand name, or any combination thereof, shall be considered as a single brand; and

''(2) may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results of the testing of other constituents, including smoke constituents, ingredients, or additives, that the Secretary determines should be disclosed to the public to protect the public health and will not mislead consumers about the risk of tobacco-related disease.

''(c) AUTHORITY.—The Secretary shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

''(d) SMALL TOBACCO PRODUCT MANUFACTURERS.—

''(1) FIRST COMPLIANCE DATE.—The initial regulations promulgated under subsection (a) shall not impose requirements on small tobacco product manufacturers before the later of—

''(A) the end of the 2-year period following the final promulgation of such regulations; and

''(B) the initial date set by the Secretary for compliance with such regulations by manufacturers that are not small tobacco product manufacturers.

''(2) TESTING AND REPORTING INITIAL COMPLIANCE PERIOD.—

''(A) 4-YEAR PERIOD.—The initial regulations promulgated under subsection (a) shall give each small tobacco product manufacturer a 4-year period over which to conduct testing and reporting for all of its tobacco products. Subject to paragraph (1), the end of the first year of such 4-year period shall coincide with the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers or the end of the 2-year period following the final promulgation of such regulations, as described in paragraph (1)(A). A small tobacco product manufacturer shall be required—

''(i) to conduct such testing and reporting for 25 percent of its tobacco products during each year of such 4-year period; and

''(ii) to conduct such testing and reporting for its largest-selling tobacco products (as determined by the Secretary) before its other tobacco products, or in such other order of priority as determined by the Secretary.

''(B) CASE-BY-CASE DELAY.—Notwithstanding subparagraph (A), the Secretary may, on a case-by-case basis, delay the date by which an individual small tobacco product manufacturer must conduct testing and reporting for its tobacco products under this section based upon a showing of undue hardship to such manufacturer. Notwithstanding the preceding sentence, the Secretary shall not extend the deadline for a small tobacco product manufacturer to conduct testing and reporting for all of its tobacco products beyond a total of 5 years after the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers.

''(3) SUBSEQUENT AND ADDITIONAL TESTING AND REPORTING.—The regulations promulgated under subsection (a) shall provide that, with respect to any subsequent or additional testing and reporting of tobacco products required under this section, such testing and reporting by a small tobacco product manufacturer shall be conducted in accordance with the timeframes described in paragraph (2)(A), except that, in the case of a new product, or if there has been a modification described in section 910(a)(1)(B) of any product of a small tobacco product manufacturer since the last testing and reporting required under this section, the Secretary shall require that any subsequent or additional testing and reporting be conducted in accordance with the same timeframe applicable to manufacturers that are not small tobacco product manufacturers.

''(4) JOINT LABORATORY TESTING SERVICES.—The Secretary shall allow any 2 or more small tobacco product manufacturers to join together to purchase laboratory testing services required by this section on a group basis in order to ensure that such manufacturers receive access to, and fair pricing of, such testing services.

''(e) EXTENSIONS FOR LIMITED LABORATORY CAPACITY.—

''(1) IN GENERAL.—The regulations promulgated under subsection (a) shall provide that a small tobacco product manufacturer shall not be considered to be in violation of this section before the deadline applicable under paragraphs (3) and (4), if—

''(A) the tobacco products of such manufacturer are in compliance with all other requirements of this chapter; and

''(B) the conditions described in paragraph (2) are met.

''(2) CONDITIONS.—Notwithstanding the requirements of this section, the Secretary may delay the date by which a small tobacco product manufacturer must be in compliance with the testing and reporting required by this section until such time as the testing is reported if, not later than 90 days before the deadline for reporting in accordance with this section, a small tobacco product manufacturer provides evidence to the Secretary demonstrating that—

''(A) the manufacturer has submitted the required products for testing to a laboratory and has done so sufficiently in advance of the deadline to create a reasonable expectation of completion by the deadline;

''(B) the products currently are awaiting testing by the laboratory; and

''(C) neither that laboratory nor any other laboratory is able to complete testing by the deadline at customary, nonexpedited testing fees.

''(3) EXTENSION.—The Secretary, taking into account the laboratory testing capacity that is available to tobacco product manufacturers, shall review and verify the evidence submitted by a small tobacco product manufacturer in accordance with paragraph (2). If the Secretary finds that the conditions described in such paragraph are met, the Secretary shall notify the small tobacco product manufacturer that the manufacturer shall not be considered to be in violation of the testing and reporting requirements of this section until the testing is reported or until 1 year after the reporting deadline has passed, whichever occurs sooner. If, however, the Secretary has not made a finding before the reporting deadline, the manufacturer shall not be considered to be in violation of such requirements until the Secretary finds that the conditions described in paragraph (2) have not been met, or until 1 year after the reporting deadline, whichever occurs sooner.

''(4) ADDITIONAL EXTENSION.—In addition to the time that may be provided under paragraph (3), the Secretary may provide further extensions of time, in increments of no more than 1 year, for required testing and reporting to occur if the Secretary determines, based on evidence properly and timely submitted by a small tobacco product manufacturer in accordance with paragraph (2), that a lack of available laboratory capacity prevents the manufacturer from

completing the required testing during the period described in paragraph (3).

''(f) RULE OF CONSTRUCTION.—Nothing in subsection (d) or (e) shall be construed to authorize the extension of any deadline, or to otherwise affect any timeframe, under any provision of this Act or the Family Smoking Prevention and Tobacco Control Act other than this section.

"SEC. 916. PRESERVATION OF STATE AND LOCAL AUTHORITY.

''(a) IN GENERAL.—

''(1) PRESERVATION.—Except as provided in paragraph (2)(A), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, tribal, or local taxation of tobacco products.

''(2) PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.—

''(A) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket review, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

''(B) EXCEPTION.—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products by individuals of any age, or relating to fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as a trade secret and confidential information by the State.

''(b) RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"SEC. 917. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 12-member advisory committee, to be known as the Tobacco Products Scientific Advisory Committee (in this section referred to as the 'Advisory Committee').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—

''(A) MEMBERS.—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

''(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

''(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

''(iii) 1 individual as a representative of the general public;

''(iv) 1 individual as a representative of the interests of the tobacco manufacturing industry;

''(v) 1 individual as a representative of the interests of the small business tobacco manufacturing industry, which position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee; and

''(vi) 1 individual as a representative of the interests of the tobacco growers.

''(B) NONVOTING MEMBERS.—The members of the committee appointed under clauses (iv), (v), and (vi) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

''(C) CONFLICTS OF INTEREST.—No members of the committee, other than members appointed pursuant to clauses (iv), (v), and (vi) of subparagraph (A) shall, during the member's tenure on the committee or for the 18-month period prior to becoming such a member, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products.

''(2) LIMITATION.—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex officio members.

''(3) CHAIRPERSON.—The Secretary shall designate 1 of the members appointed under clauses (i), (ii), and (iii) of paragraph (1)(A) to serve as chairperson.

''(c) DUTIES.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

''(1) as provided in this chapter;

''(2) on the effects of the alteration of the nicotine yields from tobacco products;

''(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

''(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

''(d) COMPENSATION; SUPPORT; FACA.—

''(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect under the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

''(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

''(e) PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

"SEC. 918. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

''(a) IN GENERAL.—The Secretary shall—

''(1) at the request of the applicant, consider designating products for smoking cessation, including nicotine replacement products as fast track research and approval products within the meaning of section 506;

''(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

''(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

''(b) REPORT ON INNOVATIVE PRODUCTS.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, after consultation with recognized scientific, medical, and public health experts (including both Federal agencies and nongovernmental entities, the Institute of Medicine of the National Academy of Sciences, and the Society for Research on Nicotine and Tobacco), shall submit to the Congress a report that examines how best to regulate, promote, and encourage the development of innovative products and treatments (including nicotine-based and nonnicotine-based products and treatments) to better achieve, in a manner that best protects and promotes the public health—

''(A) total abstinence from tobacco use;

''(B) reductions in consumption of tobacco; and

''(C) reductions in the harm associated with continued tobacco use.

''(2) RECOMMENDATIONS.—The report under paragraph (1) shall include the recommendations of the Secretary on how the Food and Drug Administration should coordinate and facilitate the exchange of information on such innovative products and treatments among relevant offices and centers within the Administration and within the National Institutes of Health, the Centers for Disease Control and Prevention, and other relevant agencies.

"SEC. 919. USER FEES.

''(a) ESTABLISHMENT OF QUARTERLY FEE.—Beginning on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall in accordance with this section assess user fees on, and collect such fees from, each manufacturer and importer of tobacco products subject to this chapter. The fees shall be assessed and collected with respect to each quarter of each fiscal year, and the total amount assessed and collected for a fiscal year shall be the amount specified in subsection (b)(1) for such year, subject to subsection (c).

''(b) ASSESSMENT OF USER FEE.—

''(1) AMOUNT OF ASSESSMENT.—The total amount of user fees authorized to be assessed and collected under subsection (a) for a fiscal year is the following, as applicable to the fiscal year involved:

''(A) For fiscal year 2009, $85,000,000 (subject to subsection (e)).

''(B) For fiscal year 2010, $235,000,000.

''(C) For fiscal year 2011, $450,000,000.

''(D) For fiscal year 2012, $477,000,000.

''(E) For fiscal year 2013, $505,000,000.

''(F) For fiscal year 2014, $534,000,000.

''(G) For fiscal year 2015, $566,000,000.

''(H) For fiscal year 2016, $599,000,000.

''(I) For fiscal year 2017, $635,000,000.

''(J) For fiscal year 2018, $672,000,000.

''(K) For fiscal year 2019 and each subsequent fiscal year, $712,000,000.

''(2) ALLOCATIONS OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

''(A) IN GENERAL.—The total user fees assessed and collected under subsection (a) each fiscal year with respect to each class of tobacco products shall be an amount that is equal to the applicable percentage of each class for the fiscal year multiplied by the amount specified in paragraph (1) for the fiscal year.

''(B) APPLICABLE PERCENTAGE.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the applicable percentage for a fiscal year for each of the following classes of tobacco products shall be determined in accordance with clause (ii):

''(I) Cigarettes.

''(II) Cigars, including small cigars and cigars other than small cigars.

''(III) Snuff.

''(IV) Chewing tobacco.

''(V) Pipe tobacco.

''(VI) Roll-your-own tobacco.

''(ii) ALLOCATIONS.—The applicable percentage of each class of tobacco product described in clause (i) for a fiscal year shall be the percentage determined under section 625(c) of Public Law 108–357 for each such class of product for such fiscal year.

''(iii) REQUIREMENT OF REGULATIONS.—Notwithstanding clause (ii), no user fees shall be assessed on a class of tobacco products unless such class of tobacco products is listed in section 901(b) or is deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter.

''(iv) REALLOCATIONS.—In the case of a class of tobacco products that is not listed in section 901(b) or deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter, the amount of user fees that would otherwise be assessed to such class of tobacco products shall be reallocated to the classes of tobacco products that are subject to this chapter in the same manner and based on the same relative percentages otherwise determined under clause (ii).

''(3) DETERMINATION OF USER FEE BY COMPANY.—

''(A) IN GENERAL.—The total user fee to be paid by each manufacturer or importer of a particular class of tobacco products shall be determined for each quarter by multiplying—

''(i) such manufacturer's or importer's percentage share as determined under paragraph (4); by

''(ii) the portion of the user fee amount for the current quarter to be assessed on all manufacturers and importers of such class of tobacco products as determined under paragraph (2).

''(B) NO FEE IN EXCESS OF PERCENTAGE SHARE.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the percentage share of such manufacturer or importer.

''(4) ALLOCATION OF ASSESSMENT WITHIN EACH CLASS OF TOBACCO PRODUCT.—The percentage share of each manufacturer or importer of a particular class of tobacco products of the total user fee to be paid by all manufacturers or importers of that class of tobacco products shall be the percentage determined for purposes of allocations under subsections (e) through (h) of section 625 of Public Law 108–357.

''(5) ALLOCATION FOR CIGARS.—Notwithstanding paragraph (4), if a user fee assessment is imposed on cigars, the percentage share of each manufacturer or importer of cigars shall be based on the excise taxes paid by such manufacturer or importer during the prior fiscal year.

''(6) TIMING OF ASSESSMENT.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under this subsection for each quarter of each fiscal year. Such notifications shall occur not later than 30 days prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made by the last day of the quarter involved.

''(7) MEMORANDUM OF UNDERSTANDING.—

''(A) IN GENERAL.—The Secretary shall request the appropriate Federal agency to enter into a memorandum of understanding that provides for the regular and timely transfer from the head of such agency to the Secretary of the information described in paragraphs (2)(B)(ii) and (4) and all necessary information regarding all tobacco product manufacturers and importers required to pay user fees. The Secretary shall maintain all disclosure restrictions established by the head of such agency regarding the information provided under the memorandum of understanding.

''(B) ASSURANCES.—Beginning not later than fiscal year 2015, and for each subsequent fiscal year, the Secretary shall ensure that the Food and Drug Administration is able to determine the applicable percentages described in paragraph (2) and the percentage shares described in paragraph (4). The Secretary may carry out this subparagraph by entering into a contract with the head of the Federal agency referred to in subparagraph (A) to continue to provide the necessary information.

''(c) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, subject to paragraph (2)(D). Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) AVAILABILITY.—

''(A) IN GENERAL.—Fees appropriated under paragraph (3) are available only for the purpose of paying the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products under this chapter and the Family Smoking Prevention and Tobacco Control Act (referred to in this subsection as 'tobacco regulation activities'), except that such fees may be used for the reimbursement specified in subparagraph (C).

''(B) PROHIBITION AGAINST USE OF OTHER FUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), fees collected under subsection (a) are the only funds authorized to be made available for tobacco regulation activities.

''(ii) STARTUP COSTS.—Clause (i) does not apply until October 1, 2009. Until such date, any amounts available to the Food and Drug Administration (excluding user fees) shall be available and allocated as needed to pay the costs of tobacco regulation activities.

''(C) REIMBURSEMENT OF START-UP AMOUNTS.—

''(i) IN GENERAL.—Any amounts allocated for the start-up period pursuant to subparagraph (B)(ii) shall be reimbursed through any appropriated fees collected under subsection (a), in such manner as the Secretary determines appropriate to ensure that such allocation results in no net change in the total amount of funds otherwise available, for the period from October 1, 2008, through September 30, 2010, for Food and Drug Administration programs and activities (other than tobacco regulation activities) for such period.

''(ii) TREATMENT OF REIMBURSED AMOUNTS.—Amounts reimbursed under clause (i) shall be available for the programs and activities for which funds allocated for the start-up period were available, prior to such allocation, until September 30, 2010, notwithstanding any otherwise applicable limits on amounts for such programs or activities for a fiscal year.

''(D) FEE COLLECTED DURING START-UP PERIOD.—Notwithstanding the first sentence of paragraph (1), fees under subsection (a) may be collected through September 30, 2009 under subparagraph (B)(ii) and shall be available for obligation and remain available until expended. Such offsetting collections shall be credited to the salaries and expenses account of the Food and Drug Administration.

''(E) OBLIGATION OF START-UP COSTS IN ANTICIPATION OF AVAILABLE FEE COLLECTIONS.—Notwithstanding any other provision of law, following the enactment of an appropriation for fees under this section for fiscal year 2010, or any portion thereof, obligations for costs of tobacco regulation activities during the start-up period may be incurred in anticipation of the receipt of offsetting fee collections through procedures specified in section 1534 of title 31, United States Code.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2009 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amount specified in subsection (b)(1) for the fiscal year.

''(d) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) 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.

''(e) APPLICABILITY TO FISCAL YEAR 2009.—If the date of enactment of the Family Smoking Prevention and Tobacco Control Act occurs during fiscal year 2009, the following applies, subject to subsection (c):

''(1) The Secretary shall determine the fees that would apply for a single quarter of such fiscal year according to the application of subsection (b) to the amount specified in paragraph (1)(A) of such subsection (referred to in this subsection as the 'quarterly fee amounts').

''(2) For the quarter in which such date of enactment occurs, the amount of fees assessed shall be a pro rata amount, determined according to the number of days remaining in the quarter (including such date of enactment) and according to the daily equivalent of the quarterly fee amounts. Fees assessed under the preceding sentence shall not be collected until the next quarter.

''(3) For the quarter following the quarter to which paragraph (2) applies, the full quarterly fee amounts shall be assessed and collected, in addition to collection of the pro rata fees assessed under paragraph (2).''.

(c) CONFORMING AMENDMENT.—Section 9(1) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408(i)) is amended to read as follows:

''(1) The term 'smokeless tobacco' has the meaning given such term by section 900(18) of the Federal Food, Drug, and Cosmetic Act.''.

SEC. 102. FINAL RULE.

(a) CIGARETTES AND SMOKELESS TOBACCO.—

(1) IN GENERAL.—On the first day of publication of the Federal Register that is 180 days or more after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a final rule regarding cigarettes and smokeless tobacco, which—

(A) is deemed to be issued under chapter 9 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this division; and

(B) shall be deemed to be in compliance with all applicable provisions of chapter 5 of title 5, United States Code, and all other provisions of law relating to rulemaking procedures.

(2) CONTENTS OF RULE.—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection in accordance with this division and the amendments made by this division;

(B) strike Subpart C—Labels and section 897.32(c);

(C) strike paragraphs (a), (b), and (i) of section 897.3 and insert definitions of the terms ''cigarette'', ''cigarette tobacco'', and ''smokeless tobacco'' as defined in section 900 of the Federal Food, Drug, and Cosmetic Act;

(D) insert ''or roll-your-own paper'' in section 897.34(a) after ''other than cigarettes or smokeless tobacco'';

(E) include such modifications to section 897.30(b), if any, that the Secretary determines are appropriate in light of governing First Amendment case law, including the decision of the Supreme Court of the United States in Lorillard Tobacco Co. v. Reilly (533 U.S. 525 (2001));

(F) become effective on the date that is 1 year after the date of enactment of this Act; and

(G) amend paragraph (d) of section 897.16 to read as follows:

''(d)(1) Except as provided in subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of cigarettes, smokeless tobacco, or other tobacco products (as such term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act).

''(2)(A) Subparagraph (1) does not prohibit a manufacturer, distributor, or retailer from distributing or causing to be distributed free samples of smokeless tobacco in a qualified adult-only facility.

''(B) This subparagraph does not affect the authority of a State or local government to prohibit or otherwise restrict the distribution of free samples of smokeless tobacco.

''(C) For purposes of this paragraph, the term 'qualified adult-only facility' means a facility or restricted area that—

''(i) requires each person present to provide to a law enforcement officer (whether on or off duty) or to a security guard licensed by a governmental entity government-issued identification showing a photograph and at least the minimum age established by applicable law for the purchase of smokeless tobacco;

''(ii) does not sell, serve, or distribute alcohol;

''(iii) is not located adjacent to or immediately across from (in any direction) a space that is used primarily for youth-oriented marketing, promotional, or other activities;

''(iv) is a temporary structure constructed, designated, and operated as a distinct enclosed area for the purpose of distributing free samples of smokeless tobacco in accordance with this subparagraph;

''(v) is enclosed by a barrier that—

''(I) is constructed of, or covered with, an opaque material (except for entrances and exits);

''(II) extends from no more than 12 inches above the ground or floor (which area at the bottom of the barrier must be covered with material that restricts visibility but may allow airflow) to at least 8 feet above the ground or floor (or to the ceiling); and

''(III) prevents persons outside the qualified adult-only facility from seeing into the qualified adult-only facility, unless they make unreasonable efforts to do so; and

''(vi) does not display on its exterior—

''(I) any tobacco product advertising;

''(II) a brand name other than in conjunction with words for an area or enclosure to identify an adult-only facility; or

''(III) any combination of words that would imply to a reasonable observer that the manufacturer, distributor, or retailer has a sponsorship that would violate section 897.34(c).

''(D) Distribution of samples of smokeless tobacco under this subparagraph permitted to be taken out of the qualified adult-only facility shall be limited to 1 package per adult consumer containing no more than 0.53 ounces (15 grams) of smokeless tobacco. If such package of smokeless tobacco contains individual portions of smokeless tobacco, the individual portions of smokeless tobacco shall not exceed 8 individual portions and the collective weight of such individual portions shall not exceed 0.53 ounces (15 grams). Any manufacturer, distributor, or retailer who distributes or causes to be distributed free samples also shall take reasonable steps to ensure that the above amounts are limited to one such package per adult consumer per day.

''(3) Notwithstanding subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of smokeless tobacco—

''(A) to a sports team or entertainment group; or

''(B) at any football, basketball, baseball, soccer, or hockey event or any other sporting or entertainment event determined by the Secretary to be covered by this subparagraph.

''(4) The Secretary shall implement a program to ensure compliance with this paragraph and submit a report to the Congress on such compliance not later than 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

''(5) Nothing in this paragraph shall be construed to authorize any person to distribute or cause to be distributed any sample of a tobacco product to any individual who has not attained the minimum age established by applicable law for the purchase of such product.''.

(3) AMENDMENTS TO RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with chapter 5 of title 5, United States Code.

(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with chapter 5 of title 5, United States Code, the regulation promulgated pursuant to this section, including the provisions of such regulation relating to distribution of free samples.

(5) ENFORCEMENT OF RETAIL SALE PROVISIONS.—The Secretary of Health and Human Services shall ensure that the provisions of this division, the amendments made by this division, 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 and 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 (5)—

(A) by striking ''paragraph (1), (2), (3), or (4)'' each place such appears and inserting ''paragraph (1), (2), (3), (4), or (9)'';

(B) 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,'';

(C) 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

(D) by adding at the end the following:

''(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.'';

(2) 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

(3) 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.

''(9) CIVIL MONETARY PENALTIES FOR VIOLATION OF TOBACCO PRODUCT REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), any person who violates a requirement of this Act which relates to tobacco products shall be liable to the United States for a civil penalty in an amount not to exceed $15,000 for each such violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding.

''(B) ENHANCED PENALTIES.—

''(i) Any person who intentionally violates a requirement of section 902(5), 902(6), 904, 908(c), or 911(a), shall be subject to a civil monetary penalty of—

''(I) not to exceed $250,000 per violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding; or

''(II) in the case of a violation that continues after the Secretary provides written notice to such person, $250,000 for the first 30-day period (or any portion thereof) that the person continues to be in violation, and such amount shall double for every 30-day period thereafter that the violation continues, not to exceed $1,000,000 for any 30-day period, and not to exceed $10,000,000 for all such violations adjudicated in a single proceeding.

''(ii) Any person who violates a requirement of section 911(g)(2)(C)(ii) or 911(i)(1), shall be subject to a civil monetary penalty of—

''(I) not to exceed $250,000 per violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding; or

''(II) in the case of a violation that continues after the Secretary provides written notice to such person, $250,000 for the first 30-day period (or any portion thereof) that the person continues to be in violation, and such amount shall double for every 30-day period thereafter that the violation continues, not to exceed $1,000,000 for any 30-day period, and not to exceed $10,000,000 for all such violations adjudicated in a single proceeding.

''(iii) In determining the amount of a civil penalty under clause (i)(II) or (ii)(II), the Secretary shall take into consideration whether the person is making efforts toward correcting the violation of the requirements of the section for which such person is subject to such civil penalty.''.

(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)(i) 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.

''(ii) The Secretary shall not enter into any contract under clause (i) with the government of any of the several States to exercise enforcement authority under this Act on Indian country without the express written consent of the Indian tribe involved.''.

(h) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting ''tobacco product,'' after the term ''device,'' each place such term appears; and

(2) by inserting ''tobacco products,'' after the term ''devices,'' each place such term appears.

(i) SECTION 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)—

(A) by striking ''devices, or cosmetics'' each place it appears and inserting ''devices, tobacco products, or cosmetics'';

(B) by striking ''or restricted devices'' each place it appears and inserting ''restricted devices, or tobacco products''; and

(C) by striking ''and devices and subject to'' and all that follows through ''other drugs or devices'' and inserting ''devices, and tobacco products and subject to reporting and inspection under regulations lawfully issued pursuant to section 505 (i) or (k), section 519, section 520(g), or chapter IX and data relating to other drugs, devices, or tobacco products'';

(2) in subsection (b), by inserting ''tobacco product,'' after ''device,''; and

(3) in subsection (g)(13), by striking ''section 903(g)'' and inserting ''section 1003(g)''.

(j) SECTION 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting ''tobacco products,'' after ''devices,''.

(k) SECTION 709.—Section 709 (21 U.S.C. 379a) is amended by inserting ''tobacco product,'' after ''device,''.

(l) SECTION 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting ''tobacco products,'' after the term ''devices,'';

(B) by inserting ''or section 905(h)'' after ''section 510''; and

(C) by striking the term ''drugs or devices'' each time such term appears and inserting ''drugs, devices, or tobacco products'';

(2) in subsection (e)(1)—

(A) by inserting ''tobacco product'' after ''drug, device,''; and

(B) by inserting '', and a tobacco product intended for export shall not be deemed to be in violation of section 906(e), 907, 911, or 920(a),'' before ''if it—''; and

(3) by adding at the end the following:

''(p)(1) Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall 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 regarding—

''(A) the nature, extent, and destination of United States tobacco product exports that do not conform to tobacco product standards established pursuant to this Act;

''(B) the public health implications of such exports, including any evidence of a negative public health impact; and

''(C) recommendations or assessments of policy alternatives available to Congress and the executive branch to reduce any negative public health impact caused by such exports.

''(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.''.

(m) SECTION 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(b)) is amended—

(1) by striking ''and'' after ''cosmetics,''; and

(2) inserting '', and tobacco products'' after ''devices''.

(n) SECTION 1009.—Section 1009(b) (as redesignated by section 101(b)) is amended by striking ''section 908'' and inserting ''section 1008''.

(o) SECTION 409 OF THE FEDERAL MEAT INSPECTION ACT.—Section 409(a) of the Federal Meat Inspection Act (21 U.S.C. 679(a)) is amended by striking ''section 902(b)'' and inserting ''section 1002(b)''.

(p) RULE OF CONSTRUCTION.—Nothing in this section is intended or shall be construed to expand, contract, or otherwise modify or amend the existing limitations on State government authority over tribal restricted fee or trust lands.

(q) GUIDANCE AND EFFECTIVE DATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term ''repeated violation'', as used in section 303(f)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)(8)) as

amended by subsection (c), as including at least 5 violations of particular requirements over a 36-month period at a particular retail outlet that constitute a repeated violation and providing for civil penalties in accordance with paragraph (2);

(B) providing for timely and effective notice by certified or registered mail or personal delivery to the retailer of each alleged violation at a particular retail outlet prior to conducting a followup compliance check, such notice to be sent to the location specified on the retailer's registration or to the retailer's registered agent if the retailer has provider such agent information to the Food and Drug Administration prior to the violation;

(C) providing for 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, and providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing that civil money penalties for multiple violations shall increase from one violation to the next violation pursuant to paragraph (2) within the time periods provided for in such paragraph;

(F) providing that good faith reliance on the presentation of a false government-issued photographic identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against sales to minors;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device; and

(G) providing for the Secretary, in determining whether to impose a no-tobacco-sale order and in determining whether to compromise, modify, or terminate such an order, to consider whether the retailer has taken effective steps to prevent violations of the minimum age requirements for the sale of tobacco products, including the steps listed in subparagraph (F).

(2) PENALTIES FOR VIOLATIONS.—

(A) IN GENERAL.—The amount of the civil penalty to be applied for violations of restrictions promulgated under section 906(d), as described in paragraph (1), shall be as follows:

(i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, $0.00 together with the issuance of a warning letter to the retailer;

(II) in the case of a second violation within a 12-month period, $250;

(III) in the case of a third violation within a 24-month period, $500;

(IV) in the case of a fourth violation within a 24-month period, $2,000;

(V) in the case of a fifth violation within a 36-month period, $5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, $10,000 as determined by the Secretary on a case-by-case basis.

(ii) With respect to a retailer that does not have an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, $250;

(II) in the case of a second violation within a 12-month period, $500;

(III) in the case of a third violation within a 24-month period, $1,000;

(IV) in the case of a fourth violation within a 24-month period, $2,000;

(V) in the case of a fifth violation within a 36-month period, $5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, $10,000 as determined by the Secretary on a case-by-case basis.

(B) TRAINING PROGRAM.—For purposes of subparagraph (A), the term ''approved training program'' means a training program that complies with standards developed by the Food and Drug Administration for such programs.

(C) CONSIDERATION OF STATE PENALTIES.—The Secretary shall coordinate with the States in enforcing the provisions of this Act and, for purposes of mitigating a civil penalty to be applied for a violation by a retailer of any restriction promulgated under section 906(d), shall consider the amount of any penalties paid by the retailer to a State for the same violation.

(3) GENERAL EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), and (4) of subsection (c) shall take effect upon the issuance of guidance described in paragraph (1) of this subsection.

(4) SPECIAL EFFECTIVE DATE.—The amendment made by subsection (c)(1) shall take effect on the date of enactment of this Act.

(5) PACKAGE LABEL REQUIREMENTS.—The package label requirements of paragraphs (3) and (4) of section 903(a) of the Federal Food, Drug, and Cosmetic Act (as amended by this division) shall take effect on the date that is 12 months after the date of enactment of this Act. The package label requirements of paragraph (2) of such section 903(a) for cigarettes shall take effect on the date that is 15 months after the issuance of the regulations required by section 4(d) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201 of this division. The package label requirements of paragraph (2) of such section 903(a) for tobacco products other than cigarettes shall take effect on the date that is 12 months after the date of enactment of this Act. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 903(a) (2), (3), and (4) and section 920(a) of the Federal Food, Drug, and Cosmetic Act.

(6) ADVERTISING REQUIREMENTS.—The advertising requirements of section 903(a)(8) of the Federal Food, Drug, and Cosmetic Act (as amended by this division) shall take effect on the date that is 12 months after the date of enactment of this Act.

SEC. 104. STUDY ON RAISING THE MINIMUM AGE TO PURCHASE TOBACCO PRODUCTS.

The Secretary of Health and Human Services shall—

(1) convene an expert panel to conduct a study on the public health implications of raising the minimum age to purchase tobacco products; and

(2) not later than 5 years after the date of enactment of this Act, submit a report to the Congress on the results of such study.

SEC. 105. ENFORCEMENT ACTION PLAN FOR ADVERTISING AND PROMOTION RESTRICTIONS.

(a) ACTION PLAN.—

(1) DEVELOPMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall develop and publish an action plan to enforce restrictions adopted pursuant to section 906 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this division, or pursuant to section 102(a) of this division, on promotion and advertising of menthol and other cigarettes to youth.

(2) CONSULTATION.—The action plan required by paragraph (1) shall be developed in consultation with public health organizations and other stakeholders with demonstrated expertise and experience in serving minority communities.

(3) PRIORITY.—The action plan required by paragraph (1) shall include provisions designed to ensure enforcement of the restrictions described in paragraph (1) in minority communities.

(b) STATE AND LOCAL ACTIVITIES.—

(1) INFORMATION ON AUTHORITY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall inform State, local, and tribal governments of the authority provided to such entities under section 5(c) of the Federal Cigarette Labeling and Advertising Act, as added by section 203 of this division, or preserved by such entities under section 916 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this division.

(2) COMMUNITY ASSISTANCE.—At the request of communities seeking assistance to prevent underage tobacco use, the Secretary shall provide such assistance, including assistance with strategies to address the prevention of underage tobacco use in communities with a disproportionate use of menthol cigarettes by minors.

SEC. 106. STUDIES OF PROGRESS AND EFFECTIVENESS.

(a) FDA REPORT.—Not later than 3 years after the date of enactment of this Act, and not less than every 2 years thereafter, the Secretary of Health and Human Services shall 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 concerning—

(1) the progress of the Food and Drug Administration in implementing this division, including major accomplishments, objective measurements of progress, and the identification of any areas that have not been fully implemented;

(2) impediments identified by the Food and Drug Administration to progress in implementing this division and to meeting statutory timeframes;

(3) data on the number of new product applications received under section 910 of the Federal Food, Drug, and Cosmetic Act and modified risk product applications received under section 911 of such Act, and the number of applications acted on under each category; and

(4) data on the number of full time equivalents engaged in implementing this division.

(b) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of, and submit to the Committees described in subsection (a) a report concerning—

(1) the adequacy of the authority and resources provided to the Secretary of Health and Human Services for this division to carry out its goals and purposes; and

(2) any recommendations for strengthening that authority to more effectively protect the public health with respect to the manufacture, marketing, and distribution of tobacco products.

(c) PUBLIC AVAILABILITY.—The Secretary of Health and Human Services and the Comptroller General of the United States, respectively, shall make the reports required under subsection (a) and (b) available to the public, including by posting such reports on the respective Internet websites of the Food and Drug Administration and the Government Accountability Office.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

"SEC. 4. LABELING.

''(a) LABEL REQUIREMENTS.—

''(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer

to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

''WARNING: Cigarettes are addictive.

''WARNING: Tobacco smoke can harm your children.

''WARNING: Cigarettes cause fatal lung disease.

''WARNING: Cigarettes cause cancer.

''WARNING: Cigarettes cause strokes and heart disease.

''WARNING: Smoking during pregnancy can harm your baby.

''WARNING: Smoking can kill you.

''WARNING: Tobacco smoke causes fatal lung disease in nonsmokers.

''WARNING: Quitting smoking now greatly reduces serious risks to your health.

''(2) PLACEMENT; TYPOGRAPHY; ETC.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise the top 50 percent of the front and rear panels of the package. The word 'WARNING' shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c).

''(3) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

''(4) APPLICABILITY TO RETAILERS.—A retailer of cigarettes shall not be in violation of this subsection for packaging that—

''(A) contains a warning label;

''(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and

''(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

''(b) ADVERTISING REQUIREMENTS.—

''(1) IN GENERAL.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

''(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word 'WARNING' shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under subsection (c). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital 'W' of the word 'WARNING' in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that—

''(A) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

''(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

''(3) MATCHBOOKS.—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

''(4) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent (including smoke constituent) disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

''(c) MARKETING REQUIREMENTS.—

''(1) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

''(2) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

''(3) REVIEW.—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

''(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

''(B) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

''(4) APPLICABILITY TO RETAILERS.—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection and subsection (b).

''(d) GRAPHIC LABEL STATEMENTS.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations that require color graphics depicting the negative health consequences of smoking to accompany the label statements specified in subsection (a)(1). The Secretary may adjust the type size, text and format of the label statements specified in subsections (a)(2) and (b)(2) as the Secretary determines appropriate so that both the graphics and the accompanying label statements are clear, conspicuous, legible and appear within the specified area.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 15 months after the issuance of the regulations required by subsection (a). Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by subsection (a).

SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.

(a) PREEMPTION.—Section 5(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334(a)) is amended by striking ''No'' and inserting ''Except to the extent the Secretary requires additional or different statements on any cigarette package by a regulation, by an order, by a standard, by an authorization to market a product, or by a condition of marketing a product, pursuant to the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), or as required under section 903(a)(2) or section 920(a) of the Federal Food, Drug, and Cosmetic Act, no''.

(b) CHANGE IN REQUIRED STATEMENTS.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201, is further amended by adding at the end the following:

''(d) CHANGE IN REQUIRED STATEMENTS.—The Secretary through a rulemaking conducted under section 553 of title 5, United States Code, may adjust the format, type size, color graphics, and text of any of the label requirements, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.''.

SEC. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end the following:

''(c) EXCEPTION.—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and health, that take effect after the effective date of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarettes.''.

SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

''SEC. 3. SMOKELESS TOBACCO WARNING.

''(a) GENERAL RULE.—

''(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product

unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

''WARNING: This product can cause mouth cancer.

''WARNING: This product can cause gum disease and tooth loss.

''WARNING: This product is not a safe alternative to cigarettes.

''WARNING: Smokeless tobacco is addictive.

''(2) Each label statement required by paragraph (1) shall be—

''(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

''(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

''(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

''(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

''(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

''(A) contains a warning label;

''(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and

''(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

''(b) REQUIRED LABELS.—

''(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

''(2)(A) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph.

''(B) For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall comprise at least 20 percent of the area of the advertisement.

''(C) The word 'WARNING' shall appear in capital letters, and each label statement shall appear in conspicuous and legible type.

''(D) The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

''(E) The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital 'W' of the word 'WARNING' in the label statements.

''(F) The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement.

''(G) The label statements shall be in English, except that—

''(i) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

''(ii) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

''(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

''(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

''(C) The Secretary shall review each plan submitted under subparagraphs (A) and (B) and approve it if the plan—

''(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

''(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

''(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection.

''(4) The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

''(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 12 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by subsection (a).

SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

(a) IN GENERAL.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 204, is further amended by adding at the end the following:

''(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.''.

(b) PREEMPTION.—Section 7(a) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4406(a)) is amended by striking ''No'' and inserting ''Except as provided in the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), no''.

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by sections 201 and 202, is further amended by adding at the end the following:

''(e) TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE.—

''(1) IN GENERAL.—The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary's sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

''(2) RESOLUTION OF DIFFERENCES.—Any differences between the requirements established by the Secretary under paragraph (1) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

''(3) CIGARETTE AND OTHER TOBACCO PRODUCT CONSTITUENTS.—In addition to the disclosures required by paragraph (1), the Secretary may, under a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required if the Secretary determines that disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act.

''(4) RETAILERS.—This subsection applies to a retailer only if that retailer is responsible for or directs the label statements required under this section.''.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

"SEC. 920. LABELING, RECORDKEEPING, RECORDS INSPECTION.

''(a) ORIGIN LABELING.—

''(1) REQUIREMENT.—Beginning 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of tobacco products other than cigarettes for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement 'sale only allowed in the United States'. Beginning 15 months after the issuance of the regulations required by section 4(d) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201 of Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of cigarettes for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement 'Sale only allowed in the United States'.

''(2) EFFECTIVE DATE.—The effective date specified in paragraph (1) shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with such paragraph.

''(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

''(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products.

''(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product through the distribution system.

''(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

''(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

''(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products. The Secretary shall not authorize an officer or employee of the government of any of the several States to exercise authority under the preceding sentence on Indian country without the express written consent of the Indian tribe involved.

''(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—

''(1) NOTIFICATION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been—

''(A) imported, exported, distributed, or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

''(B) imported, exported, distributed, or diverted for possible illicit marketing,

the manufacturer or distributor shall promptly notify the Attorney General and the Secretary of the Treasury of such knowledge.

''(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term 'knowledge' as applied to a manufacturer or distributor means—

''(A) the actual knowledge that the manufacturer or distributor had; or

''(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

''(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Attorney General of the United States and the Secretary of the Treasury, as appropriate.''.

SEC. 302. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising; and

(3) collect data on the health effects (particularly with respect to individuals under 18 years of age) resulting from cross-border trade in tobacco products, including the health effects resulting from—

(A) the illicit trade of tobacco products and the trade of counterfeit tobacco products; and

(B) the differing tax rates applicable to tobacco products.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall 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 on the study described in subsection (a).

(c) DEFINITION.—In this section:

(1) The term ''cross-border trade'' means trade across a border of the United States, a State or Territory, or Indian country.

(2) The term ''Indian country'' has the meaning given to such term in section 1151 of title 18, United States Code.

(3) The terms ''State'' and ''Territory'' have the meanings given to those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

DIVISION B—FEDERAL RETIREMENT REFORM ACT

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Federal Retirement Reform Act of 2009''.

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

DIVISION B—FEDERAL RETIREMENT REFORM ACT

Sec. 100. Short title; table of contents.

TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

Sec. 101. Short title.
Sec. 102. Automatic enrollments and immediate employing agency contributions.
Sec. 103. Qualified Roth contribution program.
Sec. 104. Authority to establish mutual fund window.
Sec. 105. Reporting requirements.
Sec. 106. Acknowledgment of risk.
Sec. 107. Subpoena authority.
Sec. 108. Amounts in Thrift Savings Funds subject to legal proceedings.
Sec. 109. Accounts for surviving spouses.
Sec. 110. Treatment of members of the uniformed services under the Thrift Savings Plan.

TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

Sec. 201. Increase in monthly amount of special survivor indemnity allowance for widows and widowers of deceased members of the Armed Forces affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.

TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Thrift Savings Plan Enhancement Act of 2009''.

SEC. 102. AUTOMATIC ENROLLMENTS AND IMMEDIATE EMPLOYING AGENCY CONTRIBUTIONS.

(a) IN GENERAL.—Section 8432(b) of title 5, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

''(2)(A) The Executive Director shall by regulation provide for an eligible individual to be automatically enrolled to make contributions under subsection (a) at the default percentage of basic pay.

''(B) For purposes of this paragraph, the default percentage shall be equal to 3 percent or such other percentage, not less than 2 percent nor more than 5 percent, as the Board may prescribe.

''(C) The regulations shall include provisions under which any individual who would otherwise be automatically enrolled in accordance with subparagraph (A) may—

''(i) modify the percentage or amount to be contributed pursuant to automatic enrollment, effective not later than the first full pay period following receipt of the election by the appropriate processing entity; or

''(ii) decline automatic enrollment altogether.

''(D)(i) Except as provided in clause (ii), for purposes of this paragraph, the term 'eligible individual' means any individual who, after any regulations under subparagraph (A) first take effect, is appointed, transferred, or reappointed to a position in which that individual becomes eligible to contribute to the Thrift Savings Fund.

''(ii) Members of the uniformed services shall not be eligible individuals for purposes of this paragraph.

''(E) Sections 8351(a)(1), 8440a(a)(1), 8440b(a)(1), 8440c(a)(1), 8440d(a)(1), and 8440e(a)(1) shall be applied in a manner consistent with the purposes of this paragraph.''.

(b) TECHNICAL AMENDMENT.—Section 8432(b)(1) of title 5, United States Code, is amended by striking the parenthetical matter in subparagraph (B).

SEC. 103. QUALIFIED ROTH CONTRIBUTION PROGRAM.

(a) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting after section 8432c the following:

"§ 8432d. Qualified Roth contribution program

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'qualified Roth contribution program' means a program described in paragraph

(1) of section 402A(b) of the Internal Revenue Code of 1986 which meets the requirements of paragraph (2) of such section; and

''(2) the terms 'designated Roth contribution' and 'elective deferral' have the meanings given such terms in section 402A of the Internal Revenue Code of 1986.

''(b) AUTHORITY TO ESTABLISH.—The Executive Director shall by regulation provide for the inclusion in the Thrift Savings Plan of a qualified Roth contribution program, under such terms and conditions as the Board may prescribe.

''(c) REQUIRED PROVISIONS.—The regulations under subsection (b) shall include—

''(1) provisions under which an election to make designated Roth contributions may be made—

''(A) by any individual who is eligible to make contributions under section 8351, 8432(a), 8440a, 8440b, 8440c, 8440d, or 8440e; and

''(B) by any individual, not described in subparagraph (A), who is otherwise eligible to make elective deferrals under the Thrift Savings Plan;

''(2) any provisions which may, as a result of enactment of this section, be necessary in order to clarify the meaning of any reference to an 'account' made in section 8432(f), 8433, 8434(d), 8435, 8437, or any other provision of law; and

''(3) any other provisions which may be necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432c the following:

''8432d. Qualified Roth contribution program.''.

SEC. 104. AUTHORITY TO ESTABLISH MUTUAL FUND WINDOW.

(a) IN GENERAL.—Section 8438(b)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period and inserting ''; and''; and

(3) by adding after subparagraph (E) the following:

''(F) a service that enables participants to invest in mutual funds, if the Board authorizes the mutual fund window under paragraph (5).''.

(b) REQUIREMENTS.—Section 8438(b) of title 5, United States Code, is amended by adding at the end the following:

''(5)(A) The Board may authorize the addition of a mutual fund window under the Thrift Savings Plan if the Board determines that such addition would be in the best interests of participants.

''(B) The Board shall ensure that any expenses charged for use of the mutual fund window are borne solely by the participants who use such window.

''(C) The Board may establish such other terms and conditions for the mutual fund window as the Board considers appropriate to protect the interests of participants, including requirements relating to risk disclosure.

''(D) The Board shall consult with the Employee Thrift Advisory Council (established under section 8473) before authorizing the addition of a mutual fund window or establishing a service that enables participants to invest in mutual funds.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 8438(d)(1) of title 5, United States Code, is amended by inserting ''and options'' after ''investment funds''.

SEC. 105. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT.—The Board shall, not later than June 30 of each year, submit to Congress an annual report on the operations of the Thrift Savings Plan. Such report shall include, for the prior calendar year, information on the number of participants as of the last day of such prior calendar year, the median balance in participants' accounts as of such last day, demographic information on participants, the percentage allocation of amounts among investment funds or options, the status of the development and implementation of the mutual fund window, the diversity demographics of any company, investment adviser, or other entity retained to invest and manage the assets of the Thrift Savings Fund, and such other information as the Board considers appropriate. A copy of each annual report under this subsection shall be made available to the public through an Internet website.

(b) REPORTING OF FEES AND OTHER INFORMATION.—

(1) IN GENERAL.—The Board shall include in the periodic statements provided to participants under section 8439(c) of title 5, United States Code, the amount of the investment management fees, administrative expenses, and any other fees or expenses paid with respect to each investment fund and option under the Thrift Savings Plan. Any such statement shall also provide a statement notifying participants as to how they may access the annual report described in subsection (a), as well as any other information concerning the Thrift Savings Plan that might be useful.

(2) USE OF ESTIMATES.—For purposes of providing the information required under this subsection, the Board may provide a reasonable and representative estimate of any fees or expenses described in paragraph (1) and shall indicate any such estimate as being such an estimate. Any such estimate shall be based on the previous year's experience.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Board'' has the meaning given such term by 8401(5) of title 5, United States Code;

(2) the term ''participant'' has the meaning given such term by section 8471(3) of title 5, United States Code; and

(3) the term ''account'' means an account established under section 8439 of title 5, United States Code.

SEC. 106. ACKNOWLEDGMENT OF RISK.

(a) IN GENERAL.—Section 8439(d) of title 5, United States Code, is amended—

(1) by striking the matter after ''who elects to invest in'' and before ''shall sign an acknowledgment'' and inserting ''any investment fund or option under this chapter, other than the Government Securities Investment Fund,''; and

(2) by striking ''either such Fund'' and inserting ''any such fund or option''.

(b) COORDINATION WITH PROVISIONS RELATING TO FIDUCIARY RESPONSIBILITIES, LIABILITIES, AND PENALTIES.—Section 8477(e)(1)(C) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (C)(i); and

(2) by adding at the end the following:

''(ii) A fiduciary shall not be liable under subparagraph (A), and no civil action may be brought against a fiduciary—

''(I) for providing for the automatic enrollment of a participant in accordance with section 8432(b)(2)(A);

''(II) for enrolling a participant in a default investment fund in accordance with section 8438(c)(2); or

''(III) for allowing a participant to invest through the mutual fund window or for establishing restrictions applicable to participants' ability to invest through the mutual fund window.''.

SEC. 107. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Chapter 84 of title 5, United States Code, is amended by inserting after section 8479 the following:

''§ 8480. Subpoena authority

''(a) In order to carry out the responsibilities specified in this subchapter and subchapter III of this chapter, the Executive Director may issue subpoenas commanding each person to whom the subpoena is directed to produce designated books, documents, records, electronically stored information, or tangible materials in the possession or control of that individual.

''(b) Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of any State or the United States to any individual, domestic or foreign corporation or upon a partnership or other unincorporated association for such production.

''(c) When a person fails to obey a subpoena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person failing to obey is found, shall on proper application issue an order directing that person to comply with the subpoena. The court may punish as contempt any disobedience of its order.

''(d) The Executive Director shall prescribe regulations to carry out subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8479 the following:

''8480. Subpoena authority.''.

SEC. 108. AMOUNTS IN THRIFT SAVINGS FUNDS SUBJECT TO LEGAL PROCEEDINGS.

Section 8437(e)(3) of title 5, United States Code, is amended in the first sentence by striking ''or relating to the enforcement of a judgment for the physically, sexually, or emotionally abusing a child as provided under section 8467(a)'' and inserting ''the enforcement of an order for restitution under section 3663A of title 18, forfeiture under section 8432(g)(5) of this title, or an obligation of the Executive Director to make a payment to another person under section 8467 of this title''.

SEC. 109. ACCOUNTS FOR SURVIVING SPOUSES.

Section 8433(e) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) Notwithstanding section 8424(d), if an employee, Member, former employee, or former Member dies and has designated as sole or partial beneficiary his or her spouse at the time of death, or, if an employee, Member, former employee, or former Member, dies with no designated beneficiary and is survived by a spouse, the spouse may maintain the portion of the employee's or Member's account to which the spouse is entitled in accordance with the following terms:

''(A) Subject to the limitations of subparagraph (B), the spouse shall have the same withdrawal options under subsection (b) as the employee or Member were the employee or Member living.

''(B) The spouse may not make withdrawals under subsection (g) or (h).

''(C) The spouse may not make contributions or transfers to the account.

''(D) The account shall be disbursed upon the death of the surviving spouse. A beneficiary or surviving spouse of a deceased spouse who has inherited an account is ineligible to maintain the inherited spousal account.

''(3) The Executive Director shall prescribe regulations to carry out this subsection.''.

SEC. 110. TREATMENT OF MEMBERS OF THE UNIFORMED SERVICES UNDER THE THRIFT SAVINGS PLAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) members of the uniformed services should have a retirement system that is at least as generous as the one which is available to Federal civilian employees; and

(2) Federal civilian employees receive matching contributions from their employing agencies for their contributions to the Thrift Savings Fund, but the costs of requiring such a matching contribution from the Department of Defense could be significant.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Defense shall report to Congress on—

(1) the cost to the Department of Defense of providing a matching payment with respect to contributions made to the Thrift Savings Fund by members of the Armed Forces;

(2) the effect that requiring such a matching payment would have on recruitment and retention; and

(3) any other information that the Secretary of Defense considers appropriate.

TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

SEC. 201. INCREASE IN MONTHLY AMOUNT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR WIDOWS AND WIDOWERS OF DECEASED MEMBERS OF THE ARMED FORCES AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) PAYMENT AMOUNT PER FISCAL YEAR.—Paragraph (2) of section 1450(m) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon; and

(2) by striking subparagraph (F) and inserting the following new subparagraphs:

''(F) for months during fiscal year 2014, $150;

''(G) for months during fiscal year 2015, $200;

''(H) for months during fiscal year 2016, $275; and

''(I) for months during fiscal year 2017, $310.''.

(b) DURATION.—Paragraph (6) of such section is amended—

(1) by striking ''February 28, 2016'' and inserting ''September 30, 2017''; and

(2) by striking ''March 1, 2016'' both places it appears and inserting ''October 1, 2017''.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. REID. Mr. President, this will be the last vote of the week. We have a lot of work going on in the committees and that will continue on Monday. The next vote will be Tuesday morning. I will confer with the distinguished Republican leader as to what time we will do that and what it is going to be on for sure. We think we know, but there will be a vote Tuesday morning.

Everyone has been notified, but to make sure that people understand, when we come back after the July 4 recess, we are going to be in session for 5 weeks. The House will be in session for only 4 weeks. We have 5 weeks and we are going to work very hard during that period of time. I have had requests from the managers of the bill, the health care bill, Senator BAUCUS and DODD, that we need every day of that break so there is only going to be 1 day that there will be no votes—Mondays and Fridays there will be votes—which is Friday, July 17.

The first day we get back we are going to have a Monday morning vote, to show everybody we are serious about this. So the day we get back there will be a Monday morning vote. We have a tremendous amount of work to do. We not only have health care, which is going to take so much of our time, but we are in the appropriations process. The House is going to pass all their appropriations bills by the end of the July recess. I don't know if we can meet that schedule—it is somewhat doubtful—but we are going to pass some bills. We are going to try to get to one this work period.

Without going into more detail, the next work period is going to be extremely long, arduous, and extremely important.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the leader withhold his request for a quorum call?

Mr. REID. I withhold.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. BINGAMAN. Mr. President, I wish to propound a unanimous consent request. I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hilary Chandler Tompkins to be Solicitor of the Department of Interior, the nomination be confirmed, the motion to reconsider be laid on the table with no further motion to be in order, that any statements related to the nomination be printed in the RECORD, and upon confirmation the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. With all due respect to my colleague from New Mexico, I am advised that the nomination has not yet been cleared on this side. We are going to keep working on it, but at this time I must object and I do object.

The PRESIDING OFFICER. Objection is noted.

The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I know my friend, the distinguished Senator from Texas, wishes to speak for up to 20 minutes, is that right?

Mr. CORNYN. That is my wish.

Mr. REID. We have Senators on this side. What I would ask consent to do is have Senator BINGAMAN be recognized for up to 3 minutes, Senator CORNYN be recognized for up to 20 minutes, and then I will be recognized following his statement. Following me, Senator DORGAN be recognized.

I ask we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes, with the exceptions I noted.

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

The Senator from New Mexico is recognized.

NOMINATION OF HILARY CHANDLER TOMPKINS

Mr. BINGAMAN. Mr. President, let me state I am disappointed to see the objection still raised to the confirmation of Hilary Chandler Tompkins to be the Solicitor for the Department of Interior. She is extremely well qualified. No one has raised any question about her qualifications. Our former colleague, now Secretary Salazar, needs a Solicitor in the Department of Interior.

We reported her nomination out of our committee on April 30, nearly 6 weeks ago now. There has been something of a rolling hold on her nomination.

I know Senator BENNETT had an objection at one point; that has been satisfied. Senator COBURN had an objection; that has been satisfied. Senator BUNNING had an objection; that has been satisfied. Now I am informed there are additional objections.

I hope very much my colleagues on the Republican side will go ahead and approve her for confirmation quickly so that Secretary Salazar can get on with the important business of the Department of Interior.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

HEALTH CARE REFORM

Mr. CORNYN. Mr. President, I want to spend a few minutes talking about the importance and challenge of health care reform, something that is on the fast track in the Senate.

Recently, as I traveled my State of 24 million people, I heard many similar themes from my constituents. What they told me is that our top priority ought to be reducing the cost of health care because, of course, by reducing the cost it becomes more affordable by more people and we attack what is one of the other principal concerns, and certainly one of mine, and that is too many people who are uninsured in this country.

We know cost is one reason why 46 million people are not insured in this country, some of whom have good jobs that pay well, but if they are young they would rather put the money in their pocket than pay for health care. Others have different circumstances, maybe small businesses that are priced out of the market.

It is a fact that American families have seen their health care premiums double over the last 10 years. My constituents and the American people generally are also very concerned about our future. As they see so much borrowing and so much spending here in Washington, they worry about the fact that Medicare, which is the health care program for seniors, has an unfunded liability of $38 trillion. So, to understand, while we have roughly $2 trillion in annual deficits running, we also have $38 trillion in unfunded Federal liabilities for Medicare and the trust

fund is anticipated to go insolvent by the year 2017, less than 8 years from now.

I appreciate the urgency of focusing on health care reform. We have been working under Chairman BAUCUS and Ranking Member GRASSLEY on the Finance Committee. I know other Senators have been working hard at this as well—Senator KENNEDY and Senator ENZI on the HELP Committee.

I urge us to keep working very hard to work through all the complexities and moving parts of this very challenging problem. I also want to say that I think how we discuss health care reform is very important, but I am also concerned that some voices are greeted with derision or even implicit threats that suggest they better keep quiet if they know what is good for them.

A tremendous amount of work has gone into the series of three Finance Committee roundtables and walkthroughs. But I am disturbed by some reports that perhaps Senators, certainly staff, have urged key stakeholders in the health care reform debate to keep their mouths shut. Every American citizen has a right to petition their government. This is a right every American citizen has, and no American should be told to keep quiet on the subject of health care reform, in particular. We know reforming health care is an urgent priority, as I said, and more than 300 million Americans have a stake in our success.

The Congress needs to take the time given the fact that this represents 17 percent of our gross domestic product and is so complex. We need to take the time and get the input from everyone who has something to offer as we undertake this massive task. We have a highly complex, $2.6 trillion system, and we need to take time to get the reforms done right. I am not talking about peddling in place, I am not talking about wasting time, I am talking about doing what the American people expect us to do; that is, get it right, not try to rush according to some arbitrary timetable.

So I am pleased to say that some stakeholders are standing up against this notion that this deal ought to be cut in a closed back room somewhere. The American Medical Association, for example, has announced its opposition to a government-run plan. The U.S. Chamber of Commerce and the National Federation Of Independent Businesses have expressed concerns about some aspects of the legislation that has been proposed by the President and by leadership here in Congress. But more voices, not less—indeed all voices—deserve to be heard on something of such fundamental importance to our country. The American people deserve a transparent and open debate about the reforms, the various proposals that are on the table, so they can judge for themselves whether Washington elites have their best interest in mind or, to the contrary, whether they believe something else is going on.

I also express my appreciation for the professionals at the Congressional Budget Office for refusing to compromise their integrity and for continuing to provide objective analysis of all reform proposals. That is their job. Their job is not to make policy, but it is their job to give us unvarnished, objective information about costs so we can determine what policy makes sense and what policies we can afford.

In particular, I commend the Director of the Congressional Budget Office, Dr. Doug Elmendorf, who I read was quoted as saying that the Congressional Budget Office ''will never adjust our views to make people happy.'' That demonstrates the kind of integrity and objectivity we would want to inform our decisions. We are the ones who are elected to make those decisions on the part of the American people. We are the ones who should be held accountable for those policies. But we have to get good, objective, unbiased information from professionals with integrity such as Dr. Elmendorf and his staff at the CBO.

Some, it has been suggested, do not like the big price tag the Congressional Budget Office has put on some of their proposals. But the solution is not for the Congressional Budget Office to get creative, it is for Senators to get real and deal with the reality and to use that information in order to craft decisions that work.

I wish to speak in particular about the only bill that has actually been rolled out, more or less, or provisions, and that is the bill proffered by our colleague, Senator TED KENNEDY.

Senator KENNEDY has been a leader in the health care reform debate for more than four decades. I appreciate the fact that he is the first Democrat on either end of Pennsylvania Avenue who has actually put out a proposal with some detail for us to evaluate and react to. While more details are certainly needed, and I hope they will be forthcoming, we already know there are some red lines, some hot spots, some areas that, if embraced by the Democratic leadership, will result in failure, not in success. I think we all should be invested in the goal of bipartisan success. In fact, there are some provisions in the Kennedy bill that would make things worse, in my view and in the view of others.

I think there is one thing we should do; that is, take the Hippocratic Oath, the same oath medical practitioners take to ''do no harm.'' I think we should take a legislative Hippocratic Oath to first do no harm as we undertake this massive reform. For example, in the Kennedy bill, it describes a plan called ''a public health insurance plan operated by the Federal Government with a payment scale that is set in statute and based on Medicare.'' I believe ''Medicare for all'' or a government-run health plan is a disaster in the making for the millions of Americans who will depend upon us to get this right. Let me explain why.

First, a government-run plan will ultimately take away the health insurance people have right now. Last year, President Obama campaigned on the promise that if you like what you have, you will be able to keep it. I agree with him. That ought to be our goal. But with a so-called government plan, that will not happen because we all know that the government is not just the regulator, but it is also the one paying the bills; that ultimately, the government cannot be calling the balls and strikes even as it takes to the field to be a so-called competitor.

Let me put a finer point on it. One group of analysts, the Lewin Group, said a government plan would take away, ultimately, current health benefits from 119 million Americans and force 130 million into a Washington-run health care plan. How does that happen? Well, ostensibly you would have the government competing with the private sector to provide health care. But we know the government ultimately would provide a more generous package and could do so, of course, at taxpayer expense and save the difficulty of having to compete in the marketplace. Ultimately, as the Lewin Group concluded, it would undercut private competitors, leaving people with no choices and ultimately leaving everyone, or at least 130 million Americans, on a Washington-run health care plan—not a good idea, in my opinion.

Secondly, we know a government plan would drive up costs for those who remain with private insurance. How does that happen? Well, we know there is a phenomenon in health care called cost shifting. That is because Medicare and Medicaid pay submarket rates and health care providers have to make it up somewhere else. Where do they make it up? They end up making it up from people who have insurance. And how do they do that? By people who have insurance paying more than they ultimately receive because the costs are literally shifted from Medicare and Medicaid onto private insurance.

According to a respected actuary, Milliman, commercial payers subsidize the cost of Medicare and Medicaid by nearly $90 billion a year in cost shifting. This represents a hidden tax on American families and small businesses. Milliman estimates that the average private health care premium is more than $1,500 higher per family, more than 10 percent higher than it would be without this government cost-shifting phenomenon. A new government program would increase this cost shifting dramatically and increase the health care premiums of every American family who continues on their private health insurance plan.

Third, we know this Medicare-for-all or government-run plan would basically be like Medicare and Medicaid on steroids. Lest anybody be confused, that is not a good thing. I believe Medicare illustrates what happens when the government takes over health care delivery. For example, first of all, it is

not fiscally sustainable. As I mentioned, Medicare is going to go insolvent in 2017 and currently has $38 trillion in unfunded liabilities.

Low reimbursement rates—and frankly, that is how Medicare and Medicaid try to deal with costs. They cut payments to providers—hospitals and doctors—below the otherwise market rates. These low reimbursement rates reduce patient choice and increase wait times for the physicians they see. Many providers, as I am sure the distinguished occupant of the chair, in his State, knows—we know many doctors are not even taking new Medicare patients and new Medicaid patients because lower reimbursement rates are the problem. Every year, Congress has to come back and reverse the cuts to physician payments under the Medicare sustainable growth rate formula, and those cuts, unless we act to reverse them, will cut physician payments by 20 percent this January.

According to the Washington Post last fall, taxpayers also pay up to $60 billion a year in fraudulent claims on Medicare. So in addition to being fiscally unsustainable, in addition to rationing or providing unrealistically low payments, denying people access to health care, we have $60 billion in fraud and waste in the Medicare Program—hardly a model for Medicare, for a government-run option.

Well, Medicaid has even more problems. Medicaid provides coverage, but it does a poor job of providing access. In one way, this is really a ruse that is being perpetrated on the American people under Medicare and Medicaid. We say: Yes, you have coverage. But if you cannot find a doctor or a health care provider who will provide you access at that price, then their coverage does not do you any good.

According to a recent Wall Street Journal article, Medicaid's low reimbursement rates, which are actually lower than Medicare, have resulted in 40 percent of physicians restricting access to patients in the program. So it is no wonder, as the journal Health Affairs said last month, that ''physicians typically have been less willing to take on new Medicaid patients than patients covered by other types of health insurance.''

Medicaid reimbursement rates, as I said, are even lower than Medicare, more than 25 percent lower than Medicare. The story of Pediatrix Medical Group, which has a significant presence in my State, illustrates the problem.

Pediatrix has more than 1,300 physicians and 500 advanced practice nurses. They specialize in the care of newborns and other very vulnerable children. Pediatrix has noted that ''the lack of appropriate reimbursement is among the common reasons for physicians to refuse to accept new Medicaid patients.'' They have noted that within their own national neonatal and hospitalist patient population, the current government rates pay an average of 28.7 percent less than rates from private insurers. No wonder it is hard for Medicaid beneficiaries—notwithstanding what Congress does, it is hard for them to find a physician who will actually see them at that kind of rate.

Pediatrix has said, ''We believe a public plan structured [after Medicare and Medicaid] would ultimately erode the availability of private health and negatively impact patient access to needed health care.''

The fourth problem I have with the plan in the Kennedy bill is that the government plan would ultimately lead to a rationing of health care. What does that mean? Well, that means delay or denying access to treatment. All we have to do is look at Canada.

A recent op-ed by Dr. David Gratzer in the Wall Street Journal this last week talked about what a government-run plan in Canada has done. Thousands of our friends to the north, of course, come to America each year for lifesaving surgery, if they can afford it, after their government has told them they will just have to wait. Various studies indicate that Canadians, especially the poor, are less healthy under socialized medicine than those in our country. More and more Canadians want to reduce the role of government and expand private options for health care, even as the elites in Washington want to move America in the opposite direction.

The fifth reason a government plan is not a good idea is it would lead to poorer health outcomes. Many Canadians are realizing that socialized medicine is not working for them, and so are many folks in Europe. According to a piece in the Washington Examiner this week, breast cancer rates in Europe, under nationalized health care systems, are significantly higher than they are here in the United States. European women are much more likely to have breast cancer than are American women. Currently, the United States leads the world in treating breast cancer. Women in our country with breast cancer have a 14-percent better chance of survival than those in Europe. Compared to the United States, breast cancer mortality is 52 percent higher in Germany and 88 percent higher in the United Kingdom. This is not something we should want to emulate.

We also see some poor health care outcomes in the United States under government-run health care. For example, numerous studies have documented the poor patient outcomes under the Medicaid Program relative to patients in private plans. For example, Medicaid patients are more than 50 percent more likely to die of coronary bypass surgery than patients with private coverage or Medicare.

There are other problems with the bill that the distinguished Senator from Massachusetts has proposed. Again, I credit him with being the first one to lay out a plan. We have not yet seen one from any other source. But the fact is, the Kennedy bill is not paid for. We don't know how much additional borrowing or how much higher our taxes will have to go up in order to pay the price. It also includes a concept known as pay or play for small businesses. In other words, if you don't have health care coverage for your employees and are a small business, you will have to pay a punitive tax.

The bill also provides very generous Federal subsidies to individuals making as much as $110,000 a year. We are all for a safety net for people who are low income and can't otherwise provide for themselves. But why should taxpayers be forced to pay higher taxes to subsidize health care for people making over $100,000 a year. It doesn't make sense.

The bill also includes an innocuous-sounding council called the Medical Advisory Council, which in effect would give the government power over personal health care decisions, particularly to unelected and unaccountable bureaucrats. Of course, the bill creates new entitlements, which we have no hope of paying for, at the same time when unfunded liabilities for so much of our entitlement programs remain unpaid for. Frankly, while I applaud the distinguished Senator from Massachusetts and his leadership on this issue, I worry that this is a bill that has no bipartisan input. I applaud Senator BAUCUS, chairman of the Finance Committee, and other Democrats on that committee who said we need to come up with a bipartisan solution. When I raised this concern this morning in the Finance Committee, the Kennedy bill was described as more of a wish list than anything else.

The bill reflects very few ideas from Republicans, which we have offered to discuss and would hope to include in any comprehensive health care reform. It includes several provisions which

Republicans have made clear are off the table, if our colleagues want a truly bipartisan bill. I mentioned the government plan option which kills bipartisanship because Republicans cannot support a policy that will lead to a Washington takeover of our health care system. There are better alternatives, alternatives which empower individuals and preserve the individual choice each of us has to make health care decisions, in consultation with our physician or family doctor, in the best interest of our families. Empowering people rather than government is a much better solution than this proposal we see under the Kennedy bill.

Innovators in both government and the private sector have learned that by empowering patients and providing them some incentives, they can actually see costs lowered.

There are a lot of good ideas out there. Unfortunately, the partisan proposal we have from the HELP Committee is not one of them. We hope we can continue to work together, on a bipartisan basis, toward a successful outcome.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The majority leader.

TRAVEL PROMOTION ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 71, S. 1023, the Travel Promotion Act of 2009, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant 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. 71, S. 1023, the Travel Promotion Act of 2009.

Byron L. Dorgan, Tom Udall, Patrick J. Leahy, Barbara Boxer, Kay R. Hagan, Kirsten E. Gillibrand, Robert P. Casey, Jr., Roland W. Burris, Benjamin L. Cardin, Bill Nelson, John D. Rockefeller, IV, Daniel K. Inouye, Blanche L. Lincoln, Ron Wyden, Bernard Sanders, Sheldon Whitehouse, Ben Nelson.

Mr. REID. Mr. President, I now ask unanimous consent that on Tuesday, June 16, following a period of morning business, the Senate resume consideration of the motion to proceed to S. 1023 and there be 1 hour of debate prior to a vote on the motion to invoke cloture on the motion to proceed, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to a vote on the motion to invoke cloture on the motion to proceed, with the mandatory quorum waived.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, the legislation described by my colleague, the Travel Promotion Act, is legislation I wish to discuss. The Travel Promotion Act is a bipartisan piece of legislation I have introduced with Senators ENSIGN, INOUYE, MARTINEZ, KLOBUCHAR, REID, and many others. I believe in the last session of Congress, when we introduced this, we had over 50 cosponsors. Let me describe what its purpose is.

Who can be against travel promotion? Here is what has happened to our country with respect to the jobs and economic growth that comes with a decline in foreigners traveling to the United States. Measures put in place quickly after the 2001 attack on 9/11 had a significant impact on travel to the United States by foreign travelers.

We, obviously, wanted to be careful about whom we allowed into our country. We still do. But what happened following that is, instead of reaching out to the world to say: Visit the United States, this is a great place, we encourage you to come here, to vacation here, to see what the United States is all about, we backed away from that. Other countries have not. Here is what we have experienced. I have a chart here showing overseas travel between 2000 and 2008.

Since 2000 and 2008, there has been a 3-percent decrease in foreign visitors to the United States. At the same time, there has been a 40-percent increase in visitors to other countries around the world. Think of the consequences of that to our economy. A foreign visitor, overseas visitor, coming to our country spends on average $4,500 per visit—that is a lot of economic activity, a lot of economic growth and jobs. But inbound travel has decreased in our country and substantially increased in others. Why is that the case?

The rest of the world is very anxious to attract destination visitors to their country, international travelers, to say: We want you to come to our country as a destination for your trip. Take India—one special reason to visit India is this advertisement saying:

''Incredible India, any time is a good time to visit the land of Taj, but there is no time like now.''

Not unusual to see this. It is not only India.

Australia's says: ''Arrived looking for an experience to remember. Departed with adventure we will never forget. Australia, come to Australia.'' If you are an overseas traveler, deciding where to visit, be sure and come to Australia.

Ireland says: ''Go where Ireland takes you.''

Pretty straightforward—makes you want to go to Ireland. Great Britain, Italy, Spain, France, Australia, India, Ireland, they say: Come to our country. Travel to our country. See what our country is about.

We are not doing that.

As a result, in the last 8 years, we have seen a 3-percent decrease in travel by foreign visitors to the United States, while the rest of the world has had a 40-percent increase in travelers destined to those other areas. It makes a big difference. It is very negative in terms of our country's economic opportunity that comes from travel and tourism.

I showed the examples of what other countries are saying in their very explicit campaigns around the world, to say to people: If you are traveling abroad, if you are planning a vacation, a trip, come to our country. Come and see Italy, Great Britain, Ireland, India.

Let me show you what is happening with respect to our country. Headlines such as these: The Sydney Sunday Morning Herald: ''Coming to America Isn't Easy.'' From The Guardian: ''America: More Hassle Than It's Worth?'' From The Sunday Times in London: ''Travel to America? No Thanks.''

There is a perception that it is difficult to come to our country, hard to get a visa, and tourists will experience long waiting lines. Many of these problems have been corrected or improved. In the construction of this legislation, we address the need to better communicate our entry and exit procedures and their improvements. We don't want these negative headlines to be the message to the rest of the world—in fact, quite the opposite.

What a large group of us in the Congress want is for our country to be engaged internationally, to say to people around the world: Come to our country. To see the United States is to understand the wonder of this great country. Come here. Stay here. Vacation here. Understand what America is about.

I can't think of anything better, in terms of our position in the world and how people think of this great country, than to invite them and encourage them to come here. That is why we have introduced this bipartisan piece of legislation called the Travel Promotion Act of 2009.

Interestingly enough, the Congressional Budget Office has said this piece of legislation will reduce the Federal budget deficit by $425 million between 2010 and 2019. We don't bring many pieces of legislation to the floor of the Senate in which the Congressional Budget Office says:

This will make money. This is a net positive. This will reduce the Federal budget deficit. That is what this bill is about.

Let me explain, for a moment, what we are trying to do with the legislation. The Travel Promotion Act will attempt to create international travel opportunities for people from all around the world to come to this country. It will set up a nationally coordinated travel promotion campaign run in a public-private partnership to communicate to the world our country's travel policies and, more importantly, communicate to the world: We want you here. We want you to explore what this great country has to offer. This public-private partnership is an ideal

method for us to improve any negative perceptions out there, particularly as we work on visas and any remaining delays in entry procedures which we have corrected, in large part. This combines public sector accountability with private sector enterprise.

This bill establishes a Corporation for Travel Promotion, an independent, nonprofit corporation, with an 11-member board of directors appointed by the Secretary of Commerce. It creates an Office of Travel Promotion in the Department of Commerce to work with that nonprofit corporation. It sets up a travel promotion fund, financed by a public-private matching program. Federal contributions will be financed by a $10 fee paid by foreign travelers from visa waiver countries and collected in what is called the Electronic System for Travel Authorization.

Many other countries impose fees for people coming and going: Australia, $37 departure fee, an entry fee of $19 to $70; Mexico, an $11 departure fee, up to $38; New Zealand, $16 to $19 on the departure fee; United Kingdom, $80 to $160. There are a lot of fees around for people traveling internationally. We propose to fund this with a very modest fee of $10.

This is very simple. It should be noncontroversial. There are many of us who have worked on this and worked very hard.

My colleague from Minnesota is here, Senator KLOBUCHAR, who has worked with us on this legislation. This is a piece of legislation Senator REID has worked on. Senator ENSIGN is the lead Republican cosponsor. Other cosponsors include Senator MARTINEZ and Senator NELSON of Florida. We have cosponsors across the political spectrum because this issue of asking people from around the world to come to America is not controversial and benefits every State. It cannot possibly be partisan, and it certainly is job creating.

Now here is what some newspapers around the country have said about the legislation.

The Sacramento Bee:

> This country needs to reclaim its status as a global magnet for visitors . . . and Congress can help by passing the Travel Promotion Act.

The Los Angeles Times:

> Considering that the U.S. spends hundreds of millions of dollars on public diplomacy with dubious results and nearly nothing on promoting tourism, we might do well to invest a little money in wooing travelers.

The Detroit Free Press:

> Doesn't it make sense to encourage—at no cost to taxpayers—foreign visitors to come here and leave us some money? There's no good reason not to pass this bill.

The Dallas Morning News:

> The Travel Promotion Act is a sensible first step toward putting the welcome mat back on America's doorstep.

And the list goes on.

I do not come from Hawaii or Florida or California, I come from the northern Great Plains. And we have a lot of tourist destinations: the Badlands in North Dakota, some of the most beautiful areas in our country. Tourism is North Dakota's second largest industry. There are so many destinations with such wonder to attract people to our region of the country.

It is where Lewis and Clark, in their epic adventure, decided to spend the winter in area about 40 miles north of Bismarck, ND. We celebrated the 200th anniversary, the bicentennial, of the Lewis and Clark Expedition, and we had a lot of people come from around the world to see that.

The fact is, every State in this country has something it is anxious to show the world, to say: Look at us. Look at what we are doing here. Look how beautiful this part of America is.

So what has happened is, we have been unilaterally disarmed since 9/11, to say: Well, we are worried about who is going to come into this country. We certainly want to keep terrorists out. We sure do, absolutely. But that message ought not be mixed with a message that we do not want to encourage foreign travelers to come to this country to vacation and to experience America.

So at long last a group of us, Republicans and Democrats, have said: If we disagree on so much, how about if we agree on tourism? Can we agree on promoting travel? To say to the English, the Italians, the Spaniards, the French, the folks from India and Thailand and China and elsewhere: You are welcome in this country. We want you to come to this country. We want you to see what our country is about?

To experience this country is to have a sense of wonder about the greatest democracy, the most significant and longest surviving democracy on Earth. We want them to go home with that understanding of what a great country this is. That is what we want.

By the way, we do not believe our nearest neighbors—Mexico and Canada—are irrelevant. We have a lot of people coming from Mexico and Canada, and God bless them. They are great neighbors. We welcome them. We are told they spend, on average, about $900 per trip.

The foreign travelers from overseas, by contrast, spend about $4,500 per trip. That is why this is such an unbelievable job generator. People who come here and spend significant money and purchase the hotel rooms and the rental cars and go to the tourist attractions and do the things people who want to experience America routinely do not only create a lot of jobs and boost economic activity, but their travel also gives us the opportunity to show the rest of the world this is an extraordinary place where they can go home and tell their neighbors they just went to one of the greatest places on Earth.

So as to the Travel Promotion Act of 2009, my hope is—after having battled here on so many different issues, and having cloture votes on everything, and then 30 hours post-cloture while we all stand around with our hands in our pockets and shuffling our shoes—my hope is, perhaps this is the issue, this is the one time, this is the occasion where everybody might say: Do you know something. There is something we can agree on that is noncontroversial, that makes sense. It creates jobs, it expands the economy, and represents the best of sending American values abroad; and that is, the Travel Promotion Act.

If, perhaps, next week we get to that point, I think the American people will have believed we have done something good. So I am pleased to be the lead sponsor. We introduced this in the last Congress and did not get it passed. In this Congress I believe we will.

I give my commendation to the majority leader and thank him for putting this on the agenda. I give my thanks to Senator ENSIGN as the lead cosponsor on the Republican side. But so many Republicans and Democrats have said: Yes, this makes sense. Count us in. We want to be part of expanding this economy and creating jobs and giving an opportunity for the people in the rest of the world to understand we welcome them here.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am here today to speak in support of the Travel Promotion Act, which is bipartisan legislation. I first want to thank Mr. DORGAN, the Senator from North Dakota. I have visited the Teddy Roosevelt Park, and I want to thank him for his great leadership on this bill over many years. I also want to thank Senator ENSIGN for his leadership. I believe this legislation will help our economy to do better, to create jobs without any taxpayer expense.

As the chair of the Commerce Subcommittee that includes tourism, I recently held a hearing—a well-attended hearing—with many Senators and people there to examine the state of our tourism industry during these troubled economic times. I want to thank my ranking Republican member, Senator MARTINEZ. We did it together. I also held a field hearing in Duluth, MN, to highlight the importance of tourism to midsize and smaller towns in the United States.

During the hearings, we heard about the importance of tourism and travel to our economy and the urgent need to increase international travel to the United States.

As the Presiding Officer, Senator UDALL, knows, coming from Colorado, America has so much to offer our travelers: whether it is the mountains of Colorado or—Senator KAUFMAN is here—the beaches of Delaware or the stunning national landmarks, such as the Grand Canyon, Mount Rushmore, and the Statue of Liberty or the oceans, lakes, and rivers or our mountains, forests, and beaches or our scenic country towns or the bright lights of the big cities or centers of fun and

entertainment such as Las Vegas or Disney World or Duluth.

From the heartland to the coasts, every State has an economic stake in the tourism industry, which is now a major part of the American economy. Throughout the United States, many communities have discovered and developed the economic potential of travel and tourism.

I keep using the example of Duluth because at some point in the 1970s, the economy was so bad there they actually had a billboard, so when you drove out of town, it said: The last one to leave, please turn off the lights.

Well, that billboard is not there anymore, as tourism is the biggest part of their economy, on beautiful Lake Superior, with beautiful museums and an aquarium and a children's museum. It has changed the life of that town. Tourism creates good jobs that cannot be outsourced.

Mr. President, one out of every eight Americans is employed in our travel economy. Each year, travel and tourism contribute approximately $1.3 trillion to the American economy. International visitors, as Senator DORGAN just noted, spend an average of $4,500 per person.

In economic terms, international tourism to the United States counts as an export. Instead of shipping our product to a customer overseas, the customer is coming here to spend money on our goods and our services.

Last year, travel and tourism exports accounted for 8 percent of all U.S. exports and 26 percent of all U.S. services exports. In fact, tourism is one of the few economic sectors where we enjoy a substantial trade surplus.

Travel is a part of the fabric of our State and our country. But over the past decade, we know it has been stretched to the brink. While more people around the world are traveling, a smaller percentage of them are visiting the United States.

This is not just about our troubled economy right now. This was going on long before that. It actually started after 9/11, where, for good reasons, security measures were put in place. But some of those good reasons have turned into very difficult times for tourists to come to this country, and that needs to be fixed. That is part of this bill: to make it easier for tourists to visit our country.

Since 2000, the U.S. share of the world travel market has decreased by nearly 20 percent, costing us hundreds of thousands of jobs and billions of dollars in revenue.

Last year, nearly 200,000 travel-related jobs were lost. The Commerce Department predicts we will lose another 247,000 jobs this year. Remember, this is not about airport CEOs. This is about the janitors who work at the airports. This is about the maids who are doing the beds. This is about the waitresses who are working at the restaurants. This is about the people who do the flowers for the hotels and for the banquets and for the business travelers. These are real jobs in America.

This has always been a country that has opened its arms to people from around the world. That is why we are so great. We have to bring that back. We have to bring people in to visit this country.

The Travel Promotion Act will do just that. By boosting travel to the United States it will also give a boost to our economy. So it is a win-win for the tourism industry, for jobs for America, and for the American people.

Senator DORGAN went through the bill. I do want to emphasize that not only will this consist of travel promotion and promoting our country, like other countries have been doing for years that have been leapfrogging us in this market, additionally, this legislation will establish the Office of Travel Promotion in the Department of Commerce to work with the Corporation for Travel Promotion and the Secretaries of State and Homeland Security to encourage travel and to make sure international visitors are processed efficiently.

It does not cost taxpayers a cent, as Senator DORGAN pointed out, and economists expect it to generate billions for our economy.

According to an analysis by Oxford Economics, this tourism program is estimated to attract 1.6 million new international visitors annually and create $4 billion in new spending in our country, creating 40,000 new jobs.

We know we need to bring back business travel. We should not let a few bad actors influence the decisions of good companies around this country. We know we have to look, this summer, for affordable deals for our families, and people are staying close to home. We want our Minnesotans to go fishing in Minnesota.

I say to the Presiding Officer, I would love to ask you if you know how much money people spend alone in Minnesota on bait and worms every year. I will tell you the answer. It has probably never been uttered before in this Chamber: $50 million a year. Minnesotans and visitors to our State spend $50 million a year on bait and worms for recreational fishing—just to give you an idea of what we are talking about when we talk about tourism spending.

I strongly urge my colleagues to support this important piece of legislation. I am proud to be a cosponsor. I look forward to working on this bill on the floor in the days to come.

MORNING BUSINESS

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for 25 minutes.

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

NOMINATION OF SONIA SOTOMAYOR

Mr. KAUFMAN. Mr. President, I rise today to discuss President Obama's nomination of Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court.

Judge Sonia Sotomayor has impeccable legal credentials and a record of excellence and integrity. Equally important, she has the experience not only to make an excellent Justice but also to have a significant impact on a Court that today reflects too narrow a slice of America.

Judge Sonia Sotomayor's deep appreciation for how the law affects the lives of ordinary Americans is born from her compelling personal background, as well as her time as an assistant district attorney, a commercial litigator, and later as a judge.

Once confirmed, she will become the first Hispanic Justice, and just the third woman, to serve on the Nation's highest Court.

What are we to make, then, of the assaults on the character and record of this seemingly exemplary nominee?

Unfortunately, they seem to be a remnant of more than two decades of ''culture wars'' over Supreme Court nominees.

As someone who was present for the beginning of these wars, I have seen them develop into elaborate political dances, where both sides trade charges that are predictable and often baseless.

Some of these attacks, such as charges of racism and bigotry, deeply undermine our national dialog.

I am encouraged to note that my colleagues on the other side of the aisle have chosen not to join in these attacks, and many, in fact, have condemned them.

Other attacks are equally predictable, from the general charge of ''extremist'' to particular instances of political ''gotcha''—wrenching statements out of context in order to paint a distorted picture of the nominee's record.

At some level, partisan assaults are expected in the Supreme Court nomination process. But in the case of Judge Sotomayor, they are especially divorced from this body's good-faith exercise of its duty to advise and consent.

It is one thing to attack a nominee's judicial philosophy when the President is trying to reshape the Court based on judicial philosophy, when the balance of the Court is at stake, or when the Senate and the President are deeply divided.

None of those situations apply to this nomination.

Judge Sotomayor is a well-qualified, mainstream jurist who does not threaten to tip the balance of the Court and

who is likely to be confirmed by a substantial majority.

Although these partisan attacks take many forms, today I would like to address one persistent, unhelpful, and often baseless charge—that of so-called ''judicial activism.''

What is especially unhelpful about calling someone a judicial activist is that many times it is an empty epithet, divorced from a real assessment of judicial temperament.

As conservative jurist Frank Easterbrook puts it, the charge is empty:

> Everyone wants to appropriate and apply the word so that his favored approach is sound and its opposite ''activist.'' Then ''activism'' just means judges behaving badly—and each person fills in a different definition of badly.

In other words, the term activist, when applied to the decisions of a Supreme Court nominee, is generally nothing more than politically charged shorthand for decisions that the accuser disagrees with.

That is not to say that the term ''judicial activism'' is necessarily without content. If we want to take it seriously, it might mean a failure to defer to the elected branches of government, it might mean disregard for long-established precedent, or it might mean deciding cases based on personal policy preferences rather than the law.

I think it is fair to say that based on any of these definitions, the Supreme Court's current conservative majority has been highly activist.

Let me give just a few examples.

In United States v. Morrison, decided in 2000, the Rehnquist court struck down a key provision of the Violence Against Women Act. Rather than deferring to the considered judgment and extensive fact-finding of a democratically elected Congress, the Court went out of its way to impose its own judgment. This body held extensive hearings, made explicit findings, and voted 95 to 4 in favor of the bill. An activist Court chose to ignore all that and substitute its own, constricted view of the proper role of the national government for that shared by both Congress and the States.

That same year, the Court decided Kimel v. Florida Board of Regents. The five-Justice majority concluded that States could not be sued by private citizens for age discrimination without their consent because of a general principle of sovereign immunity.

This is another decision that was, simultaneously, ''conservative'' in terms of policy outcome and ''activist'' in terms of judging.

It was conservative because it expanded States rights and contracted antidiscrimination rights.

It was activist both because it struck down the considered judgment of Congress and because it was based not at all on the text of the Constitution but instead on the policy preferences of five Justices.

In his dissent in Kimel, Justice Stevens said:

> The kind of judicial activism manifested in such cases represents such a radical departure from the proper role of this Court that it should be opposed whenever the opportunity arises.

With the addition of Chief Justice Roberts and Justice Alito, the conservative majority of the current Court has continued to be highly activist, even though the two newest Justices are not always candid about what they are doing.

In fact, that charge has been leveled against Justices Alito and Roberts by no less an authority than Justice Scalia.

In the campaign finance case, Federal Election Commission v. Wisconsin Right to Life, the Court struck down key provisions of the Bipartisan Campaign Reform Act, again substituting its view of good public policy for that of Congress.

But this was more than a failure to defer to a democratically elected body. The Court effectively overruled controlling precedent—McConnell v. FEC—while pretending that it was doing no such thing. Justice Scalia called this ''faux judicial restraint.''

In much the same vein, in a case called Hein v. Freedom from Religion Foundation, Justices Roberts and Alito were part of a majority that in effect overruled longstanding precedent on taxpayer standing, while again claiming that they were not doing so.

Again, Justice Scalia called their bluff, attacking Justice Alito's opinion for falsely claiming to honor stare decisis.

Of course, in both cases Justice Scalia wanted to overrule the cases in question expressly, but at least he was honest about his intentions.

Then there's Parents Involved in Community Schools v. Seattle School District No. 1.

In that case the Court rejected local community authority in the area of voluntary integration of public schools. Chief Justice Roberts' plurality opinion for the four-person conservative bloc gave the back of the hand to a long line of desegregation precedents, beginning with Brown v. Board of Education.

Remember that this is the same Justice who, during his confirmation hearing, repeatedly professed his allegiance to stare decisis.

If not for the opinion concurring in the judgment by Justice Kennedy, communities that want some modest measure of racial integration in their schools would be virtually powerless to act.

Another recent case, this time in the anti-trust area, again shows that activism is in the eye of the beholder. In Leegin v. PSKS, the Court, with the addition of Justices Roberts and Alito, overruled 96 years of unbroken precedent on vertical price-fixing.

This case, plain and simple, represents the elevation of big manufacturers' interests over those of the consumer. And this Court rejected nearly a century of precedent because the majority of its members decided to embrace a particular economic theory different from the one that prevailed at the time the Sherman Antitrust Act became law.

I want to mention one final example of conservative judicial activism, though there are plenty more I could cite.

Pending before the Supreme Court right now is a case that involves a constitutional challenge to section 5 of the Voting Rights Act. As my colleagues in this body know, section 5 requires some States and political subdivisions, because of a history of racial discrimination, to ''pre-clear'' new voting rules with either the Justice Department or a Federal court.

The claim made by the Texas voting district in the case seems to be that section 5 has outlived its usefulness.

Before voting to reauthorize the Voting Rights Act in 2006, the Congress undertook an extensive and thorough review of the current nature and extent of discrimination against minority voters, and of the continued need for section 5.

It held 21 hearings and accumulated 16,000 pages of testimony over the course of 10 months. And at the end of that process, Congress concluded that section 5 is still necessary, and passed the bill by a vote of 98-to-0 in the Senate and 390-to-33 in the House.

Though the Court has not yet ruled in this case, the questioning from the bench during oral argument should give us concern, and does give us more evidence of conservative judicial activism.

Some members of the conservative wing of the Court, including Justices Scalia and Roberts, suggested by their questions that they intend to disregard the entire CONGRESSIONAL RECORD.

In discussing the provisions of the act that allow jurisdictions to ''bail out'' of section 5 coverage, by showing that they no longer need to be covered, Justice Scalia argued that bailing out was impractical.

When the attorney for the United States explained that Congress had considered and rejected that argument, Justice Scalia responded: ''The question is whether it is right, not whether Congress rejected it.'' So much for deference to legislative fact-finding.

What makes this apparent substitution of a justice's assessment of the facts for that of Congress particularly troubling is the language of the Constitution itself.

Remember that congressional authority for the Voting Rights Act comes from the 15th amendment, which not only guarantees the right of citizens of the United States to vote, but also says in section 2. ''The Congress shall have power to enforce this article by appropriate legislation.''

So here we have Congress operating at the height of its power, and members of the Supreme Court seeming to want to decide the case based on their own view of good policy.

I think I have given enough examples to suggest that judicial activism is a two-way street.

As my Judiciary Committee colleague from Oklahoma said during the confirmation hearing for Chief Justice Roberts, ''We each have our own definition of judicial activism.''

So what does the ''activism'' charge add to the debate? I would say, very little.

Let's take a look at the charge that Judge Sotomayor is a judicial activist.

To support that claim, critics point to a single, much-publicized case involving New Haven firefighters. But this attack is not only disingenuous it is upside down.

In that case, Judge Sotomayor was part of a 3–0 decision based on settled circuit court precedent.

Her panel's decision supported the trial court judge's ruling and the decision of the local government regarding the best way to determine promotions for firefighters.

Later, a majority of the entire court of appeals ruled to let the panel's decision stand.

There is no doubt that the case addresses a difficult set of issues, and that the Supreme Court may come out the other way, though likely by a razor-thin margin.

But Judge Sotomayor's decision to defer to the democratically accountable, local New Haven government and rule along with the majority of her court not to upset settled precedent cannot meet any definition of judicial activism. In fact, the complaint seems to be that she was not activist enough.

The truth of the matter is that Judge Sotomayor, far from being an extremist, is very much in the mainstream.

Other than the firefighters case, she has decided 88 cases involving claims of race discrimination while on the court of appeals. In 78 of those cases, Judge Sotomayor and the panel rejected the claim of discrimination.

Of the 10 cases favoring claims of discrimination, 9 were unanimous, and of those 9, in 7 the unanimous panel included at least one Republican-appointed judge.

I am not so naive as to believe we can eliminate entirely the partisan exploitation of the confirmation process.

Maybe, though, we can put to rest the tired and un-illuminating charge of judicial activism.

After all, that charge is rarely meant as a genuine claim about the exercise of judicial power. Instead, it is generally just an established part of an elaborate and tired script, a claim that we can expect no matter who the nominee may be.

So let's focus on substance rather than empty code words. Let's debate the quality and merits of Judge Sotomayor's judicial philosophy and approach rather than hurl epithets or engage in demagoguery.

Next month, the Judiciary Committee will hold a confirmation hearing, at which Senators from both sides of the aisle will be able to question Judge Sotomayor directly and publicly.

Because Supreme Court Justices are not elected but rather appointed for life, the qualifications of every nominee should be carefully examined, not only by Senators but also by the public at large.

This is the time when the public should be and will be paying close attention. We do not do ourselves, or the public, any favors if we rely on meaningless labels left over from the culture wars.

Mr. President, I urge my colleagues to reconsider what the charge of ''judicial activism'' brings to our debate.

Judge Sotomayor deserves our careful consideration, but I hope that my colleagues here in the Senate will continue to abstain from the culture wars and name calling that too often have characterized our judicial nominations over recent years.

HEALTH CARE REFORM

Mr. KAUFMAN. Mr. President, I wish to speak today about reforming our health care system. As I said last week, most Americans are satisfied with the health care they receive, but if we want to maintain and improve the quality of affordable health care, we need to act now. We must get health care costs under control while preserving choice. We must reform health care to make it more affordable for businesses and patients and less cumbersome for providers. Health care reform has been delayed for too long, and it cannot wait any longer.

If anyone needs reasons as to why health care reform is necessary, all they have to do is read some of the studies that have been released recently that show the dire consequences for our health care system and our economy if we refuse to act. For example, if we allow the status quo to persist, the White House Council of Economic Advisers has estimated that the sheer gross domestic product devoted to health care will rise from 18 percent in 2009 to 28 percent in 2030 and 34 percent in 2040. This trajectory is simply unsustainable.

Businesses in America have to compete against companies from other countries. Many of these foreign companies pay nothing for health care for their workers or retirees. Others pay far less than what many of our larger corporations pay. This puts many of our businesses at a disadvantage in the global marketplace.

A recent report by the Robert Wood Johnson Foundation and the Urban Institute reiterates the pressure that American businesses face in supplying health care benefits to their employees. These researchers prepared analyses using a simulation model estimating how coverage and cost trends would change between now and 2019. Looking at three different scenarios, the worst case would be where there is a slow growth in incomes and continuing high growth rates for health care costs; an intermediate case where there would be some faster growth in incomes but a lower growth rate for health care costs; and the best case would be where there is full employment, faster income growth, and even slower growth in health care costs.

Under all three scenarios, the report showed a tremendous strain on business owners and their employees over the next decade if no reform is enacted. If health care reform is not enacted, the report projects that within 10 years, the cost of health care of a business can double from approximately $430 billion for employee premiums in 2009 to $885 billion in 2019. Even in the best case scenario, employer spending on health insurance premiums would rise by 72 percent.

This would most likely result in fewer Americans being offered employer-sponsored insurance, with a likely drop from 56 percent of employees getting coverage through their employer in 2009 to as few as 49 percent by 2019.

If no changes are made, and the number of people with employer sponsored insurance continues to decrease, that also means the ranks of the uninsured will increase. And the projections are not pretty.

Under the same scenarios, the number of uninsured will reach just over 53 million under the best case and as high as 66 million under the worst case.

Unfortunately, when those without insurance do receive care—most likely in an emergency room—the costs for treating them are passed on to those of us who are fortunate enough to have health insurance.

Providers and hospitals charge insurers more for the services provided to patients who do have health insurance to make up for the cost of treating the uninsured.

These cost shifts result in a ''hidden tax'' of higher premiums for patients and businesses.

Right now, this hidden tax results in an increase of about $1,000 for premiums for family coverage.

It is time for reform.

Over the last decade, Americans have watched their health insurance premiums double at a growth rate six times faster than their wages, threatening their financial stability.

If we do not reform health care, if health care premiums continue to rise at 4 percent per year, in 2025 premiums for family coverage will cost more than $25,000 per year.

Can you imagine how that dollar amount will affect American families?

On top of this, a recent study published in the American Journal of Medicine showed that bankruptcies involving medical bills now account for more than 60 percent of U.S. personal bankruptcies, an increase of 50 percent in just 6 years. And it is not the uninsured that is driving this increase.

In fact, more than 75 percent of families needing to enter bankruptcy because of health care costs actually

have health insurance. Most are middle class, well educated, and own their homes.

They just cannot keep up with the alarming rise in out-of-pocket costs associated with medical care.

It is time for reform.

Our current health care system is rampant with bureaucracy, inefficiency and waste.

An example of this is the amount of time physicians must spend filling out various forms required by insurance plans.

A national survey of physician practices found that, on average, doctors are spending 3 hours per week—the equivalent of 3 workweeks per year just on administrative tasks required by health plans.

The study showed that the cost of interacting with insurance plans amounts to $31 billion annually and approximately 7 percent of all U.S. expenditures for physician and clinical services.

More importantly, on a personal level, this is 3 weeks less time annually that physicians have to spend with their patients discussing their treatment options, explaining the pros and cons of various procedures, learning the fears and anxieties of their patients, furthering the patient-doctor relationship.

It is time for reform.

We have attempted to reform our health care system several times in the past to no avail. But this year it is different.

This time, the call for reform is coming from people and organizations that previously opposed reform.

This time, because of the reasons I have mentioned, businesses, along with unions that represent their workers, are asking for reform.

This time, patient advocacy organizations and provider groups are calling for health reform.

Make no mistake, reforming health care is not an easy task, and it is one that will require true compromise from everyone across the ideological spectrum.

But it is a task that must be done.

Our country, and the health of its citizens as well as the economy, cannot afford to maintain the status quo.

Next week, the members of the Senate Health, Education, Labor and Pensions Committee and the Senate Finance Committee will begin deliberations on legislation to reform health care.

As the members of these committees gather to discuss and ultimately mark up legislation, I want to take this opportunity to again voice my support for a public option in a menu of insurance options from which people may choose.

I believe a public option is imperative in providing a true choice for all Americans.

Let me stress: this would be a purely voluntary option.

If you like your current plan, you keep it.

But there are too many Americans who do not have real choices when it comes to health insurance, especially those who live in rural areas.

In addition, many large urban areas are dominated by one or two insurers that serve more than 60 percent of the market. In fact, there are seven states where one insurer has over 75 percent of the market share.

A public option can help Americans expand their choice of an insurance provider.

A public option could take various forms, and I think the committees are the proper place to determine the appropriate contours of a public option.

But I want to point out again that right now, today, there are more than 30 State governments that offer their employees a choice between traditional private insurance and a plan that is self-insured by the State. Some States have had them for more than 15 years.

In these 30 States, the market share of the self-funded plans within the market for State employees typically ranges from 25 to 40 percent. This shows a healthy competition between the public option and private insurers, not domination by either type of insurer.

And I want to point out that these arrangements do not seem to be a problem or incite ideological issues at the State level.

Why then, should it be so when discussing health reform on a national level?

A public option can go a long way in bringing more innovation to the delivery system and introducing new measures to reduce cost and improve quality.

A public option can serve as a benchmark for all insurers, setting a standard for cost, quality and access within regional or national marketplaces.

It can have low administrative costs and can have a broad choice of providers. It can give Americans a better range of choices, make the health care market more competitive, and keep insurance companies honest.

And again, the key to all this is that a public option will be just that, an option, not a requirement.

Some people will choose it; others will not. If you like the insurance plan you have now, you keep it.

If you are happy with the insurance you get with your employer, or even the individual insurance market, you stay enrolled in that insurance plan. And if you are unsatisfied with the public option, you have the option to switch back to private insurers.

Americans firmly support the ability to choose their own doctor and value their relationships with their providers. So do I. It is key to any health care plan that Americans have a right to choose their doctor.

An overriding goal of health reform is to increase a patient's access to affordable, quality health care—offering a public option can help increase Americans' choices.

Mr. President, it is time for reform that protects what works and fixes what is broken.

It is time to reform health care so that American businesses can afford to offer health care to their employees.

It is time to reform health care so that all Americans have access to quality, affordable care, regardless of preexisting medical conditions.

It is time to reform health care so that physicians and other providers have less redtape to deal with and more time to spend with patients.

It is time to reform health care so we place a higher priority on prevention and wellness, saving lives as well as money.

It is time to reform health care so all Americans can compare the costs and benefits of different health insurance policies.

And, it is time to reform health care so Americans have more choices and can retain the right to choose their own doctors.

For all these reasons and more, it is time for health care reform.

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

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent for the quorum call to be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

SMALL NUCLEAR REACTORS

Mr. ALEXANDER. Mr. President, I would like to report a tremendous historic development in the ability of our country to have clean air, an effective way to deal with climate change, and enough low-cost, reliable electricity to help keep jobs in this country. Yesterday I attended a press conference from a company, Babcock & Wilcox. Also included was the Tennessee Valley Authority. The company and TVA announced that Babcock & Wilcox will soon make an application to the Nuclear Regulatory Commission for permission to start building and selling a small nuclear reactor that can be built in a factory, shipped by railway to a site, and put together like Lego blocks at the site. The nuclear reactor is a 125-megawatt reactor. That compares with the large nuclear plants, of which we have 104 today in the United States. Those plants produce, on average, 1,000 megawatts of electricity. This would be 125. So the real prospect exists that we will be able to have, in this country, nuclear reactors for electricity that might cost as little as one-tenth as much to build, can be built in 3 years instead of 6, and will produce, as I said, 125 megawatts instead of 1,000—making it easier to integrate them into our electric grid—and can be built in a factory and shipped to a customer.

The reason I am excited about this prospect is it has a real chance of happening. No one has built more small reactors in the world than Babcock & Wilcox, and the Tennessee Valley Authority is the largest public utility in the United States and the only utility in the United States that is currently building a nuclear powerplant.

Republicans and, I am sure, many Democrats, but certainly Republicans in the Senate and the House, unanimously believe our goal as a country ought to be to build 100 new large nuclear powerplants over the next 20 years, while we figure out renewable electricity. The reason we want to do that is we want to deal with climate change. We want clean air, but we want to be able to keep jobs here at the same time. If climate change is the inconvenient problem, nuclear power is the inconvenient solution.

Why is that? Climate change is caused by carbon that comes from coal plants and from a variety of other sources. Forty percent of the carbon that is produced in the United States comes from coal-fired powerplants. But if we are looking for a way to produce electricity in a way that is pollution free and carbon free, 70 percent of all the pollution-free, carbon-free electricity we have today comes from our nuclear plants. Six percent of our clean electricity comes from the Sun, the wind, and the Earth.

One day it may be that we are able to make more of our electricity from the Sun, the wind, and the Earth. But at the moment, not much is available. It is expensive and the Sun is only available when the Sun shines and the wind is only available when the wind blows. If you are wanting to operate your computer, or manufacture an automobile in Illinois or Tennessee, or turn on your light at night, you don't want to have to pray that the wind is blowing or that the Sun is shining. You want reliable, low-cost electricity.

In Tennessee, we are excited about the prospect of, one day, solar energy making a bigger difference in our electrical grid. In fact, two big new plants have moved into our State to make polysilicon, which is the product that goes into the solar cells that go on the top of your house. Each of those plants uses 120 megawatts of electricity. Where will they get that electricity? One reason they are in Tennessee is because the TVA supplies a lot of low-cost, reliable electricity. That comes from coal and nuclear power and a little bit from natural gas in our State. That is pretty much the way it is around the country. Solar power is not yet low-cost, reliable electricity. You can't run the plant making the solar energy products on solar power or wind power today. One day we may, but in the meantime, while we are trying to rebuild the auto industry in Michigan and Illinois and Wisconsin and Tennessee, we want low-cost, reliable electricity. We want our Alcoa plant to stay open in Blount County, in Maryville, where I am from in Tennessee. Why is it closed? The cost of the electricity. What will open it? A 20-year contract on low-cost, reliable electricity. If we say to the Alcoa plant: We will sell you a lot of wind power, they will say: But the wind doesn't blow in our area. If we say: We will sell you solar power, they will say: It is four times as much and we might like to operate a night shift and you can't store it.

But what we will be able to say, in light of this new development we heard about yesterday—we can say to the Alcoa plant, we can say it to Eastman Chemical in Kingsport, we can say it to the two plants making materials for solar cells: We can move in a 125-megawatt nuclear reactor, put it near your site, and supply all the low-cost, reliable electricity you need.

Another use for this new reactor could be to help us clean up our coal plants. We have a clean air problem in Tennessee, as does much of America. I am very much hopeful the Environmental Protection Agency or the Congress or some combination will reinstate the CAIR rule to deal with nitrogen and sulfur and mercury, for our health in this country.

The small reactor might be used as a substitute for coal plants. Some of the coal plants we have in the TVA system and around the country are very old and very dirty. The newest ones are much more efficient and a lot cleaner. It might make sense to take the nuclear reactor, the small one, and put two of them together where an existing coal plant is. There are a lot of possibilities for this. Instead of 100 nuclear plants in 20 years, we may have another option. We may be able to have 400 or 500 small nuclear reactors in 20 years. They may be 125 megawatts here or two together or three together.

My fellow Tennessean, Al Gore, who won the Nobel Prize for his campaign on the dangers of global warming, has a line he often uses about nuclear power. ''Nuclear power may have a role to play,'' Al says, ''but unfortunately, nuclear reactors come only in one size—extra large.''

Until yesterday, you couldn't disagree with the former Vice President. Ever since President Eisenhower beached a 65-megawatt Navy submarine reactor at Shippingport, PA, in 1967, under the Atoms for Peace Program, we have been building reactors bigger and bigger. Most of the ones on the drawing board today, as I mentioned, are at least 1,200 megawatts. I believe we have 17 applications now for new nuclear powerplants. Also, one is being built right now and that is completing an old plant at Watts Bar.

We have not built a traditional large nuclear power plant from start to finish in the last 30 years in the United States. That is quite an irony. We invented the technology. We have used it successfully since the 1950s and without incident in our nuclear Navy. Twenty percent of our electricity comes from our older plants, the ones we built more than 30 years ago. They produce 20 percent of our electricity today and 70 percent of our clean electricity. But for 30 years we have not been building them.

In the meantime, France—that we don't usually like to emulate—has. France is 80 percent nuclear, and they have among the lowest carbon emissions—that contribute to global warming—in the European Union and among the lowest electric rates in the European Union. They are even selling electricity to Germany, which has invested money in solar energy and windmills and stopped nuclear but has found they do not have enough electricity to keep their jobs.

India and China, with our help, are building nuclear powerplants because they want clean, reliable electricity at a low cost.

We have appropriated money to help do that and sign treaties to help do that. Now even our President said the other day that Iran has a right to build nuclear powerplants. Well, if Iran has a right to do it, why don't we do it? We invented it. We are the ones who want low-cost, clean electricity. Let's go ahead and do it. So it will be 20 years, but it takes a long time to get one of those projects through the Nuclear Regulatory Commission. I mentioned there were 17 applications. It takes another 5 or 6 years after you get through the 2- or 3-year process at the Nuclear Regulatory Commission to build these big plants. So that is a long ways.

If you are a utility and all you really need is 300 new megawatts to meet growing demand, this new, more flexible approach—this smaller reactor—is going to lower costs and open the door to more widespread use of nuclear power. It will help us achieve the goal of building 100 new nuclear powerplants in the next 20 years in order to deal with climate change.

To those who are still skeptical of nuclear power, we must say, if global warming is an inconvenient problem, then nuclear power is the inconvenient solution.

Babcock & Wilcox and TVA have shown us this new approach. They have proposed a reactor that can be built in a factory in 3 years, shipped to the site on rails, and fit together like Lego blocks. That is a very original idea. The larger reactors are still going to be necessary. We are going to need the power. But as B&W and the TVA have reminded us, there is more than one way to skin a cat. What we are seeing here today is what the business schools call a disruptive technology. I hope the public and the press will appreciate how the Tennessee Valley Authority is fulfilling its mission as a public utility by taking such a progressive stance on technology.

America's nuclear technology has been falling behind. Of that, there is no doubt. The French, the Japanese, and the Russians are all selling reactors out in the world, to India and China

and other places. This is going to make them sit up and take notice because the concept we saw yesterday is perfect for developing nations that do not have the infrastructure to handle the larger reactors. It is perfect for small towns and factories all over America that may need only 125 megawatts and cannot afford something larger. It is what is called ''distributed generation''—producing electricity onsite instead of wheeling it from deserts or mountaintops hundreds or thousands of miles away. As the old saying goes, ''Small is beautiful.''

One of the things we are going to have to face as we think about what kind of electricity we want for the future is the landscape of America. You know, landscape is a part of our environment as well, and the landscape becomes a real concern. When we look at the energy sprawl that could be created by some of the renewable energy projects, it takes a lot of space to produce a little bit of electricity.

For example, a big nuclear plant can be located on about 1 square mile. That is one that produces 1,000 megawatts. To get that much electricity from biomass, which means woodchips or dead trees, you would need a forest the size of the Great Smoky Mountains National Park—that is 550,000 acres—and the number of trucks that would be coming in and out to haul the stuff in and back out would be in the hundreds every day. You would be talking about millions of tons of woodchips and dead trees a year. So that is for just one big nuclear plant equivalent of electricity. On the other hand, to create the same amount of electricity from wind turbines that you would get from one nuclear plant, you would have to cover about 270 square miles.

In our part of the world, in the foothills of the Great Smoky Mountains, we do not really want to see these 50-story towers with blades that are as long as football fields, with flashing lights on top that can be seen for 20 miles. We do not want to see them along the foothills of the Smokies, and I doubt the people of Virginia want to see them along the Blue Ridge Parkway, and I doubt they want to see them in Pennsylvania or in the White Mountains. And in the Eastern United States, they only work on the ridgetops, and they do not work very well. That is why there is only one wind farm in the entire Southeastern United States. It is in Tennessee and only operates 18 percent of the time, and part of that time is at night when we have a lot of extra electricity. So that does not work very well.

The Senator from California, Mrs. FEINSTEIN, with whom I work on the Appropriations Interior Subcommittee, has expressed her concern about the size of the solar thermal plants proposed for the Mojave Desert, which she has tried to protect for years. They would have to be 5 miles on each side in order to get a decent amount of electricity, and that is only during the daytime.

You have the wind and you have the Sun, but you still need either the coal plant or the nuclear plant. So I believe there is a place for wind: far offshore, the middle of Lake Michigan, or in parts of the wind corridor. I believe there is a great future for solar because solar power comes during the peak times, during the day when we can use it. Perhaps we can use our rooftops to provide the space. So we think that is more promising for our area. I think biomass is useful, but I have already expressed how large an area it would take to produce a little electricity. And we might be able to get a few hundred megawatts out of the Mississippi River by putting turbines in the water.

So how are we going to reindustrialize America over the next 25 years? How are we going to keep those auto suppliers and assembly plants and aluminum plants and even the new plants making solar in our country if we have sky-high costs of unreliable electricity? We need another option.

While we are cleaning up the coal plants, while we are figuring out renewable electricity, we now have another way to skin the cat; that is, the small nuclear reactor, 125 megawatts. That is about the size of electricity that is produced by Fort Loudoun Dam in our State. It is significant, but it is a lot smaller than the big ones we are used to.

What I really hope is that when Americans see this user-friendly reactor sitting underground—that is another aspect: A lot of it, including the storage of the waste, goes underground. Another aspect is it is only two stories tall. Most people think nuclear plants, the big ones—they see these big cooling towers. That is to cool the water that has to be used. But these small ones are air-cooled, so they don't use much water. That is a great advantage. And they are not an eyesore, they are two stories tall. I mean, remember, the wind turbines are 50-stories tall, producing almost no electricity in a consistent way. The nuclear reactor is producing low-cost energy 90 percent of the time, and it is two stories tall.

So I think with this development people may begin to rethink nuclear power. It is already happening out there. People are recognizing that the dangers of nuclear have been widely exaggerated, there is nothing to be fearful about, and once we realize that, we are going to see nuclear power for what it is: an appropriate technology that will enable us to meet our future energy needs without overwhelming the world with pollution and warming the planet.

So I hope my colleagues in the Senate will join me in saying congratulations to Babcock & Wilcox and especially to the Tennessee Valley Authority for leading the country in this renaissance of nuclear energy. Congratulations, good luck, and I hope there are many of these projects on the drawing boards.

This is the way for us to clean the air, deal with global warming, and at the same time have low-cost, reliable electricity in large amounts so that we can keep our jobs here.

There is one other aspect to this that I ought to mention. As we talk about the different forms of energy, people worry that so much of what it takes to build the wind turbines or the solar plants or even the large nuclear plants, and how they may be manufactured overseas and that the jobs are there and not here. All of the jobs for the small nuclear reactors will be in the United States—virtually all of them. So this is not only American-made energy, all of the parts that go to building what I hope will be hundreds of these small reactors over time can be made and will be made right here in the United States.

I yield the floor, and 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. THUNE. 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. THUNE. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

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

(The remarks of Mr. THUNE pertaining to the introduction of S. 1242 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

HEALTH CARE REFORM

Mr. THUNE. Madam President, I wish to say I have great concern not just about the ownership interests the Federal Government already has in financial institutions and in auto companies and in insurance companies but also about what we are hearing might happen with health care.

My view is, having a government plan, a government takeover of health care would again be an intervention into the marketplace on a scale and on a level I don't think most Americans want to see. It is referred to around here as a public plan option, but let's call it what it is: It is a government plan. It is a government-run health care system. The more you have the government involved in the decisions with respect to health care, the more the government is going to dictate many of the decisions that are going to be made and traditionally are made between a patient and a physician, in consultation with each other, between a consumer and a health care provider. Those types of interactions occur today in the marketplace. If the government is imposed into that particular situation, it seems to me at least we are going to have the government making more and more decisions with respect to health care: Which treatments are going to be approved;

which ones are effective; which ones are cost-effective. And that critical, fundamental relationship between a physician and a patient, we could be creating barriers in that relationship that are not going to provide for the high quality, optimum level of health care and treatment we have experienced in this country for a long time.

Clearly, I think we all have to acknowledge there are things that need to improve in the health care system in this country. We need to reform our health care system. We need to bring the costs down. We need to figure out ways to make health care available and accessible to more Americans so that many of those who don't have health care have access to it and to get costs under control. But there are lots of ways that can be done by building upon the strengths we have in the current system; not throwing it completely away in exchange for a government-run system, which would ration health care, limit the amount of choices Americans would have, and cost the taxpayers an awful lot of money. Because I think, at the end of the day, most of the estimates that have been done—and it is hard to know because we don't have a specific proposal out there yet that has been costed or a revenue source that has been identified for it, but I think all the estimates we have seen so far suggest that this plan, the health care plan that is being proposed by the President and by the Democratic leadership in the Congress, is going to cost somewhere in the neighborhood of $1 trillion to $2 trillion. We don't know exactly. I have heard $1.2 trillion, $1.5 trillion. I have heard up to $2 trillion, but we know that is an enormous amount of money, and that revenue has to come from somewhere. One-sixth of the American economy today, one-sixth of our economy, entire economy in this country is health care, headed toward one-fifth. So we are going to hand the keys over to the Federal Government and allow them to control an enormously large component of the American economy—one-sixth of it today and it will be one-fifth in just a few years. It seems to me that would be a bad precedent and something, again, that would lead us further and further down a path of greater control for the Federal Government in our private economy. I don't think that is good for health care for Americans. I don't think that is good again for American business, for the economy or for our ability to create jobs.

The bill I introduced, as I said, is designed to get at the TARP moneys that are going to be paid back in and hopefully getting the government out of the car business, the government out of the banking business, and the government out of the insurance business, but I also view those as almost what I would characterize as gateway drugs that are going to lead the way for the nationalization or the government takeover of health care. A government plan is not a good way to do business, and it is certainly not in the best interests of Americans, who, I think, even though there may be those who want to see the costs of our current health care system come down, those who have coverage today, most of them would argue we have a system that is pretty effective; that when you need to get seen by a doctor, when you need to get treated, when you need to use some of the modern equipment and technology we have available and that is there today—and I think that is very much in jeopardy if you allow the government to intervene and to impose itself into that decision-making process and begin to ration care.

DEBT AND DEFICITS

Mr. THUNE. Madam President, one final point I wish to make is all of this sort of ties back to what I think is the pattern, the precedent we have seen so far in this Congress, and that is incredible amounts of spending, incredible amounts of borrowing. The stimulus bill started it off to the tune of about $800 billion. The budget we passed this year on the discretionary, nondefense domestic side was 8.9 percent more year over year than the previous year. The omnibus bill we passed—which was unfinished business from the last Congress—was 8.3 percent over the previous year, which, again, more than doubled the rate of inflation. We have all these Federal obligations and liabilities that are being created by virtue of these interventions in the marketplace. We have the TARP program; we have all this taxpayer exposure out there, all this spending, and this year we know we are going to have a $1.8 trillion deficit which dwarfs anything we have ever seen in history and as far as the eye can see. For the next decade, we are looking at about a $1 trillion, on average, annual deficit.

Our debt to GDP is headed to historically high levels if predictions are accurate. I think the predictions are optimistic in terms of what we are going to see in economic growth, unemployment, inflation, and interest rates. Even if the projections with respect to the economic indicators are accurate, we are going to see, 10 years from now, the public debt, as a percent of the GDP, reach over 80 percent—a rate we have not seen literally since the end of World War II.

These are very troubling signs. I think they should be warning flags, warning signs to the people in this country that this level of borrowing, the amount of spending, the amount of taxation, with the new obligations in the health care bill, is too much for our economy to bear and for the American taxpayer to bear.

What the President came out with earlier this week is a new announcement that, all of a sudden, we have gotten religion, and we are going to submit all of the new spending and all of these programs now to what is known as pay-go. I will submit for the RECORD an editorial from the Wall Street Journal from a couple days ago.

I ask unanimous consent that it be printed in the RECORD.

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

[From the Wall Street Journal, June 11, 2009]

THE ''PAYGO'' COVERUP

Some things in politics you can't make up, such as President Obama's re-re-endorsement Tuesday of ''pay-as-you-go'' budgeting. Coming after $787 billion in nonstimulating stimulus, a $410 billion omnibus to wrap up fiscal 2009, a $3.5 trillion 2010 budget proposal, sundry bailouts and a 13-figure health-care spending expansion still to come, this latest vow of fiscal chastity is like Donald Trump denouncing self-promotion.

Check that. Even The Donald would find this one too much to sell.

But Mr. Obama must think the press and public are dumb enough to buy it, because there he was Tuesday re-selling the same ''paygo'' promises that Democrats roll out every election. Paygo is ''very simple,'' the President claimed. ''Congress can only spend a dollar if it saves a dollar elsewhere.''

That's what Democrats also promised in 2006, with Nancy Pelosi vowing that ''the first thing'' House Democrats would do if they took Congress was reimpose paygo rules that ''Republicans had let lapse.'' By 2008, Speaker Pelosi had let those rules lapse no fewer than 12 times, to make way for $400 billion in deficit spending. Mr. Obama repeated the paygo pledge during his 2008 campaign, and instead we have witnessed the greatest peacetime spending binge in U.S. history. As a share of GDP, spending will hit an astonishing 28.5% in fiscal 2009, with the deficit hitting 13% and projected to stay at 4% to 5% for years to come.

The truth is that paygo is the kind of budget gimmick that gives gimmickry a bad name. As Mr. Obama knows but won't tell voters, paygo only applies to new or expanded entitlement programs, not to existing programs such as Medicare, this year growing at a 9.2% annual rate. Nor does paygo apply to discretionary spending, set to hit $1.4 trillion in fiscal 2010, or 40% of the budget.

This loophole matters, because on the very day Mr. Obama was hailing paygo the House Appropriations Committee was gleefully approving a 12% increase in 2010 nondefense discretionary spending, the third year running that Democrats have proposed double-digit increases. Or consider that the 2010 budget resolution included a $2 billion increase for low-income heating assistance as an entitlement change that should be subject to paygo. But Congressional Democrats simply classified it as discretionary spending, thereby avoiding the need for $2 billion in cuts elsewhere. C'est-la-paygo.

Mr. Obama's new proposal includes even more loopholes. There's an exception for Congress's annual alternative-minimum tax ''patch,'' which is worth at least $576 billion over 10 years; for any of the Bush tax cuts that Mr. Obama decides he wants to extend past 2010; and to protect against planned cuts in Medicare doctor payments. These carve-outs alone spare Democrats from having to come up with some $2.5 trillion in spending cuts or new taxes. To add insult to profligacy, the rules also allow the Administration to run huge early deficits for its looming health-care bonanza, and only pay for it later—say, after 2012.

The President also revived the myth that paygo was somehow responsible for eliminating budget deficits during the Clinton

years. In fact, that brief era of balanced budgets was due to: mid-decade spending reductions by a GOP Congress elected on a balanced-budget pledge; an excessive cut in defense spending to 3% from 5% of GDP across the decade; and an unsustainable revenue boom due to the dot-com bubble. But harking back to the 1990s lets Mr. Obama avoid having to defend his own spending record.

The real game here is that the President is trying to give Democrats in Congress political cover for the health-care blowout and tax-increase votes that he knows are coming. The polls are showing that Mr. Obama's spending plans are far less popular than the President himself, and Democrats in swing districts are getting nervous. The paygo ruse gives Blue Dog Democrats cover to say they voted for ''fiscal discipline,'' even as they vote to pass the greatest entitlement expansion in modern history. The Blue Dogs always play this double game.

The other goal of this new paygo campaign is to make it easier to raise taxes in 2011, and impossible to cut taxes for years after that. In the near term, paygo gives Mr. Obama another excuse to let the Bush tax cuts he dislikes expire after 2010, while exempting those (for lower-income voters) that he likes. In the longer term, if a GOP Congress or President ever want to cut taxes, paygo applies a straitjacket that pits those tax cuts against, say, spending cuts in Medicare. The Reagan tax reductions would never have happened under paygo.

The main political question now is when Americans will start to figure out Mr. Obama's pattern of spend, repent and repeat. The President is still sailing along on his charm and the fact that Americans are cheering for an economic recovery. But eventually they'll see that he isn't telling them the truth, and when they do, the very Blue Dogs he's trying to protect will pay the price. And they'll deserve what they get.

(Mr. BEGICH assumed the Chair.)

Mr. THUNE. Mr. President, I will make a couple of observations they made in that editorial, as well as similar observations made by some of my colleagues in the Senate, since this announcement was made—that pay-go is going to now be enforced—statutory pay-go.

This editorial from the Wall Street Journal said:

The truth is that paygo is the kind of budget gimmick that gives gimmickry a bad name. As Mr. Obama knows but won't tell voters, paygo only applies to new or expanded entitlement programs, not to existing programs such as Medicare, which this year is growing at a 9.2 percent annual rate. Nor does paygo apply to discretionary spending, set to hit $1.4 trillion in fiscal year 2010, or 40 percent of the entire [Federal] budget.

Mr. President, the thing that strikes me about this announcement is, it seems it is, as is often said, too much, too little, too late. We already passed an $800 billion stimulus bill, which we financed by borrowing from the next generation. That wasn't subject to pay-go nor have many of the spending programs in the past couple of years been subject to pay-go.

When the Democrats took control of the Congress after the 2006 elections, it was announced by Speaker PELOSI that they were going to enact pay-go—saying pay-go is going to be the policy, the rule followed in terms of the spending done by the Federal Government. But that was quickly ignored. As I said before, if we look at the reality of what happened in the last few years, despite all the lipservice paid to pay-go, it doesn't apply all that much. It applies to new entitlement programs and to tax cuts, but as far as I can tell, it doesn't apply to discretionary spending, to current entitlement spending, which, as I said earlier, is growing—Medicare at about a 9.2-percent annual clip. So what is it really good for?

Well, it seems to me it is a statutory excuse to raise taxes. If we continue to exempt more and more things—one of the things we debated in the last year or two is whether an extension or exemption will be afforded to taxpayers from the AMT, which would capture more taxpayers, and whether it ought to be offset and paid for and the pay-go rules ought to apply to it.

Well, the President, in his announcement a couple days ago, went so far as to say he is going to exempt the AMT fix from pay-go. That is a $576 billion ticket item over a 10-year period. The AMT would be exempted. The physician fee fix would be exempted, which is something we have had to do recently in Congress on a regular basis to protect doctors from the cuts that would occur under statutes passed many years ago. So we come in and we do what we call a physician fee fix. That will be exempted from the pay-go rules.

So we would be carving out big chunks of Federal spending, of tax relief, and there were a couple of other exemptions that were mentioned that would be exempt from pay-go. If we take them off the table, and if we take entitlement spending off the table—at least current, present entitlement spending—and we take discretionary spending off the table, it seems to me all we have done is, again, created this gimmick that is trying to pull the wool over the eyes of the American people that we are really doing something serious about fiscal responsibility which, in fact, we all know is not the case.

Mr. President, I hope we get serious about fiscal responsibility here. It means we have to get our arms around spending. We cannot fix the fiscal problems in this country when we exempt everything and say we are going to continue to spend—in fact, the appropriations bill passed in the House of Representatives the other day; they passed one of their appropriations bills with a 12-percent increase over last year. How can we justify that when we have a $1.8 trillion deficit this year and an economy that is in recession? The Federal Government is supposed to be leading the way, setting the example, and we cannot even live within our means. We say we are going to implement pay-go and, boom, before the ink is even dry on whatever statement they may have signed, we have a House Appropriations subcommittee passing an appropriations bill with a 12-percent year-over-year increase. And, again, because discretionary spending is exempt from pay-go, what difference does this announcement on pay-go really make, other than to try to pull the wool over the eyes of the American people?

I hope the American people figure that out. I think they will. I certainly know, around here at least, we get new data all the time about the size of the deficit and what we are going to look at in the foreseeable future. It is a very disturbing picture. That is why I think it is so important we get spending under control, that we get the Federal Government out of the private ownership of American business, and let American business do what it does best: create jobs and make their own management decisions, not the Federal Government, because it controls such a big part of these businesses, intervening and trying to impose their political will on this decisionmaking process, and that we do everything we can to prevent a government takeover of our health care system, at a cost of somewhere between $1 trillion and $2 trillion, which will inevitably lead to much higher taxes.

Somebody has to pay. These things all have to be paid for or we can borrow it, which is what we did with the stimulus bill. So we can have higher taxes or more borrowing. I argue the spending has to stop. That is the only way we are going to get our fiscal house in order and make it clear to the American people we are serious in Washington about getting spending under control. I hope we get a vote on my exit plan, my bill. I think we need a plan to exit the scene and get government out of the ownership of large parts of the private economy and private businesses in this country. I hope we will do everything we can to prevent a government takeover of our health care system, which is one-sixth of our economy.

I also hope we will not fall for dumb gimmicks like pay-go, which do nothing to address, fundamentally, the financial and fiscal problems our country faces, but that we will get serious about getting spending under control and putting America on a fiscal path toward fiscal discipline that is fair and responsible to the people in this country, who pay these bills, the American taxpayers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXPRESSION OF APPRECIATION

Mr. REID. Mr. President, I walked in the Chamber and saw you presiding. And I said to Lula Davis, who helps us so much here, what a terrific addition

you have been to the Senate. That is really true. The people of Alaska are so fortunate to have you in the Senate.

You are very constructive. You protect the State of Alaska like no one I have ever seen look out for the interests of a State.

And I think everyone in the Senate recognizes what a fine person you are, and as the days go on, you are going to get even better. So on a personal note, I appreciate all of your good work.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

FLAG DAY

● Mr. BYRD. Mr. President, our flag is the most recognizable symbol of the United States, an instant wordless message freighted with history and meaning. The Stars and Stripes is much more than a war banner. Each flag carries visions of smoke-clouded battles, to be sure, but also visions of brave explorers venturing into new lands, astronauts landing on the moon, athletes celebrating Olympic victories, and of coffins carried on somber caissons to a final honored resting place. Old Glory also marks every great American moment, from presidential inaugurations that celebrate the peaceful transition of power in our democracy to the defiant unfurling of flags over the battered ruins of the Pentagon and the Twin Towers.

June 14 is Flag Day. Although flags fly every day in front of many Federal, State and local office buildings every day, and many flags are displayed on other holidays such as the Fourth of July, Memorial Day, and Veterans Day, only on Flag Day do we honor the flag itself.

The first national observance of Flag Day was in 1877, though it was not until 1949 that President Truman signed into law legislation recognizing the anniversary of the adoption, on June 14, 1777, by the Continental Congress, of the Stars and Stripes as the official flag of the United States.

In earlier years, much more was done to mark the occasion of Flag Day. Schools educated students on the rituals and principles of citizenship, and held patriotic programs to honor the flag. These days, it is enough to mark the day by flying the flag. I hope that many Americans will do so, and do it properly—hoisting the flag up smartly, bringing it down reverently, and folding it away again properly. Once it is up and flapping in the breeze, take just a moment to admire it, or to say the Pledge of Allegiance.

On June 14, 1777, a congressional committee established the design of our flag in a few short words. The record notes simply that ''. . . the flag of the thirteen United States be thirteen stripes alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.'' In the years since, the number of stars in that constellation has expanded, but the brave ideals that it represents—that all men were created equal, endowed by their Creator with certain unalienable rights including life, liberty and the pursuit of happiness—shine as true today as they have since 1776.

Our flag is a symbol that goes well beyond the cloth out of which it is fashioned. It is America, and long may it wave.

I close with a favorite poem of mine, by Henry Holcomb Bennett, that I like to recite on Flag Day. It never fails to stir my spirits, as I hope it does for those listening.

THE FLAG GOES BY

(By Henry Holcomb Bennett)

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land-fights, grim and great,
Fought to make and to save the State:
Weary marches and sinking ships;
Cheers of victory on dying lips;

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right, and law,
Stately honor and reverend awe;

Sign of a nation, great and strong
Toward her people from foreign wrong:
Pride and glory and honor,—all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high:
Hats off!
The Flag is passing by!●

XLIV COMPLIANCE

Mrs. LINCOLN. Mr. President, paragraph 4 of rule XLIV of the Standing Rules of the Senate provides that, ''If during consideration of a bill or joint resolution, a Senator proposes an amendment containing a congressionally directed spending item, limited tax benefit, or limited tariff benefit which was not included in the bill or joint resolution as placed on the calendar or as reported by any committee, in a committee report on such bill or joint resolution, or a committee report of the Senate on a companion measure, then as soon as practicable, the Senator shall ensure that a list of such items (and the name of any Senator who submitted a request to the Senator for each respective item included in the list) is printed in the CONGRESSIONAL RECORD.''

The term ''congressionally directed spending item'' is broadly defined to include ''a provision or report language included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.'' In accordance with rule XLIV, I provide the following information relating to my amendment. No. 1181, that was adopted by the Senate during consideration of H.R. 2346. The amendment will modify interest limitations allowable in a State, as defined in 12 USC 1831 u(f), where the maximum rate of interest is not more than 5 percent above the Federal Reserve discount rate—Arkansas. Specifically, it will relax the maximum rate of interest allowed, increasing it to seventeen percent, effective from date of enactment through December 31, 2010. The provision is generally applicable to any lending occurring within that state that is not conducted by an insured depository institution. I am the principal sponsor of the amendment.

Mrs. HUTCHISON. Mr President, I submit pursuant to paragraph 4(a) of rule XLIV of the Standing Rules of the Senate the following congressionally directed spending item that I requested during consideration of H. R. 2346, the fiscal year 2009 supplemental appropriations bill, and I ask that it be printed in the RECORD.

The material follows.

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.

Mr. President, I submit pursuant to paragraph 4(a) of rule XLIV of the Standing Rules of the Senate the following congressionally directed spending item that I requested during consideration of H. R. 2346, the fiscal year 2009 supplemental appropriations bill, and I ask that it be printed in the RECORD.

The material follows.

For areas affected under FEMA–1791–DR, 100 percent federal funding under the Public Assistance Program for debris removal, 90 percent federal funding for all other categories of public assistance, and 90 percent federal funding for Hazard Mitigation.

SBIR/STTR REAUTHORIZATION ACT OF 2009

Ms. SNOWE. Mr. President, I rise today to speak on support of S. 1233, the SBIR/STTR Reauthorization Act of 2009, a bipartisan measure I recently introduced with Senator LANDRIEU. As former chair and now ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long championed critical small business programs such as the Small Business Administration's Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs, which direct more than $2 billion in Federal research and development—R&D—funding each year to

small businesses across our nation to encourage them to innovate and commercialize new technologies, products, and services. Our legislation would provide key improvements to the SBIR and STTR programs, which were last reauthorized in 2000 and 2001, respectively.

As our Nation emerges from this devastating recession, the worst since World War II, we must ensure that America once again brings to bear the kind of ingenuity, creativity, and innovation that made America and our free market economy the greatest, most powerful on Earth. Indeed, innovation is the ''space race'' of the 21st century—only this time it is not the U.S. versus Russia; it is the U.S. versus every nation that is jockeying for the lead position and an economic foothold.

The bill we have introduced will greatly help America win this race. It is structured upon a comprehensive measure that our committee passed unanimously, on a bipartisan basis in both the 109th and 110th Congresses. Our legislation includes commonsense enhancements intended to incentivize more small businesses to participate in these vital programs. The bill would increase the size of phase I program awards from $100,000 to $150,000, and phase II awards from $750,000 to $1 million. It would also peg future award increases to inflation. These pivotal reforms represent a well-spring of indispensable technological-fuel to the small business engines that drive our Nation's innovation.

Since the SBIR program was created in 1982, small technology firms have received more than 77,000 awards worth approximately $24 billion. The SBIR program has tremendous job creation potential. A recent National Academy of Sciences study, which focused on firms winning phase II SBIR awards in fiscal years 1992 through 2002 found that, as a result of their SBIR award, small firms were able to hire an average of 2.4 employees, retain 2.1 more, and over time these firms, on average, each generated 30 jobs.

Our legislation would increase the SBIR allocation—currently 2.5 percent of Federal agencies' extramural R&D funds—by 1 percent over 10 years and double the STTR allocation over 5 years to 0.6 percent. By doubling the percentage of Federal R&D dollars that the STTR program receives each year, and increasing the SBIR percentage by 1 percent over 10 years, we will infuse another $1 billion into the small business economy. With our economy reeling, the SBIR and STTR programs are more essential than ever, if we are to capitalize on the groundbreaking capacities of our Nation's pioneering small businesses.

While innovation in areas such as genomics, biotechnology, and nanotechnology present new opportunities, converting these ideas into marketable products involves substantial funding challenges. Many small businesses simply cannot afford the exorbitant cost of developing and bringing a product into the marketplace. In order to confront this challenge, this legislation offers a compromise solution to the venture capital issue that has recently divided members of this committee and the SBIR community. Last Congress, I worked with Senators KERRY, BOND, LIEBERMAN, COLEMAN, and others, to develop a key compromise on this issue that would permit limited venture capital investment in the SBIR program.

Our bill retains this bipartisan compromise and would allow limited involvement of firms majority-owned by venture capital companies in the SBIR program. Specifically, a maximum of 18 percent of SBIR funding at the National Institutes of Health and 8 percent at all other qualifying agencies may be directed to small firms majority-owned by venture capital companies. Our compromise was strongly supported by the stakeholder community, and is consistent with the recent findings of the National Academy of Sciences and Government Accountability Office regarding venture capital investment in SBIR awardees. Additionally, we leave in place well-established SBA ''affiliation'' rules designed to preserve the intent of the SBIR program by limiting participation to small businesses.

Other key provisions in this vital legislation include the reauthorization and enhancement of my SBIR Defense Commercialization Pilot Program. Senator KERRY and I created this program in the 108th Congress to encourage the award of contracts to SBIR firms. In addition, we would offer this program to all other participating agencies. The bill also would reauthorize and increase funding from $2 million to $5 million for the Federal and State partnership program which would allow each state—including Maine—to receive funding in the form of a grant to make available an array of services in support of the SBIR program.

Now, more than ever, we in Congress must do everything within our power to help small businesses drive the recovery of our economy. It is imperative that we reauthorize the SBIR and STTR programs, particularly before the program terminates at the end of July. I look forward to working with my colleagues on both sides of the aisle to pass this vital measure in the committee and full Senate, as we move forward to reauthorize these vital programs.

NOMINATION OF STANLEY McCHRYSTAL

Mr. FEINGOLD. Mr. President, I oppose the nomination of LTG Stanley McChrystal to command U.S. forces in Afghanistan for two reasons. The first relates to a classified matter about which I have serious concerns. I have conveyed those concerns in a letter to the President. The second issue is interrogation.

At his public confirmation hearing, General McChrystal responded to a question from Chairman LEVIN regarding interrogation policies that ''included stress positions, the use of dogs and nudity'' by stating that ''[s]ome of them were in use when I took over, sir, and then, as we immediately began to reduce that.'' When asked whether he was ''uncomfortable with some of the techniques'' in use, he replied ''[w]hen I took over, I was.''

However, following the hearing, Chairman LEVIN sent General McChrystal a question for the record describing many of the 14 interrogation techniques not listed in the Army Field Manual that were authorized under General McChrystal's command, up until May 6, 2004, when CENTCOM Commander General John Abizaid suspended the use of all such techniques. Chairman LEVIN's question then described a request from General McChrystal, submitted 3 weeks after the suspension, to continue using a number of these techniques, including ''sleep management,'' ''environmental manipulation,'' and ''control positions.'' The request defined ''control positions'' as ''requiring the detainee to stand, sit, kneel, squat, maintain sitting position with back against the wall, bend over chair, lean with head against wall, lie prone across chairs, stand with arms above head or raised to shoulders, or other normal physical training positions'' and requested that ''in the most exceptional circumstances, and on approval from [the commander]'' interrogators be allowed to ''use handcuffs to enforce the detainee's position.''

Asked to square his public testimony with this record, General McChrystal responded that, when he took command in 2003, he reviewed the interrogation program and, in March 2004, ''reduc[ed] the frequency of use of several of the techniques'' by requiring high-level approval. He also looked to ''increase the effectiveness of the entire process and make it more humane'' but offered no specifics other than ''improved facilities'' and improvements in the use of other, non-''enhanced'' techniques. General McChrystal then acknowledged that he personally requested approval from General Abizaid to continue using several of the techniques that had just been suspended, including ''control positions.'' General Abizaid rejected the use of ''control positions,'' and, according to the Senate Armed Services Committee report, the use of ''hooding.''

I have numerous concerns, both about this history and about General McChrystal's public testimony. I have long opposed any interrogation techniques, whether conducted by the U.S. military or the intelligence community, that are not authorized by the Army Field Manual. I am thus dismayed by General McChrystal's personal support for the use of some of

these techniques, particularly the so-called control positions, and by his efforts to continue the techniques after they had been suspended. And, while I have no reason to believe that General McChrystal would not adhere to current law and policy, I am troubled by his failure to express any regret for his previous positions. Finally, I am concerned about General McChrystal's public testimony, which sought to convey that he was ''uncomfortable'' with various interrogation techniques and sought to ''reduce'' their use. Given the full history of his approach to interrogations, this testimony appears to be incomplete, at best.

NORTHWESTERN'S NCAA CHAMPIONS

Mr. BURRIS. Mr. President, it is with great pleasure and sincere pride that I congratulate the Northwestern University women's lacrosse team on winning another NCAA Championship.

As a lifelong Illinoisan and an avid sports fan, I am happy to celebrate the tremendous accomplishments of these young women.

In a crowded field of worthy contenders from across the Nation, this Wildcat team rose to the occasion and claimed a fifth straight national title.

Their consistency, grit, and determination is exemplified by their perfect record for the season: 23 to 0, capped off by a resounding victory over the third-ranked North Carolina Tar Heels.

The Northwestern women's lacrosse team also consistently ranks in the top 10 to 15 percent of academic achievement in the NCAA's Annual Academic Report.

It is clear from their record that the Wildcats excelled every time they took the field, but, more importantly, they excelled in the classroom and in the community.

I am proud of this team because they recognized that ''student'' is supposed to come before ''athlete'' in the phrase ''student athlete.''

For many athletes, college sports have become a launching pad for fame and fortune, but on this team you may find doctors, lawyers, and maybe even a senator or two.

Although the games may not have been broadcast to a national audience or as widely covered by the media, the women's lacrosse team deserves just as much recognition as their male counterparts.

They have sacrificed sleep for early morning workouts, weekends for competition, and played a sport that practically requires the commitment of a full-time job, but all the while, they continued to attend class and maintain their studies.

College athletics require a remarkable amount of dedication, and this team deserves notable recognition even if their scores weren't reported on the nightly news or the front page of newspapers. Their demonstrated character and sportsmanship marks them as role models for aspiring athletes throughout the State. Their athletic performance and strong record of academic achievement place them at the pinnacle of intercollegiate success. Although several players may be honored with individual awards, this national title belongs to each and every member of the team.

This victory reminds us that we have the chance to shine only with the support of our comrades, our friends, our teammates. It is through persistent and concerted effort that we reach our potential, and when we inevitably fall, it is only through the strength and grace of our friends that we can pick ourselves up and journey onward.

The teamwork displayed by these young women throughout the season, even under mounting pressure and enormous expectations, allowed them to carry the day. They have done their university, and their State, proud. We should all draw inspiration from their fine example.

With this championship, the Northwestern Wildcats have cemented their position as the top Lacrosse program in the country. They are quickly approaching the record of seven consecutive titles currently held by Maryland, and, like many Illinoisans, I can hardly wait for what will surely be an exciting season next year.

It is with great pride that Senator DURBIN and I come together to celebrate this national championship. And we are proud to offer a Senate resolution congratulating these talented athletes.

In the spirit of good sportsmanship displayed by the Northwestern women's lacrosse team throughout the season, I ask my colleagues to join with us in congratulating these student athletes on their remarkable accomplishment.

ADDITIONAL STATEMENTS

COMMENDING JOSHUA FAIRLEY

• Mr. COCHRAN. Mr. President, I would like to continue the efforts of Senator KAUFMAN and the Partnership for Public Service by honoring an outstanding federal employee in Mississippi.

Public servants fulfill remarkable duties in the government, and their accomplishments deserve grateful recognition.

Mr. Joshua Fairley, an employee at the U.S. Army Corps of Engineers, Engineer Research and Development Center, USACE–ERDC, in Vicksburg, is a distinguished public servant for his development of new technology to improve the detection accuracy of improvised explosive devices for our Armed Forces. Improvised explosive devices are commonly used in terrorist attacks and have become a principal source of fatalities for men and women in the U.S. Armed Forces.

Mr. Fairley's new technology has resulted in a 75 percent improvement rating for detection accuracy. This Mississippian has used his intelligence to serve our country and protect our troops.

Mr. Fairley was inspired to become a Federal employee because of his desire to make a difference, and he has done so by recognizing challenges and using his skills to overcome them.

I am glad that Senator KAUFMAN has initiated this effort; our Federal employees deserve recognition for the important role they fill.

Mr. Fairley is committed to our Nation, and his contributions have made him the prime example of an outstanding Federal employee.•

125TH ANNIVERSARY OF BLUNT, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I recognize the community of Blunt, SD, on reaching the 125th anniversary of its founding. Blunt is a rural community infused with hospitality, beauty, and an exceptional quality of life.

The city of Blunt was settled in 1884 and named after the chief engineer of the Chicago and Northwestern railway, Mr. John E. Blunt. Few early railroad towns in South Dakota were able to boast of the wide variety of early establishments, including 6 hotels, 12 grocers, 9 lumber yards, 5 saloons, and 4 bakeries.

Today, Blunt has come a long way from its days as a railroad supply center. The town still boasts a variety of businesses, including those in both the service and manufacturing sectors. The Graham Mentor Museum and the REA building are just two examples of continuous efforts to bring the community closer.

The people of Blunt celebrate this momentous occasion on the weekend of June 26–28, 2009. South Dakota's small communities are the bedrock of our economy and vital to the future of our State. It is especially because of our small communities, and the feelings of loyalty and familiarity that they engender, that I am proud to call South Dakota home. Towns like Blunt and its citizens are no different and truly know what it means to be South Dakotan. One hundred and twenty-five years after its founding, Blunt remains a vital community and a great asset to the wonderful State of South Dakota. I am proud to honor Blunt on this historic milestone.•

150TH ANNIVERSARY OF ELK POINT, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 150th anniversary of the founding of the community of Elk Point, SD. After 150 years, this historic community will have a chance to reflect on its past accomplishments and its future goals, and I congratulate this thriving community for all it has done.

Elk Point's colorful history begins with the Lewis & Clark expedition of 1804 when the explorers camped in this area in 1804 and again in 1806. Eli Wixson built a cabin in 1859, becoming the first citizen of Elk Point.

Today, Elk Point's location makes it an ideal location for a variety of businesses with two Interstate 29 exits, a railway hub with service in three directions, and close proximity to the Missouri River for both economic and entertainment purposes. This thriving town is the county seat of Union County, the ninth fastest growing county in the Unites States in terms of family income.

Elk Point exemplifies a traditional South Dakota community with its close-knit community with a high quality of life. The citizens are independent and welcoming, and the educational system is advanced with modern technology and advanced placement classes.

The citizens of Elk Point will be celebrating their rich heritage June 26–28, 2009 with an All-Class Reunion, Amy's Race for breast cancer research, and various games and entertainment. I congratulate the citizens of Elk Point on their accomplishments over the last 150 years and look forward to seeing their future endeavors.●

125TH ANNIVERSARY OF IMMANUEL LUTHERAN CHURCH OF CANOVA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I recognize Immanuel Lutheran Church of Canova, SD, on reaching the 125th anniversary of its founding. This historic church has been a cornerstone of both the community and the Synod. Immanuel Lutheran Church has seen its share of struggles, but has always grown stronger from them. Today, I pay tribute to both the anniversary of the church and to the members who have kept its traditions of service and faith alive for 150 years.

The church was founded in 1884 with Rev. J. Reyhout as its pastor. The members, mainly German immigrants, joined the Ohio Synod and built the first church in 1891. The current church was completed in 1914. Known as the ''German Church'' or ''German Lutheran'', the congregation's welcome spirit for recent immigrants led to services being held in German. In 1940, they transitioned to every other week in English and German. In 1952, German services were discontinued. Immanuel joined the Evangelical Lutheran Church in America in 1988 on its founding.

Although changes have been coming to this community since its founding, Immanuel Lutheran Church has held steady to the core values that it was founded on. With outreach to the prison, food shelters, and the community, these members have maintained the initial ideals of service and devotion. I congratulate this congregation on reaching this monumental anniversary, and look forward to the future as they continue their traditions.●

125TH ANNIVERSARY OF LEBANON, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I recognize the community of Lebanon, SD, on reaching the 125th anniversary of its founding. This historic anniversary gives the community the chance to reflect on their strong history as well as their optimistic future.

Lebanon was founded by farmers in 1883. Small businesses quickly sprung up in the town and continued to grow for 50 years. In 1926, they built an outdoor swimming pool, which is the oldest of its type today. Lebanon was given two cedar trees by the government of the Country of Lebanon, one of which still lives today.

To celebrate the town's achievement, there will be a weekend of festivities from June 20–21, 2009, with a parade, tractor pull, and various entertainers. While the population of Lebanon has declined, the spirit of the town maintains their strong work ethic and united spirit. Small towns like Lebanon are the backbone of South Dakota, and the people of this community make me proud to represent them.●

100TH ANNIVERSARY OF McLAUGHLIN, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I rise in order to pay tribute to the community of McLaughlin on reaching its 100th year. This strong town was founded as a railroad community for refueling and replenishment, as well as a center for Indian trade. In celebration of their centennial, there will be a tractor pull, parade, and entertainment throughout the weekend of June 18–21, 2009.

The citizens created a thriving business community soon after it was settled. Large cattle operations were run through the area and McLaughlin became a center for many activities, including trade with residents, both Indian and non-Indian. In 1889, the Standing Rock Reservation was formed, with McLaughlin at the center of the reservation on the South Dakota side. The town was named after MAJ James McLaughlin, a superintendent of Standing Rock, and the town was officially incorporated October 7, 1909. This community now has a grain elevator complex as well as a livestock auction market in town and continues as a traditional hub for its residents. The home of the Mighty Midgets has long been successful, both in the classroom and athletics.

As they reach this monumental anniversary, McLaughlin will have the opportunity to reflect on its diverse and enriched past as well as the opportunities for its future. This community has been noted for its shared history and I congratulate them on reaching their centennial.●

125TH ANNIVERSARY OF REVILLO, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I recognize the community of Revillo, SD, on reaching the 125th anniversary of its founding. Revillo is a warm community, filled with historical beauty and a strong sense of hospitality.

The town of Revillo was founded on the homestead of John Hillstrom in 1884 when the Minneapolis and St. Louis Railway entered the area. The Revillo flour mill was built in 1904, where farmers would bring their wheat crop to have it made into Monogram flour to meet their annual needs. In the years before World War I, Revillo was booming with businesses, including two implement dealers, a drug store, two banks, three elevators, and an Opera House.

Today, Revillo is maintaining its history with four churches in town, many members having a lineal connection to those who first established the churches. This thriving community is also looking forward with a modern school and lighted athletic field, the Revillo Farmers Co-op elevator, and a maintainer for the Grant County highway department.

The people of Revillo are celebrating their heritage and their accomplishments June 20–21, 2009. One hundred and twenty-five years after its founding, Revillo holds its history close while continually looking to the future, demonstrating what is great about South Dakota, and why I am proud to call this great State home.●

125TH ANNIVERSARY OF SENECA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the community of Seneca, South Dakota. After 125 years, this agrarian community will have the chance to reflect on both its industrious history as well as the potential of its future.

Beginning with a sod shanty that served as a stopping post as well as the local post office, Seneca began to thrive after the Chicago and Northwestern Railroad pushed west and created the town in 1886. After drawing the name Seneca from a hat, the town immediately began to boom with local businesses being brought in from the surrounding towns. Seneca transitioned from a cattle range to a farming community, with progressive modern conveniences including a notable water system.

This strong town has bound together throughout the years to accomplish whatever came their way. From sending engraved gold rings with their soldiers to World War I in 1917, to building a community center for one thousand dollars in 1937, the citizens of Seneca support their town and its people. This spirit of unity has sustained Seneca through one hundred and twenty-five years of changes and will support them

as they move forward. I congratulate the people of Seneca on reaching this historic anniversary.●

COMMENDING 153RD INFANTRY OF THE ARKANSAS NATIONAL GUARD

● Mrs. LINCOLN. Mr. President, today I wish to recognize the outstanding humanitarian assistance recently provided by Company C, 153rd Infantry of the Arkansas National Guard.

In early April, Mena, AR, was hit by an F3 tornado which devastated this small town in western Arkansas. These severe storms killed 3, injured more than 100, and left thousands of residents without power. The tornado also damaged important emergency response centers in the town and county, including the hospital, the police and fire departments, and the courthouse, which houses the 911 emergency dispatch center.

However, under the leadership of CPT Rodney Lay, Company C of the 153rd Infantry, including team leaders 1LT Brian Lawrence Inman, 1SG Eric Schnell, SSG James Schnell, SSG Jacob Sullivan, SSG Neal Badger, and WO Jeffrey Shores, helped to immediately restore order to the devastated community. Company C provided downtown security during the aftermath of the tornado and went door to door to check on area citizens. In addition, they provided aid to victims of the storm that could not be transported to the city's hospital.

Our military simply could not function without the thousands of reservists and guardsmen on bases and armories in communities across this country. Since September 11, 2001, they have been called upon to serve in unprecedented numbers. We honor the tremendous service they provide in preserving our freedoms, but we must also not forget the critical role they play in responding on the homefront in communities like Mena that desperately need their help in restoring order and stability in their time of need.

I am honored to recognize the outstanding service of these citizen soldiers to the State of Arkansas and to the thousands of others who have helped provide assistance and support to communities in need.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:44 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House: Mr. OBEY, Mr. MURTHA, Ms. DELAURO, Mrs. LOWEY, Mr. EDWARDS, Mr. LEWIS of California, Mr. YOUNG of Florida, and Ms. GRANGER.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1232. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

H.R. 2751. An act to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

MEASURES HELD AT THE DESK

The following concurrent resolution was ordered held at the desk, by unanimous consent:

S. Con. Res. 26. Concurrent resolution apologizing for the enslavement and racial segregation of African Americans.

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–1912. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Regulated Areas'' (Docket No. APHIS–2009–0036) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1913. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Eggplant from Israel'' (Docket No. APHIS–2007–0153) received in the Office of the President of the Senate on June 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1914. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triflumizole; Pesticide Tolerances'' (FRL No. 8414–6) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1915. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aspergillus flavus AF36 on Pistachio; Extension of Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 8416–7) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1916. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Residues of Silver in Foods from Food Contact Surfaces Sanitizing Solutions; Exemption from the Requirement of Tolerance'' received in the Office of the President of the Senate on June 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1917. A communication from the Chairman of the Joint Chiefs of Staff, Department of Defense, transmitting, pursuant to law, a report relative to Reachback Distributed Decision Support; to the Committee on Armed Services.

EC–1918. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board''; to the Committee on Energy and Natural Resources.

EC–1919. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, a Uniform Resource Locator (URL) for a document entitled ''The Ground Water Rule Implementation Guidance'' received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1920. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, a Uniform Resource Locator (URL) for a document entitled ''The Ground Water Rule Triggered and Representative Source Water Monitoring Public Review Guidance'' received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1921. 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; Indiana'' (FRL No. 8900–5) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1922. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan; Monterey Bay Unified Air Pollution Control District and Placer County Air Pollution Control District'' (FRL No. 8900–8) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1923. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan; Antelope Valley Air Quality Management District and South Coast Air Quality Management District'' (FRL No. 8902–1) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1924. 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 Implementation Plans for Designated Facilities and Pollutants; Davidson, Knox, and Memphis-Shelby Counties, Tennessee'' (FRL No. 8912–3) received in the Office of the President of the

Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1925. 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 Implementation Plans for Designated Facilities and Pollutants; State of Tennessee and Commonwealth of Kentucky'' (FRL No. 8912–4) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1926. 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 Implementation Plans for Designated Facilities and Pollutants; Jefferson County, Kentucky; Forsyth County, North Carolina; and Knox and Davidson Counties, Tennessee'' (FRL No. 8912–5) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1927. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Consistency Update for California'' (FRL No. 8912–7) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1928. 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 Implementation Plans for Designated Facilities and Pollutants; City of Memphis, Tennessee; Control of Emissions from Existing Hospital/Medical Infectious Waste Incinerators'' (FRL No. 8912–9) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1929. 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 Implementation Plans; Georgia: State Implementation Plan Revision'' (FRL No. 8915–7) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1930. 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 Implementation Plans; Hawaii'' (FRL No. 8915–8) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Environment and Public Works.

EC–1931. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Debt Collection Authorities under the Debt Collection Improvement Act of 1996'' (RIN1510–AB19) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Finance.

EC–1932. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disbursing Official Offset'' (RIN1510–AB22) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Finance.

EC–1933. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Turkmenistan; to the Committee on Finance.

EC–1934. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–0074—2009–0075); to the Committee on Foreign Relations.

EC–1935. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC–1936. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC–1937. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appendix A to 31 CFR Chapter V'' received in the Office of the President of the Senate on June 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1938. A communication from the General Counsel and Senior Policy Advisor, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, (4) reports relative to vacancy announcements within the Office of Management and Budget; to the Committee on Homeland Security and Governmental Affairs.

EC–1939. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–29, Amendment-4'' (FAR Case 2007–013) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1940. A communication from the Acting Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1941. A communication from the Acting Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1942. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1943. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Attorney General's Semiannual Management Report and the Semiannual Report of the Inspector General for the period from October 1, 2008, through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–1944. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sea World June Fireworks; Mission Bay, San Diego, California'' ((RIN1625–AA00)(Docket No. USG–2009–0267)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1945. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sea World Fireworks Season Kickoff; Mission Bay, San Diego, California'' ((RIN1625–AA00)(Docket No. USG–2009–0279)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1946. A communication from the Chief Executive Officer, United States Olympic Committee, transmitting, pursuant to law, a report relative to the Ted Stevens Olympic and Amateur Sports Act; to the Committee on Commerce, Science, and Transportation.

EC–1947. A communication from the Acting Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the Administration's Capital Investment Plan for Fiscal Years 2010 through 2014; to the Committee on Commerce, Science, and Transportation.

EC–1948. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Sturgeon Bay Ship Canal, Sturgeon Bay, WI'' ((RIN1625–AA09)(Docket No. USCG–2009–0385)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1949. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Marine Events Regattas; Annual Marine Events in the Eighth Coast Guard District'' ((RIN1625–AA08)(Docket No. USCG–2008–0386)) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1950. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Buffalo, New York'' (MB Docket No. 09–46) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1951. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; South Bend, Indiana'' (MB Docket No. 08–102) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1952. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Yuma, Arizona'' (MB Docket No. 08–163) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1953. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of

Allotments, Television Broadcast Stations; Fort Wayne, Indiana'' (MB Docket No. 08–208) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1954. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Williston, North Dakota'' (MB Docket No. 08–140) received in the Office of the President of the Senate on June 8, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 813. A bill to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse''.

H.R. 837. A bill to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SCHUMER for the Committee on Rules and Administration.

*John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2013.

By Mr. LEAHY for the Committee on the Judiciary.

Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit.

Mary L. Smith, of Illinois, to be an Assistant Attorney General.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

*Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. LIEBERMAN (for himself, Mr. ENSIGN, Mr. NELSON of Florida, Mr. COCHRAN, Mr. MENENDEZ, Mr. MARTINEZ, Mr. BURR, Mr. VITTER, and Mr. BUNNING):

S. 1234. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. SPECTER, and Mr. BAYH):

S. 1235. A bill to amend the Public Health Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1236. A bill to amend title XVIII of the Social Security Act to transition to the use of metropolitan statistical areas as fee schedule areas for the physician fee schedule in California under the Medicare program; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. JOHNSON, and Mr. REED):

S. 1237. A bill to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ISAKSON (for himself, Mr. BURR, Mr. CHAMBLISS, Mr. CORNYN, Mr. THUNE, and Mr. VITTER):

S. 1238. A bill to amend the Workforce Investment Act of 1998 to make non-union training programs eligible for Federal funding the Green Jobs program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. THUNE, and Mrs. GILLIBRAND):

S. 1239. A bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT:

S. 1240. A bill to provide for the reform of health care, the Social Security system, the tax code for individuals and business, and the budget process; to the Committee on Finance.

By Mr. INHOFE (for himself and Mr. TESTER):

S. 1241. A bill to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. COBURN, Mr. INHOFE, Mr. VITTER, Mr. JOHANNS, Mr. CORNYN, Mr. KYL, Mr. MCCONNELL, Mr. BARRASSO, and Mr. ENSIGN):

S. 1242. A bill to prohibit the Federal Government from holding ownership interests, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself and Mrs. LINCOLN):

S. 1243. A bill to require repayments of obligations and proceeds from the sale of assets under the Troubled Asset Relief Program to be repaid directly into the Treasury for reduction of the public debt; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 1244. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Ms. SNOWE):

S. 1245. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

By Mr. SANDERS:

S. 1246. A bill to establish a home energy retrofit finance program; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mrs. GILLIBRAND, and Mr. LEAHY):

S. 1247. A bill to amend the Immigration and Nationality Act to promote family unity, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY:

S. 1248. A bill to establish a program in the Department of Energy to encourage consumers to trade-in older vehicles for more fuel-efficient vehicles and motorcycles, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Ms. CANTWELL, and Mr. GREGG):

S. 1249. A bill to amend title XVIII of the Social Security Act to create a value indexing mechanism for the physician work component of the Medicare physician fee schedule; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. CRAPO, Mr. BINGAMAN, Mr. BENNET, Mr. MARTINEZ, Mr. CARDIN, and Mr. BROWNBACK):

S. 1250. A bill to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; to the Committee on Finance.

By Mr. WARNER:

S. 1251. A bill to amend title XVIII of the Social Security Act to provide for advanced illness care management services for Medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. INOUYE, and Ms. CANTWELL):

S. 1252. A bill to promote ocean and human health and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORKER (for himself, Mr. NELSON of Florida, Mrs. SHAHEEN, Ms. SNOWE, Mr. ISAKSON, and Mr. WICKER):

S. 1253. A bill to address reimbursement of certain costs to automobile dealers; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. GRAHAM):

S. 1254. A bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 1255. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself and Mr. KOHL):

S. 1256. A bill to amend title XIX of the Social Security Act to establish financial incentives for States to expand the provision of long-term services and supports to Medicaid beneficiaries who do not reside in an institution, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Ms. STABENOW):

S. 1257. A bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY (for himself, Mr. SESSIONS, Mr. ISAKSON, and Mr. CHAMBLISS):

S. Res. 183. A resolution celebrating the life and achievements of Millard Fuller, the founder of Habitat for Humanity; considered and agreed to.

By Mr. CARDIN (for himself, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. REID, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 184. A resolution offering deepest condolences to the family and friends of Officer Stephen T. Johns and calling on the leaders of all Nations to speak out against the manifestations of anti-Semitism, bigotry, and hatred; considered and agreed to.

By Mr. HARKIN (for himself, Mr. BROWNBACK, Mr. LEVIN, Mr. DURBIN, Mr. KENNEDY, Mr. LAUTENBERG, Ms. STABENOW, Mr. BOND, and Mr. COCHRAN):

S. Con. Res. 26. A concurrent resolution apologizing for the enslavement and racial segregation of African Americans; ordered held at the desk.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor 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. 455

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Florida (Mr. NELSON), the Senator from Kentucky (Mr. BUNNING), the Senator from Vermont (Mr. SANDERS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 604

At the request of Mr. SANDERS, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 636

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Oklahoma (Mr. COBURN) 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 Montana (Mr. TESTER) 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. 718

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 822

At the request of Mr. SANDERS, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. LEAHY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 822, a bill to support the recruitment and retention of volunteer firefighters and emergency medical services personnel, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor 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. 987

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 1023

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. COCHRAN) and the Senator

from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1050

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1050, a bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 1106

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) 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. 1171

At the request of Mr. PRYOR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1184

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1184, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 1198

At the request of Mr. ALEXANDER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1198, a bill to limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1223

At the request of Mr. JOHANNS, the names of the Senator from North Carolina (Mr. BURR), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1223, a bill to require prior Congressional approval of emergency funding resulting in Government ownership of private entities.

S. 1225

At the request of Mr. SANDERS, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1225, a bill to require the Commodity Futures Trading Commission to take certain actions to prevent the manipulation of energy markets, and for other purposes.

S. 1232

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1232, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Colorado (Mr. UDALL), the Senator from Montana (Mr. BAUCUS), the Senator from Nevada (Mr. ENSIGN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arkansas (Mr. PRYOR), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. JOHNSON), the Senator from Kentucky (Mr. BUNNING), the Senator from Wisconsin (Mr. KOHL) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. CON. RES. 14

At the request of Mr. BARRASSO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 24

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Michigan (Mr. LEVIN), the Senator from Florida (Mr. NELSON), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Con. Res. 24, a concurrent resolution to direct the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the

importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 159

At the request of Mr. BURRIS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Michigan (Mr. LEVIN), the Senator from Kansas (Mr. BROWNBACK) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 159, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. RES. 170

At the request of Mr. CASEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. Res. 170, a resolution expressing the sense of the Senate that children should benefit, and in no case be worse off, as a result of reform of the Nation's health care system.

S. RES. 179

At the request of Mr. KAUFMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 179, a resolution congratulating the American Society of Mechanical Engineers on its 125 years of codes and standards development.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1236. A bill to amend title XVIII of the Social Security Act to transition to the use of metropolitan statistical areas as fee schedule areas for the physician fee schedule in California under the Medicare program; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to correct a longstanding flaw in the Medicare Geographic Practice Cost Index, GPCI, system that negatively impacts physicians in California and several other states.

This legislation will base California physician payments on Metropolitan Statistical Areas, MSAs. Hospital payments are developed this way, and it makes sense to pay our doctors in the same manner.

It holds harmless the counties, predominately rural ones, whose locality average would otherwise drop as other counties are reclassified.

Congressman SAM FARR, along with several California colleagues, is introducing companion legislation.

The Medicare Geographic Practice Cost Index measures the cost of providing a Medicare covered service in a geographic area. Medicare payments are supposed to reflect the varying costs of rent, malpractice insurance, and other expenses necessary to operate a medical process. Counties are assigned to ''payment localities'' that are supposed to accurately capture these costs.

Here is the problem. Some of these payment localities have not changed since 1997. Others have been in place since 1966. Many areas that were rural even 10 years ago have experienced significant population growth, as metropolitan areas and suburbs have spread. Many counties now find themselves in payment localities that do not accurately reflect their true practice costs.

These payment discrepancies have a real and serious impact on physicians and the Medicare beneficiaries they are unable to serve. My home State of California has been hit particularly hard.

San Diego County physicians are underpaid by 4 percent. A number of physicians have left the county and 60 percent of remaining San Diego physicians report that they cannot recruit new doctors to their practices.

Santa Cruz County receives an 8.6 percent underpayment, and as a result, no physicians are accepting new Medicare patients. Instead, they are moving to neighboring Santa Clara, which has similar practice cost expense, but is reimbursed at a much higher rate. This means that seniors often need to travel at least 20 miles to see a physician.

Sacramento County, a major metropolitan area, is underpaid by 2.7 percent. The county's population has grown by 9.6 percent, while the number of physicians has declined by 11 percent.

Sonoma County physicians are paid at least 6.2 percent less than their geographic practice costs. They have experienced at 10 percent decline in specialists and a 9 percent decline in primary care physicians.

Health care coverage is not the same as access to health care. Seniors' Medicare cards are of no value if physicians in their community cannot afford to provide them with health care.

Physicians deserve to be fairly compensated for the work they perform. California doctors simply want to be compensated at the correct rate for the practice expenses they face.

This is not too much to ask.

The underpayment problem grows more severe every year, and the longer we wait to address it, the more drastic the solution will need to be. This legislation provides a common sense solution, increasing payment for those facing the most drastic underpayments, while protecting other counties from cuts in the process.

This is an issue of equity. It costs more to provide health care in expensive areas, and physicians serving our seniors must be fairly compensated.

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. 1236

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 ''GPCI Justice Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) From 1966 through 1991, the Medicare program paid physicians based on what they charged for services. The Omnibus Reconciliation Act of 1989 required the establishment of a national Medicare physician fee schedule, which was implemented in 1992, replacing the charge-based system.

(2) The Medicare physician fee schedule currently includes more than 7000 services together with their corresponding payment rates. In addition, each service on the fee schedule has three relative value units (RVUs) that correspond to the three physician payment components of physician work, practice expense, and malpractice expense.

(3)(A) Each geographically adjusted RVU measures the relative costliness of providing a particular service in a particular location referred to as a locality. Physician payment localities are primarily consolidations of the carrier-defined localities that were established in 1966.

(B) When physician payment localities were redesignated in 1997, the Administrator of the Centers for Medicare & Medicaid Services acknowledged that the new payment locality configuration had not been established on a consistent geographic basis. Some were based on zip codes or Metropolitan Statistical Areas (MSAs) while others were based on political boundaries, such as cities, counties, or States.

(C) The Medicare program has not revised the geographic boundaries of the physician payment localities since the 1997 revision.

(4) Medicare's geographic adjustment for a particular physician payment locality is determined using three GPCIs (Geographic Practice Cost Indices) that also correspond to the three Medicare physician payment components of physician work, practice expense, and malpractice expense.

(5) The major data source used in calculating the GPCIs is the decennial census which provides new data only once every 10 years.

(6) This system of geographic payment designation has resulted in more than half of the current physician payment localities having counties within them with a large payment difference of 5 percent or more. A disproportionate number of these underpaid counties are located in California, Georgia, Minnesota, Ohio, and Virginia.

(7) For purposes of payment under the Medicare program, hospitals are organized and reimbursed for geographic costs according to MSAs.

(8) Studies by the Medicare Payment Advisory Commission (MedPAC) in 2007, the Government Accountability Office (GAO) in 2007, the Urban Institute in 2008, and Acumen LLC in 2008 have all documented this physician GPCI payment discrepancy—specifically that more than half of the current physician payment localities had counties within them with a large payment difference (that is, a payment difference of 5 percent or more) between GAO's measure of physicians' costs and Medicare's geographic adjustment for an area. All these objective studies have recommended changes to the locality system to correct the payment discrepancies.

(9) A common recommendation among the GPCI payment discrepancy studies referred to in paragraph (8) is to eliminate the county-based locality and replace it with one determined by Metropolitan Statistical Area.

SEC. 3. REDESIGNATING THE GEOGRAPHICAL PRACTICE COST INDEX (GPCI) LOCALITIES IN CALIFORNIA.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C.1395w–4(e)) is amended by adding at the end the following new paragraph:

''(6) TRANSITION TO USE OF MSAS AS FEE SCHEDULE AREAS IN CALIFORNIA.—

''(A) IN GENERAL.—

''(i) REVISION.—Subject to clause (ii) and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2010, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the Metropolitan Statistical Area (MSA) iterative Geographic Adjustment Factor methodology as follows:

''(I) The Secretary shall configure the physician fee schedule areas using the Core-Based Statistical Areas-Metropolitan Statistical Areas (each in this paragraph referred to as an 'MSA'), as defined by the Director of the Office of Management and Budget, as the basis for the fee schedule areas. The Secretary shall employ an iterative process to transition fee schedule areas. First, the Secretary shall list all MSAs within the State by Geographic Adjustment Factor described in paragraph (2) (in this paragraph referred to as a 'GAF') in descending order. In the first iteration, the Secretary shall compare the GAF of the highest cost MSA in the State to the weighted-average GAF of the group of remaining MSAs in the State. If the ratio of the GAF of the highest cost MSA to the weighted-average GAF of the rest of State is 1.05 or greater then the highest cost MSA becomes a separate fee schedule area.

''(II) In the next iteration, the Secretary shall compare the MSA of the second-highest GAF to the weighted-average GAF of the group of remaining MSAs. If the ratio of the second-highest MSA's GAF to the weighted-average of the remaining lower cost MSAs is 1.05 or greater, the second-highest MSA becomes a separate fee schedule area. The iterative process continues until the ratio of the GAF of the highest-cost remaining MSA to the weighted-average of the remaining lower-cost MSAs is less than 1.05, and the remaining group of lower cost MSAs form a single fee schedule area, If two MSAs have identical GAFs, they shall be combined in the iterative comparison.

''(ii) TRANSITION.—For services furnished on or after January 1, 2010, in the State of California, after calculating the work, practice expense, and malpractice geographic indices described in clauses (i), (ii), and (iii) of paragraph (1)(A) that would otherwise apply through application of this paragraph, the Secretary shall increase any such index to the county-based fee schedule area value on December 31, 2009, if such index would otherwise be less than the value on January 1, 2010.

''(B) SUBSEQUENT REVISIONS.—

''(i) PERIODIC REVIEW AND ADJUSTMENTS IN FEE SCHEDULE AREAS.—Subsequent to the process outlined in paragraph (1)(C), not less often than every three years, the Secretary shall review and update the California Rest-of-State fee schedule area using MSAs as defined by the Director of the Office of Management and Budget and the iterative methodology described in subparagraph (A)(i).

''(ii) LINK WITH GEOGRAPHIC INDEX DATA REVISION.—The revision described in clause (i) shall be made effective concurrently with the application of the periodic review of the adjustment factors required under paragraph (1)(C) for California for 2012 and subsequent periods. Upon request, the Secretary shall make available to the public any county-level or MSA derived data used to calculate the geographic practice cost index.

''(C) REFERENCES TO FEE SCHEDULE AREAS.—Effective for services furnished on or after January 1, 2010, for the State of California, any reference in this section to a fee schedule area shall be deemed a reference to an MSA in the State.''.

(b) CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w(j)(2)) is amended by striking ''The term'' and inserting ''Except as provided in subsection (e)(6)(C), the term''.

By Mr. BINGAMAN (for himself, Mr. THUNE, and Mrs. GILLIBRAND):

S. 1239. A bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from South Dakota, Sen. THUNE, to introduce the 340B Program Improvement and Integrity Act of 2009. This legislation is designed to address the growing burden faced by our Nation's health care safety net institutions in being able to provide adequate pharmaceutical care to the most vulnerable patient populations.

Communities across the country rely on public and non-profit hospitals to serve as the health care ''safety net'' for low-income, uninsured, and underinsured patients. With the ever-increasing cost of pharmaceuticals, these institutions are struggling more and more to provide basic pharmaceutical care to those least able to afford it.

Fortunately, many safety net hospitals are currently able to participate in the federal 340B Drug Discount Program, which enables them to purchase outpatient drugs for their patients at discounted prices. These hospitals, known as ''covered entities'' under the 340B statute, include high-Medicaid disproportionate share hospitals, DSH, large and small urban hospitals, and certain rural hospitals.

I am introducing legislation today, the 340B Program Improvement and Integrity Act of 2009, which would extend discounted drug prices currently mandated only for outpatient drugs to inpatient drugs purchased by covered entities under the 340B program. Although the Medicare Modernization Act (MMA) of 2003 permitted pharmaceutical manufacturers to offer 340B drug discounts to covered entities, this legislation did not include a mandate. Without a mandate we have seen very little willingness on the part of manufactures to offer 340B drug discounts for inpatient drugs. As the prices of pharmaceutical drugs continue to increase sharply, the need for these inpatient discounts grows more and more acute.

My legislation would also allow expanded participation in the program to a subset of rural hospitals that, for a variety of reasons, cannot currently access 340B discounts. These newly eligible rural hospitals include: critical access hospitals, sole community hospitals, and rural referral centers. In proposing this modest expansion to the program, we have struck an important balance between ensuring a close nexus with low-income and indigent care, ensuring that a significant portion of savings are passed on to the Medicaid program, and strengthening the integrity of the program.

Specifically, newly eligible rural hospitals would have to meet appropriate standards demonstrating their ''safety net'' status, as do all hospitals that currently participate in the program. For example, sole community hospitals and rural referral centers, all of which are paid under the prospective payment system, would be required under this legislation to serve a significant percentage of low-income and indigent patients, have public or non-profit status, and, if privately owned and operated, to have a contract with state or local government to provide a significant level of indigent care. All standards are designed to reinforce the obligation of these covered entities to continue serving low-income and uninsured patients.

This legislation would also generate savings for the Medicaid program by requiring participating hospitals to credit to their State Medicaid program a percentage of their savings on inpatient drugs. It would address the overall efficiency and integrity of the 340B program through improved enforcement and compliance measures with respect to manufacturers and covered entities. This is designed to improve program administration and to prevent and remedy instances of program abuse.

The 340B Program Improvement and Integrity Act of 2009 would help safety net providers stretch their limited resources through increased access to discounted pharmaceuticals, enhance 340B program integrity by making sure participants are complying with program rules, and improve the care provided to this Nation's most vulnerable populations.

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. 1239

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 ''340B Program Improvement and Integrity Act of 2009''.

SEC. 2. EXPANDED PARTICIPATION IN SECTION 340B PROGRAM.

(a) EXPANSION OF COVERED ENTITIES RECEIVING DISCOUNTED PRICES.—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following:

''(M) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act which would meet the

requirements of subparagraph (L), including the disproportionate share adjustment percentage requirement under clause (ii) of such subparagraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(N) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of subparagraph (L)(i).

''(O) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of subparagraph (L)(i) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.''.

(b) EXTENSION OF DISCOUNTS TO INPATIENT DRUGS.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended—

(1) in subsection (a), by striking ''outpatient'' each place that such appears in paragraphs (2), (5), (7), and (9); and

(2) in subsection (b)—

(A) by striking ''In this section'' and inserting the following:

''(A) IN GENERAL.—In this section''; and

(B) by adding at the end the following:

''(B) COVERED DRUG.—In this section, the term 'covered drug'—

''(i) means a covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act); and

''(ii) includes, notwithstanding paragraph (3)(A) of such section 1927(k), a drug used in connection with an inpatient or outpatient service provided by a hospital described in subparagraph (L), (M), (N), or (O) of subsection (a)(4) that is enrolled to participate in the drug discount program under this section.

''(C) PURCHASING ARRANGEMENTS FOR INPATIENT DRUGS.—The Secretary shall ensure that a hospital described in subparagraph (L), (M), (N), or (O) of subsection (a)(4) that is enrolled to participate in the drug discount program under this section shall have multiple options for purchasing covered drugs for inpatients including by utilizing a group purchasing organization or other group purchasing arrangement, establishing and utilizing its own group purchasing program, purchasing directly from a manufacturer, and any other purchasing arrangements that the Secretary may deem appropriate to ensure access to drug discount pricing under this section for inpatient drugs taking into account the particular needs of small and rural hospitals.''.

(c) PROHIBITION ON GROUP PURCHASING ARRANGEMENTS.—Section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended—

(1) in paragraph (4)(L)—

(A) in clause (i), by adding ''and'' at the end;

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

(C) by striking clause (iii); and

(2) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E); respectively; and

(B) by inserting after subparagraph (B), the following:

''(C) PROHIBITING THE USE OF GROUP PURCHASING ARRANGEMENTS.—

''(i) IN GENERAL.—A hospital described in subparagraphs (L), (M), (N), or (O) of paragraph (4) shall not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement, except as permitted or provided for pursuant to clauses (ii) or (iii).

''(ii) INPATIENT DRUGS.—Clause (i) shall not apply to drugs purchased for inpatient use.

''(iii) EXCEPTIONS.—The Secretary shall establish reasonable exceptions to clause (i)—

''(I) with respect to a covered outpatient drug that is unavailable to be purchased through the program under this section due to a drug shortage problem, manufacturer noncompliance, or any other circumstance beyond the hospital's control;

''(II) to facilitate generic substitution when a generic covered outpatient drug is available at a lower price; or

''(III) to reduce in other ways the administrative burdens of managing both inventories of drugs subject to this section and inventories of drugs that are not subject to this section, so long as the exceptions do not create a duplicate discount problem in violation of subparagraph (A) or a diversion problem in violation of subparagraph (B).''.

(d) MEDICAID CREDITS ON INPATIENT DRUGS.—Section 340B(a)(5) of the Public Health Service Act (42 U.S.C. 256b(a)(5)) is amended by adding at the end the following:

''(E) MEDICAID CREDITS.—Not later than 90 days after the date of filing of the hospital's most recently filed Medicare cost report, the hospital shall issue a credit as determined by the Secretary to the State Medicaid program for inpatient covered drugs provided to Medicaid recipients.''.

(e) INTEGRITY IMPROVEMENTS.—Subsection (c) of section 340B of the Public Health Service Act (42 U.S.C. 256b(c)) is amended to read as follows:

''(c) IMPROVEMENTS IN PROGRAM INTEGRITY.—

''(1) MANUFACTURER COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The development of a system to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

''(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

''(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

''(III) Performing spot checks of sales transactions by covered entities.

''(IV) Inquiring into the cause of any pricing discrepancies that may be identified and either taking, or requiring manufacturers to take, such corrective action as is appropriate in response to such price discrepancies.

''(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

''(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

''(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time, both in routine instances of retroactive adjustment to relevant pricing data and exceptional circumstances such as erroneous or intentional overcharging for covered drugs.

''(iii) The provision of access through the Internet website of the Department of Health and Human Services to the applicable ceiling prices for covered drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

''(iv) The development of a mechanism by which—

''(I) rebates and other discounts provided by manufacturers to other purchasers subsequent to the sale of covered drugs to covered entities are reported to the Secretary; and

''(II) appropriate credits and refunds are issued to covered entities if such discounts or rebates have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

''(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

''(vi) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards established in regulations to be promulgated by the Secretary within 180 days of the date of enactment of the 340B Program Improvement and Integrity Act of 2009;

''(II) shall not exceed $5,000 for each instance of overcharging a covered entity that may have occurred; and

''(III) shall apply to any manufacturer with an agreement under this section that knowingly and intentionally charges a covered entity a price for purchase of a drug that exceeds the maximum applicable price under subsection (a)(1).

''(2) COVERED ENTITY COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(5).

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The development of procedures to enable and require covered entities to regularly update (at least annually) the information on the Internet website of the Department of Health and Human Services relating to this section.

''(ii) The development of a system for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

''(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(5)(A).

''(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered drugs under this section, including the processing of chargebacks for such drugs.

''(v) The imposition of sanctions, in appropriate cases as determined by the Secretary, additional to those to which covered entities are subject under subparagraph (a)(5)(E), through one or more of the following actions:

''(I) Where a covered entity knowingly and intentionally violates subparagraph (a)(5)(B), the covered entity shall be required to pay a monetary penalty to a manufacturer or manufacturers in the form of interest on sums for which the covered entity is found liable

under paragraph (a)(5)(E), such interest to be compounded monthly and equal to the current short term interest rate as determined by the Federal Reserve for the time period for which the covered entity is liable.

''(II) Where the Secretary determines a violation of subparagraph (a)(5)(B) was systematic and egregious as well as knowing and intentional, removing the covered entity from the drug discount program under this section and disqualifying the entity from reentry into such program for a reasonable period of time to be determined by the Secretary.

''(III) Referring matters to appropriate Federal authorities within the Food and Drug Administration, the Office of Inspector General of Department of Health and Human Services, or other Federal agencies for consideration of appropriate action under other Federal statutes, such as the Prescription Drug Marketing Act.

''(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the 340B Program Improvement and Integrity Act of 2009, the Secretary shall promulgate regulations to establish and implement an administrative process for the resolution of claims by covered entities that they have been overcharged for drugs purchased under this section, and claims by manufacturers, after the conduct of audits as authorized by subsection (a)(5)(D), of violations of subsections (a)(5)(A) or (a)(5)(B), including appropriate procedures for the provision of remedies and enforcement of determinations made pursuant to such process through mechanisms and sanctions described in paragraphs (1)(B) and (2)(B).

''(B) DEADLINE AND PROCEDURES.—Regulations promulgated by the Secretary under subparagraph (A) shall—

''(i) designate or establish a decision-making official or decision-making body within the Department of Health and Human Services to be responsible for reviewing and finally resolving claims by covered entities that they have been charged prices for covered drugs in excess of the ceiling price described in subsection (a)(1), and claims by manufacturers that violations of subsection (a)(5)(A) or (a)(5)(B) have occurred;

''(ii) establish such deadlines and procedures as may be necessary to ensure that claims shall be resolved fairly, efficiently, and expeditiously;

''(iii) establish procedures by which a covered entity may discover and obtain such information and documents from manufacturers and third parties as may be relevant to demonstrate the merits of a claim that charges for a manufacturer's product have exceeded the applicable ceiling price under this section, and may submit such documents and information to the administrative official or body responsible for adjudicating such claim;

''(iv) require that a manufacturer conduct an audit of a covered entity pursuant to subsection (a)(5)(D) as a prerequisite to initiating administrative dispute resolution proceedings against a covered entity;

''(v) permit the official or body designated under clause (i), at the request of a manufacturer or manufacturers, to consolidate claims brought by more than one manufacturer against the same covered entity where, in the judgment of such official or body, consolidation is appropriate and consistent with the goals of fairness and economy of resources; and

''(vi) include provisions and procedures to permit multiple covered entities to jointly assert claims of overcharges by the same manufacturer for the same drug or drugs in one administrative proceeding, and permit such claims to be asserted on behalf of covered entities by associations or organizations representing the interests of such covered entities and of which the covered entities are members.

''(C) FINALITY OF ADMINISTRATIVE RESOLUTION.—The administrative resolution of a claim or claims under the regulations promulgated under subparagraph (A) shall be a final agency decision and shall be binding upon the parties involved, unless invalidated by an order of a court of competent jurisdiction.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal year 2010, and each succeeding fiscal year.''.

(f) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY ACT.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8), is amended—

(A) in subsection (a)(5)—

(i) in subparagraph (A), by striking ''covered outpatient drugs'' and inserting ''covered drugs (as defined in section 340B(b)(2) of the Public Health Service Act)'';

(ii) by striking subparagraph (D); and

(iii) by redesignating subparagraph (E) as subparagraph (D);

(B) in subsection (c)(1)(C)(i), by redesignating subclauses (II) through (IV) as subclauses (III) through (V), respectively and by inserting after subclause (I) the following new subclause:

''(II) any prices charged for a covered drug (as defined in section 340B(b)(2) of the Public Health Service Act);''; and

(C) in subsection (k)(1)—

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

(ii) by adding at the end the following new subparagraph:

''(D) CALCULATION FOR COVERED DRUGS.—With respect to a covered drug (as defined in section 340B(b)(2) of the Public Health Service Act), the average manufacturer price shall be determined in accordance with subparagraph (A) except that, in the event a covered drug is not distributed to the retail pharmacy class of trade, it shall mean the average price paid to the manufacturer for the drug in the United States by wholesalers for drugs distributed to the acute care class of trade, after deducting customary prompt pay discounts. The Secretary shall establish a mechanism for collecting the necessary data for the acute care class of trade from manufacturers.''.

(2) PUBLIC HEALTH SERVICE ACT.—Section 340B(a) of such Act (42 U.S.C. 256b(a)) is amended—

(A) in subsection (a)(1), by adding at the end the following: ''Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the 'ceiling price'), and shall require that the manufacturer offer each covered entity covered drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.''; and

(B) in the first sentence of subsection (a)(5)(E), as so redesignated by subsection (c)(2), by inserting ''after an audit as described in subparagraph (D), and'' after ''finds,''.

SEC. 3. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this Act shall take effect on January 1, 2010, and shall apply to drugs purchased on or after January 1, 2010.

(b) EFFECTIVENESS.—The amendments made by this Act shall be effective, and shall be taken into account in determining whether a manufacturer is deemed to meet the requirements of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) and of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r-8(a)(5)), notwithstanding any other provision of law.

By Mr. INHOFE (for himself and Mr. TESTER):

S. 1241. A bill to amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Energy and Natural Resources.

Mr. INHOFE. Mr. President, I am introducing legislation today with Senator TESTER to lessen the burdens for small commercial filming on public lands. Specifically, this legislation provides special permitting to small film crews, defined in the bill as 5 persons or fewer, to simply pay a reasonable annual fee to be able to film on public lands.

Our Nation's public lands are an incredible natural resource, and the professional outdoor media industry is a valuable way to bring awareness to our Nation's resources and bring about awareness of the value of conservation of our Nation's land and resources through documentaries, sporting programs, and other productions. Small filming crews can be negatively affected by the current permitting and fee schedule because the business of wildlife filming is done on a speculative basis and often relies on unpredictable factors requiring much patience and time. Last Congress, Chairman RAHALL held a Natural Resources Committee hearing on the fees for filming and photography on public lands. At that hearing, Steve Scott, an independent television producer from Norman, OK, and Chairman of the Professional Outdoor Media Association, probably best described the work of small outdoor filming operations. He testified, ''By its very nature, wildlife photography is extremely time consuming, often done in the harshest conditions. . . . While large film and television production crews need relatively little time on public lands to complete their project, our nation's professional outdoor media may spend weeks or months in the field in order to capture a few magic seconds of unstaged Nature in its pristine state. And when outdoor media members spend time in the field, under the current fee structure, we also spend money, and lots of it.'' The small professional outdoor filming industry has enough natural barriers; The Federal Government should not impose itself as another through daily fees adding to the expense.

Last Congress, my colleague from Oklahoma, Congressman DAN BOREN, and DON YOUNG, introduced H.R. 5502 to

accomplish the same aim of the legislation Senator TESTER and I are introducing today. That legislation was supported by nearly 30 outdoors and sportsmen's organizations.

Those organizations supporting last Congress' legislation include the American Fisheries Society, the American Sportfishing Association, the Archery Trade Association, Bass Pro Shops, the Berkley Conservation Institute, Boone and Crockett Club, Bowhunting Preservation Alliance, Campfire Club of America, Catch-A-Dream Foundation, the Congressional Sportsmen's Foundation, Conservation Force, Dallas Safari Club, Mule Deer Foundation, the National Assembly of Sportsmen's Caucuses, the National Rifle Association, the National Shooting Sports Foundation, the National Wild Turkey Federation, the North American Bear Foundation, the North American Grouse Partnership, Pheasants Forever, Pure Fishing, Quality Deer Management Association, Quail Forever, the Ruffed Grouse Society, Safari Club International, the Texas Wildlife Association, the Theodore Roosevelt Conservation Partnership, the U.S. Sportsmen's Alliance, the Wild Sheep Foundation, and Wildlife Forever.

This Congress, Congressmen BOREN, RYAN, COURTNEY, MILLER, PUTNAM, and ROSS introduced H.R. 2031 on April 22, 2009, which is identical legislation to the legislation Senator TESTER and I are introducing today. I am sure it will enjoy the same support from our outdoor and sportsmen's organizations, and I look forward to its consideration in the Senate.

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. 1241

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

SECTION 1. PURPOSE.

The purpose of this Act is to provide commercial film crews of 5 persons or fewer access to film in areas designated for public use during public hours on Federal lands and waterways.

SEC. 2. ANNUAL PERMIT AND FEE FOR FILM CREWS OF 5 PERSONS OR FEWER.

(a) IN GENERAL.—Section (1)(a) of Public Law 106–206 (16 U.S.C. 4601–6d) is amended by—

(1) redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) striking ''The Secretary of the Interior'' and inserting ''(1) IN GENERAL.—Except as provided by paragraph (3), the Secretary of the Interior'';

(3) inserting ''(2) OTHER CONSIDERATIONS.—'' before ''The Secretary may include other factors''; and

(4) adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR FILM CREWS OF 5 PERSONS OR FEWER.—

''(A) For any film crew of 5 persons or fewer, the Secretary shall require a permit and assess an annual fee of $200 for commercial filming activities or similar projects on Federal lands and waterways administered by the Secretary. The permit shall be valid for commercial filming activities or similar projects that occur in areas designated for public use during public hours on all Federal lands and waterways administered by the Secretary for a 12-month period beginning on the date of issuance of the permit.

''(B) For persons holding a permit described in this paragraph, the Secretary shall not assess, during the effective period of the permit, any additional fee for commercial filming activities and similar projects that occur in areas designated for public use during public hours on Federal lands and waterways administered by the Secretary.

''(C) In this paragraph, the term 'film crew' includes all persons present on Federal land under the Secretary's jurisdiction who are associated with the production of a certain film.

''(D) The Secretary shall not prohibit, as a mechanized apparatus or under any other purposes, use of cameras or related equipment used for the purpose of commercial filming activities or similar projects in accordance with this paragraph on Federal lands and waterways administered by the Secretary.''.

(b) RECOVERY OF COSTS.—Section (1)(b) of Public Law 106–206 (16 U.S.C. 4601–6d) is amended by—

(1) striking ''collect any costs'' and inserting ''recover any costs''; and

(2) striking ''similar project'' and inserting ''similar projects''.

By Mr. THUNE (for himself, Mr. COBURN, Mr. INHOFE, Mr. VITTER, Mr. JOHANNS, Mr. CORNYN, Mr. KYL, Mr. MCCONNELL, Mr. BARRASSO, and Mr. ENSIGN):

S. 1242. A bill to prohibit the Federal Government from holding ownership interests, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. THUNE. Mr. President, over the past 15 months, the Federal Government has taken unprecedented actions to stabilize the U.S. economy. Unfortunately, these actions include the Federal Government acquiring direct ownership stakes in private companies, which exposes the American taxpayer to significant liabilities and creates a dangerous conflict of interest between the Federal Government and the private sector.

Thanks to the fact that the government has intervened in all these private companies, we now have about 500 banks, we have auto manufacturers, financial institutions, and insurance companies that the government now has an ownership interest in. President Obama has become a de facto CEO managing large segments of our economy, and Congress is now acting as a 535–Member board of directors.

I think it is fair to say when you combine business with politics, it inevitably leads to harmful conflicts of interest—which we are already beginning to see—because political decisions get substituted for business decisions.

As everyone in this Chamber knows all too well, government control of private business hampers investments. It hampers innovation, job creation. It diminishes the entrepreneurial spirit on which our economy is based.

Having the Federal Government call the shots for private industry is plain bad for business. It is bad for the economy, and it is bad for the American taxpayer.

So today I am introducing a piece of legislation, S. 1242, which gives the Federal Government an exit plan, a way of exiting the scene from the ownership that the Federal Government now has in all these various private companies in our economy. It essentially has four basic provisions.

The first provision is that upon enactment of the legislation, the Treasury Department may not purchase any additional ownership stake of private entities, such as warrants, preferred stock, or common stock purchased through the TARP program.

The second provision is this: The legislation would require the Treasury to sell any ownership stake of a private entity by July 1, 2010. Any revenue that comes in from the sale of those TARP assets would have to be used for debt reduction.

The third provision of the bill is that if the Treasury Secretary determines the assets are undervalued and there is a reasonable expectation that the assets will increase to their original purchase value, the Secretary may hold the assets for up to 1 additional year.

Finally, the fourth provision of the bill is that beyond July 1 of 2011, the Treasury Secretary may not hold any direct ownership of private companies unless Congress grants additional authority.

Essentially, what we are doing is saying that all this ownership interest the Federal Government now has acquired in all these private companies would have to be wound down, if you will, divested, by that July 1 deadline in the year 2010. If the Treasury Department determines that, in fact, doing so would impair the ability of the Treasury to recover the full value of those assets or if those assets are expected to appreciate, there is an additional year, up to a year of flexibility—essentially a waiver—from the July 1, 2010, deadline that would extend it to July 1, 2011. So it buys an additional year. But it does put a time certain out there, a deadline, if you will, by which the Federal Government has to dispose of and divest itself of all these ownership interests it has in our private economy.

The other issue I think is important is it prevents the Federal Government from acquiring an ownership stake going into the future. As I said before, any funds that are returned to the Treasury as a result of these assets being sold would have to be used for debt reduction. They cannot be recycled; they cannot be reused; they cannot go into some fund that is going to be used for additional acquisition of private sector assets.

I think the reason why this is important is if you look at what Secretary Geithner has said, he has indicated before that their intention is that when

some of these funds come back into the Treasury—and we saw this recently with banks that agreed to pay this money back—they are going to reuse it. I don't believe that is what was intended in the first place. I don't think this was at any point designed to become a slush fund that could be used for the acquisition of other assets; it was designed to be used—at least initially, the way it was presented—for the purchase of toxic assets, illiquid assets on the balance sheets of many of our financial institutions. It quickly evolved into something else. It became a fund that was used to acquire an equity stake, equity interest in many of these companies. So I don't think that was the purpose for which it was intended.

I think a lot of people who made votes assumed at the time it wouldn't be used to buy toxic assets. It ended up being used to buy an ownership interest in these companies, and I think, again, the American people are uncomfortable with the notion of the Federal Government owning a big share of our private economy. I also do not think it was intended in the first place to be used to buy the assets of other types of industries—essentially, to do industrial policy, as some people have referred to it—to acquire assets of auto manufacturers, for example; it was designed specifically for the financial services industry.

There is no real exit strategy out there. In fact, Secretary Geithner was asked in front of the Senate Banking Committee a couple weeks ago about whether there was a plan to dispose of some of these assets, and he said there isn't a plan; it is not necessary at this point.

Well, I think we need to have an exit strategy. Everybody talks about an exit strategy. The President needs an exit strategy in Iraq. It seems to me we need to have an exit strategy that would allow the American taxpayer to recover funds they have been investing through the TARP program in all these various companies that would get the Federal Government out of the way of these companies and out of the day-to-day decisionmaking and management of these companies. My bill would prohibit that as well, in addition to some of these other provisions I mentioned.

It would prohibit or bar the Federal Government from dictating to these companies with respect to hiring decisions when it comes to senior executives, when it comes to boards of directors, when it comes to where to relocate or locate or close certain plants. Those are decisions that should not be made by politicians in Washington. They should not be made by bureaucrats in Washington, DC. They ought to be business decisions and not political decisions.

The bill, as I said, is very straightforward.

There are a number of folks who have commented on, made observations about what is happening in the economy right now, and this sort of proliferation of companies in which the Federal Government now has an ownership share. I wish to read for my colleagues some of what has been said by folks who I think know a lot about the private economy and whether it is a good idea to have the Federal Government owning and controlling as much as they do currently of some of these companies. If you look at the various percentages, they are significant. Of course, we know most recently General Motors, a $50 billion investment there gets the taxpayer ownership interest to about 60 percent; Chrysler, about 12 percent; Citibank, about 36 percent, and you can go down the list of all these various private companies in which the government now has an ownership interest.

There was an editorial in the Kansas City Star that said that:

> What's worrisome is that while the administration said it isn't interested in running car companies, it has said little on an exit strategy.

It went on to say:

> Any government bailout of private industry should be temporary and as brief as possible.

Anne Mulcahy, chief executive of Xerox—I am sure I just butchered the name—said recently:

> I think all of us understand the need for the government to intervene and to take the actions they did, but I also think there's a need for an exit plan.

Jim Owens, who is the chief executive at Caterpillar, said:

> I think that's fundamentally unhealthy. The Federal Government needs to be in and out.

Google's Eric Schmidt noted that the U.S. stimulus package was designed to cover a 2-year period. He said:

> It's very important that government get out of business and let business do its thing. The most important thing to remember, I think, is that jobs, wealth, are created in the private sector. That's about capitalism.

In a Wall Street Journal opinion piece, Paul Ingrassia argues:

> . . . must have a clear exit timetable for the government to sell its shares for both Chrysler and GM and get the companies back in the hands of private investors. Mr. Obama has an exit strategy for Iraq; he needs one for Detroit, too.

So there are a lot of people who have a lot of experience when it comes to running companies who have concluded that the government does, in fact, need an exit strategy. I think, as I said before, it is fair to say that one doesn't exist today, and when Secretary Geithner testified in front of the Senate Banking Committee a couple weeks back he admitted as much, that there isn't an exit plan.

What my bill does is it gives us an exit plan. It gives us an exit plan with a deadline, with a little flexibility in the deadline, some ability to provide a waiver for the Treasury Department that would allow for an additional year, if necessary; if those assets the government holds are considered to be assets that could appreciate over time and, therefore, yield a higher return for the Federal Government but, at some point, we have to say enough is enough. We have to put an end to this practice we have gotten involved with, this precedent we have now created of having the Federal Government own more and more of our private economy.

I would argue, again, that is not good for business, it is not good for the economy, it is not good for job creation; it stifles the entrepreneurial spirit which has built this country and made it great, and I don't think it does anything to create jobs and get our economy back on track.

I hope we will have an opportunity to debate this. It seems to me at least that in the days ahead there will be various bills that will be debated on the floor of the Senate that would give us a chance to debate this issue. I intend to offer this, if I can't get some interest in moving it as a freestanding bill, as an amendment to other vehicles that might be moving through the Senate in the days and the weeks and the months ahead. But I do think it is important. I think it is important to the American taxpayer. I think it is important to the American economy. I think it is important to American business that the Federal Government have an exit strategy. We have a plan whereby we can move and get away from this practice we have undertaken now with great regularity and great frequency of acquiring even more and more interests in American business.

By Mr. HATCH (for himself and Mrs. LINCOLN):

S. 1243. A bill to require repayments of obligations and proceeds from the sale of assets under the Troubled Asset Relief Program to be repaid directly into the Treasury for reduction of the public debt; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HATCH. Mr. President, I rise today to introduce the Stop TARP Asset Recycling Act, or the STAR Act, a bill that would require any funds returned to the Treasury Department that were originally allocated under the Troubled Asset Relief Program, TARP, to be placed in the general fund rather than being put back into TARP. I am proud to say that this is a bipartisan bill, cosponsored by my friend from Arkansas, Senator LINCOLN.

It is apparent that TARP has become a slush fund for the Obama administration to acquire banks, insurance companies and auto manufacturers. We need to ensure that the original purpose of TARP is maintained and Treasury is prevented from unilaterally and arbitrarily nationalizing our nation's private sector.

The Emergency Economic Stabilization Act, which was signed into law last October, created TARP. This act authorized TARP to purchase up to $700 billion in troubled assets from financial institutions ''to restore liquidity and stability to the financial system.'' However, since its inception,

TARP has taken on a different role in our free enterprise system. It seems to have become the go-to solution for all of our problems. It has been used to bail out banks, insurance companies and automobile manufacturers. What is next, Mr. President?

Some of our healthier banks are now returning this money because, I believe, of the unreasonable regulations that have been and could be placed on firms with TARP funds. While it is clear that proceeds from TARP sales must be placed in the general fund to pay down our increasing debt, it is unclear under the law whether or not the original investment from TARP must be placed in the general fund or can be recycled back into TARP. The latter option would result in an ever-revolving slush fund for TARP and could provide this administration with the means to pick and choose which company it would next like to nationalize.

For example, the Treasury Department recently used $30 billion to purchase up to 60 percent of General Motors' shares. If, in the future, Treasury sells these shares at a gain, let us say $32 billion, the $2 billion profit must be put back into the general fund, but it is unclear whether the original $30 billion investment recovered from the sale can be put back into TARP.

I do not believe any of my colleagues intended TARP to get this out of control. It is time that we reestablish the purpose of TARP by requiring Treasury to put the original investment back into the general fund. Congress must no longer stand by and watch Treasury amass an everlasting fund it can use to bail out any industry it deems ''too big to fail'' without congressional approval.

Ten large banks have recently received Treasury approval to repay $68 billion received under TARP. I believe now is the time to start restricting Treasury's access to these funds. My bill would force Treasury to put this money back into the general fund once it is used. It would not prevent Treasury from using up to $700 billion already authorized under TARP, but it would force Treasury to make sure that the taxpayers' investment is spent wisely.

The American taxpayer has been told to foot the bill for rescuing the financial sector, but now they are being forced to bail out any company at the discretion of the Department of Treasury. Many Utahns are saying it is time to be fiscally conservative, and I agree. So do millions elsewhere across the Nation.

I hope my colleagues would agree as well and support this legislation; otherwise, we have not only written a blank check to Treasury, but we have delegated an enormous amount of power over our free enterprise system. This money belongs to the people, not the Obama administration. I think it is time Congress acts to ensure that TARP is being used for its intended purpose.

By Mr. MERKLEY:

S. 1244. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding; to the Committee on Finance.

Mr. MERKLEY. Mr. President, I rise today to discuss a bill to help promote and protect breastfeeding in the workplace.

The science is undisputable—babies who are breastfed the first 6 months of life have a greatly reduced risk for acute and chronic disease—yet only ten percent of all infants receive this nourishment that they need to remain healthy. One of the primary reasons for this is that working moms face real and serious challenges to expressing milk when they return to work.

Well, today is a day to change that. In Oregon, we have enacted strong legislation to make sure that working moms are afforded the time and space they need at work to express milk. In fact, my first event as a candidate for U.S. Senate was at a luncheon celebrating the success of Oregon's breastfeeding promotion law. I said that day that I would work to expand Oregon's efforts nationwide, and today we take the important first step towards enacting legislation to protect working moms across the country.

First, I want to thank Representative CAROLYN MALONEY of New York for her strong leadership on this issue. For years, she has been a champion for working moms everywhere, and I applaud her determination to make it easier for women.

We know that 72 percent of moms work full time, and that number is growing. In fact, according to the Center on Work and Family at Boston College, the fastest-growing segment of the U.S. workforce is women with children under three years of age.

Women who decide to breastfeed often face unique challenges and at times, social stigmas, for trying to give their baby the healthiest start in life.

In an environment where mothers return to work as early as 3 to 6 weeks post-partum, often driven by economic necessity, it is simply an act of human decency to protect their right to continue breastfeeding after they return to work to help meet their basic needs with regard to the care and nourishment of their children. But for most, it is an unachievable goal.

If we are to have any hope of increasing the number of babies being breastfed, we need to implement a strategy that addresses workplace conditions.

The Breastfeeding Promotion Act that Representative MALONEY and I are introducing today is a measured step in this direction.

It protects breastfeeding women from discrimination in the workplace, provides tax credits to employers who make accommodations for breastfeeding moms, and most importantly, it affords working moms with the time, space, and privacy they need to express milk.

Many of these changes have been successfully implemented in my home State of Oregon where we have seen a tremendous difference in the experiences of mothers, as well as positive impacts for employers, as a result of this type of legislation.

Tonya Hirte, a senior customer service representative in Portland, said that before the law took effect, she had to express breast milk in a bathroom on a separate floor from her worksite, but that after implementation of the law, her company converted a storage closet into a private, simply-furnished room, bringing dignity to her experience as a mother, and helping her feel valued as an employee.

A Lane County employee said that having a breastfeeding-friendly workplace allowed her to focus better on her work, knowing her daughter's needs were being met emotionally and physically because the work breaks to express breast milk facilitated their breastfeeding relationship when they were together.

But it's not just the employees who are seeing positive changes as a result of the Oregon law. Jim Rochs, General Manager of Carinos Italian Restaurant in Bend, Oregon, says that they create a better team overall if they take care of one another. The time and space his employee needed to express breast milk was not difficult to provide.

Gretchen Peterson, Human Resources Manager for Hanna Andersson clothing design, manufacturer and retail store, said that ''legislation to encourage longer-term breastfeeding by eliminating potential workplace barriers has been successfully passed and implemented in Oregon with no negative impact to business.'' She goes on to say, ''Without this opportunity, our employees may have made the choice to stay at home or choose to work for another company which would have caused a significant disruption to our business.''

Research from the Maternal Child Health Bureau demonstrates a significant return on investment when businesses support worksite lactation programs.

The Mutual of Omaha insurance company conducted a study that found health care costs for newborns to be three times lower for babies whose mothers participate in their company's maternity and lactation program. Per person health care costs were $2,146 more for employees who did not participate in the program, with a yearly savings of $115,881 in health care claims for the breastfeeding mothers and babies.

This is truly a public health issue. Encouraging breastfeeding for working mothers will help alleviate the negative effects of low breastfeeding rates, including a 21 percent greater infant mortality rate for babies not exclusively breastfed for 6 months, and

greater risk over a lifetime for many illnesses including asthma, diabetes, obesity, and certain cancers.

Finally, the timing could not be better as we ramp up our efforts to reform our health care system and work to contain costs. A 2001 USDA study found that if half of the babies in the U.S. were exclusively breastfed for 6 months, we would realize a savings of $3.6 billion in health care costs for the three leading childhood illnesses alone. According to the U.S. Breastfeeding Committee, if we replicate that study based on current breastfeeding statistics, the savings could reach nearly $14 billion in health care costs for all childhood illnesses.

Colleagues, I look forward to passing the Breastfeeding Promotion Act to help make it easier for moms to breastfeed, which will lead to healthier babies, stronger families, and happier workers.

Mr. WHITEHOUSE (for himself and Ms. SNOWE):

S. 1245. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today along with my friend Senator WHITEHOUSE to introduce the Home Lead Safety Tax Credit Act. Unfortunately, lead paint remains a serious risk to families across the country and poses an especially dangerous hazard for children. According to the Department of Housing and Urban Development, HUD, 23 million homes in the United States currently have a significant amount of lead-based paint, and exposure has caused 240,000 children under the age of six to have blood-lead levels high enough to cause irreversible neurological damage and learning disabilities.

The current Federal abatement programs are simply inadequate to address the home repair requirements of millions of families who remain exposed to lead. In fiscal year 2008, HUD's Lead Hazard Control Program provided for lead abatement of only 12,600 homes. It doesn't take an advanced degree in mathematics to know that 12,600 is an insufficient abatement number when 240,000 children have already been exposed to harmful levels of lead-based paint.

The tax credit in the Whitehouse-Snowe bill would be worth up to $3,000 per eligible housing unit for abatement costs or up to $1,000 for each unit for interim control costs—which reduce but do not eliminate the hazard. These incentives will encourage property owners to make their homes and properties lead-safe. According to the Maine Indoor Air Quality Council, almost 80 percent of homes and apartments in Maine built before 1978 could have lead paint. That being said, the tax credit in our legislation will help greatly reduce that number and in turn reduce the number of children who require medical treatment as a result of lead exposure.

The Whitehouse-Snowe bill will provide a powerful tax incentive to landlords and make a much greater impact in reducing household lead exposure. It is no surprise that many of our poorest residents are the most affected by lead-based paint illnesses. Whatever their economic situation, no family should be forced to choose between affordability and the safety of their children. Our citizens are facing a multitude of difficult financial decisions in the midst of the current recession, and many people are unable to bear the costs of lead abatement.

It is not news that health care costs are spiraling out of control, and Congress is working hard to find a solution to this complicated problem. Lead-based paint does not require such a complicated solution, and the Home Lead Safety Tax Credit Act takes a proactive role in preventing an illness that doesn't have to exist at all. Children exposed to lead-based paint will pay thousands of dollars in health care costs. Our legislation will not only save the lives of children across our country, but help mitigate the unnecessary burden of lead-based paint poisoning on our health care system. We must do everything in our power to encourage landlords an property owners to rid homes of harmful lead-based paint and I hope my colleagues will join us in supporting this legislation.

By Mr. SANDERS:

S. 1246. A bill to establish a home energy retrofit finance program; to the Committee on Energy and Natural Resources.

Mr. SANDERS. Mr. President, I am pleased to introduce legislation to establish a Home Energy Retrofit Finance Program. My office has worked closely with a number of stakeholders and experts in developing this Program. It is supported by the Vermont Energy Investment Corporation, the National Trust for Historic Preservation, Green for All, the Apollo Alliance, and the Union of Concerned Scientists, because they know that improving residential sector energy use is a strategy to address global warming, save families on their utility bills, and create jobs.

Households across the Nation will be able to lower their energy bills and generate their own renewable energy through the Program. It would provide initial capital to States, according to the established State energy program formula, to set up state revolving finance funds. These State funds would in turn provide financial support for local government programs, such as clean energy district financing, and energy utility programs, such as on-bill financing.

There are already a number of innovative programs to help finance residential energy efficiency and renewable energy across the country. For example, States such as Vermont, New Mexico, California, Virginia, Texas, and Maryland have authorized local governments to provide financing to homeowners for energy improvements. Homeowners then can pay back the cost of the improvements over time on their property tax bills.

The Home Energy Retrofit Finance Program would give these efforts a boost by supporting local government and utility programs that provide households with cost-effective financing for energy efficiency measures and renewable energy. This Program offers a win-win situation where we can achieve our economic and environmental goals. I ask that my colleagues consider the merits of the Home Energy Retrofit Finance Program as we move forward with comprehensive energy and climate change legislation.

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. 1246

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 ''Home Energy Retrofit Finance Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) many families lack access to upfront capital to make cost-effective energy improvements to homes and apartments;

(2) a number of States, local governments, and energy utilities are considering enacting, or have already enacted, innovative energy efficiency and renewable energy finance programs;

(3) home retrofits create and support jobs in the United States in a number of fields, including jobs for electricians, heating and air conditioning installers, carpenters, construction, roofers, industrial truck drivers, energy auditors and inspectors, construction managers, insulation workers, renewable energy installers, and others;

(4) cost-effective energy improvements pay for themselves over time and also save consumers energy, reduce energy demand and peak electricity demand, move the United States towards energy independence, reduce greenhouse gas emissions, and improve the value of residential properties;

(5) modeling has shown that—

(A) energy efficiency and renewable energy upgrades in just 15 percent of residential buildings in the United States would require $280,000,000,000 in financing; and

(B) the upgrades described in subparagraph (A) could reduce carbon dioxide emissions by more than a gigaton; and

(6) home retrofits—

(A) are a key strategy to reducing global warming pollution; and

(B) create and support green jobs.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner, apartment complex owner, residential cooperative association, or condominium association that finances energy efficiency measures and renewable energy improvements to homes and residential buildings under this Act.

(2) ENERGY EFFICIENCY MEASURE AND RENEWABLE ENERGY IMPROVEMENT.—The term

''energy efficiency measure and renewable energy improvement'' means any installed measure (including products, equipment, systems, services, and practices) that would result in a reduction in—

(A) end-use demand for externally supplied energy or fuel by a consumer, facility, or user; and

(B) carbon dioxide emissions, as determined by the Secretary.

(3) PROGRAM.—The term ''program'' means the Home Energy Retrofit Finance Program established under section 4(a).

(4) QUALIFIED PROGRAM DELIVERY ENTITY.—The term ''qualified program delivery entity'' means a local government, energy utility, or any other entity designated by the Secretary that administers the program for a State under this Act.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 4. HOME ENERGY RETROFIT FINANCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall provide Home Energy Retrofit Finance Program grants to States for the purpose of establishing or expanding a State revolving finance fund to support financing offered by qualified program delivery entities for energy efficiency measures and renewable energy improvements to existing homes and residential buildings (including apartment complexes, residential cooperative associations, and condominium buildings under 5 stories).

(b) FUNDING MECHANISM.—In carrying out the program, the Secretary shall provide funds to States, for use by qualified program delivery entities that administer finance programs directly or under agreements with collaborating third party entities, to capitalize revolving finance funds and increase participation in associated financing programs.

(c) ELIGIBILITY OF QUALIFIED PROGRAM DELIVERY ENTITIES.—

(1) IN GENERAL.—The Secretary shall provide guidance to the States on application requirements for a local government or energy utility that seeks to participate in the program, including criteria that require, at a minimum—

(A) a description of a method for determining eligible energy professionals who can be contracted with under the program for energy audits and energy improvements, including a plan to provide preference for entities that—

(i) hire locally;

(ii) partner with State Workforce Investment Boards, labor organizations, community-based organizations, and other job training entities; or

(iii) are committed to ensuring that at least 15 percent of all work hours are performed by participants from State-approved apprenticeship programs; and

(B) a certification that all of the work described in subparagraph (A) will be carried out in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(2) REPAYMENT OVER TIME.—To be eligible to participate in the program, a qualified program delivery entity shall establish a method by which eligible participants may pay over time for the financed cost of allowable energy efficiency measures and renewable energy improvements.

(d) ALLOCATION.—In making funds available to States for each fiscal year under this Act, the Secretary shall use the allocation formula used to allocate funds to States to carry out State energy conservation plans under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) USE OF FUNDS.—Of the amounts in a State revolving finance fund—

(1) not more than 20 percent may be used by qualified program delivery entities for interest rate reductions for eligible participants; and

(2) the remainder shall be available to provide direct funding or other financial support to qualified program delivery entities.

(f) STATE REVOLVING FINANCE FUNDS.—On repayment of any funds made available by qualified program delivery entities under the program, the funds shall be deposited in the applicable State revolving finance fund to support additional financing to qualified program delivery entities for energy efficiency measures and renewable energy improvements.

(g) COORDINATION WITH STATE ENERGY EFFICIENCY RETROFIT PROGRAMS.—Home energy retrofit programs that receive financing through the program shall be carried out in accordance with all authorized measures, performance criteria, and other requirements of any applicable Federal home energy efficiency retrofit programs.

(h) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Secretary shall conduct a program evaluation to determine—

(A) how the program is being used by eligible participants, including what improvements have been most typical and what regional distinctions exist, if any;

(B) what improvements could be made to increase the effectiveness of the program; and

(C) the quantity of verifiable energy savings and renewable energy deployment achieved through the program.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the program evaluation required under this subsection, including any recommendations.

(B) STATE REPORTS.—Not less than once every 2 years, States participating in the program shall submit to the Secretary reports on the use of funds through the program that include any information that the Secretary may require.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2010 through 2015.

(b) ADMINISTRATIVE EXPENSES.—An amount not exceeding 5 percent of the amounts made available under subsection (a) shall be available for each fiscal year to pay the administrative expenses necessary to carry out this Act.

By Mr. CASEY:

S. 1248. A bill to establish a program in the Department of Energy to encourage consumers to trade in older vehicles for more fuel-efficient vehicles and motorcycles, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise today to introduce the Green Transportation Efficiency Act of 2009. This bill would establish a voucher program in the Department of Energy to encourage American consumers to trade in their older, less fuel-efficient vehicles for new, more fuel-efficient vehicles, including motorcycles.

This act is very similar to other ''cash for clunkers'' bills offered in the House and Senate in that it will help stimulate the economy by providing a much needed boost to our struggling automobile industry, but will go a step further by bolstering the U.S. motorcycle industry as well. After 14 straight years of growth, sales of motorcycles in the U.S. declined eight percent in 2007, and, 10 percent in 2008. Due in large part to the downturn in our economy, motorcycle sales have dropped 30 percent in the first quarter of 2009, according to the Motorcycle Industry Council. In my home State of Pennsylvania, Harley-Davidson has had to cut production and reduce its work force as a result of these declines in motorcycle sales. Established in 1973, the Harley-Davidson assembly plant in York, PA, is the company's largest manufacturing facility and is the third largest employer in York County, PA, employing over 2,200 people. It has been reported that it is probably the leanest time that Harley has faced since the company went public in 1986. Harley-Davidson, like the auto makers and other manufacturing sectors, is fighting hard to maintain its workforce and to continue to produce a high quality, American-made product during these tough economic times. However, the specter of further reductions in motorcycle sales could lead to further job losses in my State, a State already hard hit by the current economic crisis.

Indeed, the economic impact of the American motorcycle industry also extends far beyond the direct employment at facilities such as the Harley-Davidson manufacturing plants in Pennsylvania, Missouri, or Wisconsin. Many of the same parts suppliers that provide the critical supply chain for our American auto manufacturers, in States such as Michigan, Indiana, Ohio, and many others, also rely upon motorcycle manufacturers as critical customers. These parts manufacturers and suppliers will also be aided by increased motorcycle sales. The effect of increased motorcycle sales will be immediate and meaningful. For example, Harley-Davidson utilizes ''Just In Time'' manufacturing principles, meaning they do not hold parts inventories. So, every new bike ordered triggers new orders for parts—there is very little elasticity in the supply chain, so the economic benefit down the line is immediate.

Finally, in terms of economic activity, this act recognizes the challenges faced by our auto dealerships and the best way to help those dealerships is to encourage the purchasing of new, more fuel-efficient vehicles. The same principle applies to our motorcycle dealers.

In addition to helping to spur economic recovery and protect manufacturing jobs in Pennsylvania and other parts of the country where motorcycles and motorcycle parts are manufactured and assembled, the inclusion of motorcycles in this act will help America move away from its dependence on foreign sources of oil. Motorcycles are inherently fuel efficient. Average miles-per-gallon for motorcycles ranges from 40–50 MPG, even higher for smaller bikes.

Allowing consumers the option of trading in their older, inefficient vehicles for newer, more fuel efficient cars, trucks, and motorcycles will help the Nation achieve the dual goals of reducing our demand for imported oil and reducing our emissions of greenhouse gases—both critical components of our energy future. Just as importantly, the act will provide a much needed jump start to the auto and motorcycle industries at a time when their sales are at historic lows, plants are closing, and jobs are being lost.

I urge all of my colleagues to join me in support of this Act so that consumers are given a strong signal from Washington to trade in their older, inefficient vehicles and purchase new, high-fuel-efficient cars, trucks, or motorcycles.

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. 1248

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 ''Green Transportation Efficiency Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTOMOBILE.—The term ''automobile'' has the meaning given the term in section 32901(a) of title 49, United States Code.

(2) CATEGORY 1 TRUCK.—

(A) IN GENERAL.—The term ''category 1 truck'' means a non-passenger automobile that has a combined fuel economy value of at least 18 miles per gallon.

(B) EXCLUSION.—The term ''category 1 truck'' does not include a category 2 truck.

(3) CATEGORY 2 TRUCK.—The term ''category 2 truck'' means a non-passenger automobile that is a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled ''Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008''.

(4) CATEGORY 3 TRUCK.—The term ''category 3 truck'' means a work truck.

(5) COMBINED FUEL ECONOMY VALUE.—The term ''combined fuel economy value'' means—

(A) in the case of a qualifying vehicle, the number, expressed in miles per gallon, centered below the term ''Combined Fuel Economy'' on the label required to be affixed or caused to be affixed on a qualifying vehicle pursuant to part 600 of title 40, Code of Federal Regulations (or comparable regulations);

(B) in the case of an eligible trade-in vehicle, the equivalent of the number described in subparagraph (A) that is posted—

(i) under the term ''Estimated New EPA MPG'' and above the term ''Combined'' for vehicles of model years 1984 through 2007; or

(ii) under the term ''New EPA MPG'' and above the term ''Combined'' for vehicles of model year 2008 or later on the fuel economy website of the Environmental Protection Agency for the make, model, and year of the vehicle; or

(C) in the case an eligible trade-in vehicle manufactured during model years 1978 through 1984, the equivalent of the number described in subparagraph (A), as determined by the Secretary (and posted on the website of the National Highway Traffic Safety Administration) using data maintained by the Environmental Protection Agency for the make, model, and year of the eligible trade-in vehicle.

(6) DEALER.—The term ''dealer'' means a person licensed by a State who engages in the sale of new automobiles to ultimate purchasers.

(7) ELIGIBLE TRADE-IN VEHICLE.—The term ''eligible trade-in vehicle'' means an automobile, work truck, or motorcycle that, at the time the automobile, work truck, or motorcycle is presented for trade-in under this Act—

(A) is in drivable condition;

(B) has been continuously insured consistent with the applicable State law and registered to the same owner for a period of not less than 1 year immediately prior to the trade-in;

(C) was manufactured less than 25 years before the date of the trade-in; and

(D) in the case of an automobile, has a combined fuel economy value of 18 miles per gallon or less.

(8) MOTORCYCLE.—The term ''motorcycle'' means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground.

(9) NEW FUEL-EFFICIENT AUTOMOBILE.—The term ''new fuel-efficient automobile'' means a passenger automobile, category 1 truck, category 2 truck, or category 3 truck—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer's suggested retail price of $45,000 or less;

(C) that—

(i) in the case of a passenger automobile, category 1 truck, or category 2 truck, is certified to applicable standards established under section 86.1811–04 of title 40, Code of Federal Regulations (or a successor regulation); or

(ii) in the case of a category 3 truck, is certified to the applicable vehicle or engine standards established under section 86.1816–08, 86.007–11, or 86.008–10 of title 40, Code of Federal Regulations (or successor regulations); and

(D) that has the combined fuel economy value of—

(i) in the case of a passenger automobile, 22 miles per gallon;

(ii) in the case of a category 1 truck, 18 miles per gallon; and

(iii) in the case of a category 2 truck or a category 3 truck, 15 miles per gallon.

(10) NEW FUEL-EFFICIENT MOTORCYCLE.—The term ''new fuel-efficient motorcycle'' means a motorcycle—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer's suggested retail price of not less than $7,000 and not more than $20,000; and

(C) that has a manufacturer's estimated combined fuel economy of at least 40 miles per gallon.

(11) NON-PASSENGER AUTOMOBILE.—The term ''non-passenger automobile'' has the meaning given the term in section 32901(a) of title 49, United States Code.

(12) PASSENGER AUTOMOBILE.—The term ''passenger automobile'' means a passenger automobile (as defined in section 32901(a) of title 49, United States Code) that has a combined fuel economy value of at least 22 miles per gallon.

(13) PROGRAM.—The term ''Program'' means the Green Transportation Efficiency Program established by section 3.

(14) QUALIFYING LEASE.—The term ''qualifying lease'' means a lease of an automobile for a period of not less than 5 years.

(15) QUALIFYING VEHICLE.—The term ''qualifying vehicle'' means—

(A) a new fuel-efficient automobile; or

(B) a new fuel-efficient motorcycle.

(16) SCRAPPAGE VALUE.—The term ''scrappage value'' means the amount received by the dealer for a vehicle on transferring title of the vehicle to the person responsible for ensuring the dismantling and destroying of the vehicle.

(17) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(18) ULTIMATE PURCHASER.—The term ''ultimate purchaser'' means, in the case of any qualifying vehicle, the first person who in good faith purchases the qualifying vehicle for purposes other than resale.

(19) VEHICLE IDENTIFICATION NUMBER.—The term ''vehicle identification number'' means the 17-character number used by the automobile industry to identify individual automobiles.

(20) WORK TRUCK.—The term ''work truck'' has the meaning given the term in section 32901(a) of title 49, United States Code.

SEC. 3. GREEN TRANSPORTATION EFFICIENCY PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy a voluntary program to be known as the ''Green Transportation Efficiency Program'' under which the Secretary, in accordance with this section and regulations issued under subsection (h), shall—

(1) authorize the issuance of an electronic voucher in accordance with subsection (c) to offset the purchase price, or lease price for a qualifying lease, of a qualifying vehicle on the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

(2) certify dealers for participation in the Program—

(A) to accept vouchers in accordance with this section as partial payment or down payment for the purchase or qualifying lease of any qualifying vehicle offered for sale or lease by the dealer; and

(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surrendered to the dealer to an entity for disposal;

(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for vouchers accepted by the dealers, in accordance with the regulations issued under subsection (h);

(4) in consultation with the Secretary of the Treasury, provide for the payment of rebates to persons who qualify for a rebate under subsection (c)(3); and

(5) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Energy, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—

(1) IN GENERAL.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price, or lease price for a qualifying lease, of a qualifying vehicle in accordance with this subsection.

(2) NEW FUEL-EFFICIENT AUTOMOBILES.—

(A) $3,500 VALUE.—A voucher may be used to offset the purchase price or lease price of a new fuel-efficient automobile by $3,500 if the new fuel-efficient automobile is —

(i) a passenger automobile and the combined fuel economy value of the passenger automobile is at least 4 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) a category 1 truck and the combined fuel economy value of the category 1 truck is at least 2 miles per gallon higher than the

combined fuel economy value of the eligible trade-in vehicle;

(iii) a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and—

(I) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel-efficient automobile is at least 1 mile per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(II) the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier; or

(iv) a category 3 truck and the eligible trade-in vehicle is a category 3 truck of model year of 2001 or earlier and is of similar size or larger than the new fuel-efficient automobile, as determined in a manner prescribed by the Secretary.

(B) $4,500 VALUE.—A voucher may be used to offset the purchase price or lease price of the new fuel-efficient automobile by $4,500 if the new fuel-efficient automobile is—

(i) a passenger automobile and the combined fuel economy value of the passenger automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(ii) a category 1 truck and the combined fuel economy value of the category 1 truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(iii) a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and the combined fuel economy value of the category 2 truck is 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle and the eligible trade-in vehicle is a category 2 truck.

(3) NEW FUEL-EFFICIENT MOTORCYCLES.—A voucher may be used to offset the purchase price of the new fuel-efficient motorcycle by $2,500 if—

(A) the new fuel-efficient motorcycle is street-use approved; and

(B) the manufacturer's estimated combined fuel economy is at least 15 miles higher than the combined fuel economy value of the eligible trade-in vehicle.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program shall be used only for the purchase or qualifying lease of a qualifying vehicle that occurs during the period—

(i) beginning on January 1, 2009; and

(ii) ending on the date that is 3 years after the date on which the regulations issued under subsection (h) are issued.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—

(i) SINGLE PERSON.—Not more than 1 voucher may be issued for a single person.

(ii) JOINT REGISTERED OWNERS.—Not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or qualifying lease of a qualifying vehicle.

(D) LIMITATION ON FUNDS FOR CATEGORY 3 TRUCKS AND MOTORCYCLES.—Not more than 7.5 percent and 15 percent of the total funds made available for the Program shall be used for vouchers for the purchase or qualifying lease of category 3 trucks and motorcycles, respectively.

(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a qualifying vehicle shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive the voucher.

(F) NO ADDITIONAL FEES.—A dealer participating in the Program may not charge a person purchasing or leasing a qualifying vehicle any additional fees associated with the use of a voucher under the Program.

(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts made available for vouchers under subsection (i).

(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(A) IN GENERAL.—Subject to subparagraph (B), for each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by regulation, that the dealer—

(i) has not and will not sell, lease, exchange, or otherwise dispose of the eligible trade-in vehicle for use as an automobile in the United States or in any other country; and

(ii) will transfer the eligible trade-in vehicle (including the engine and drive train), in such manner as the Secretary prescribes, to an entity that will ensure that the eligible trade-in vehicle—

(I) will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SALE OF PARTS.—Nothing in subparagraph (A) prevents a person who dismantles or disposes of an eligible trade-in vehicle from—

(i) selling any parts of the disposed eligible trade-in vehicle other than the engine block and drive train (unless the engine or drive train has been crushed or shredded); or

(ii) retaining the proceeds from the sale.

(C) COORDINATION.—

(i) IN GENERAL.—The Secretary shall coordinate with the Attorney General and the Secretary of Transportation to ensure that the National Motor Vehicle Title Information System and other publicly accessible systems are appropriately updated on a timely basis to reflect the crushing or shredding of eligible trade-in vehicles under this section and appropriate reclassification of the titles of the eligible trade-in vehicles.

(ii) ACCESS TO VINS.—The commercial market shall have electronic and commercial access to the vehicle identification numbers of eligible trade-in vehicles that have been disposed of on a timely basis.

(3) ELIGIBLE PURCHASES OR LEASES PRIOR TO DATE OF ENACTMENT.—A person who purchased or leased a qualifying vehicle after January 1, 2009, and before the date of the enactment of this Act, shall be eligible for a cash rebate equivalent to the amount described in subsection (b)(2)(A) if the person proves to the satisfaction of the Secretary that—

(A)(i) the person was the registered owner of an eligible trade-in vehicle; or

(ii) if the person leased the qualifying vehicle, the lease was a qualifying lease; and

(B) the eligible trade-in vehicle has been disposed of in accordance with paragraph (2)(A).

(d) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to knowingly violate this section (including a regulation issued pursuant to subsection (h)).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty of not more than $15,000 for each violation.

(e) INFORMATION TO CONSUMERS AND DEALERS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act and promptly on the updating of any applicable information, the Secretary shall make available on an Internet website and through other means determined by the Secretary information about the Program, including—

(A) how to determine if a vehicle is an eligible trade-in vehicle;

(B) how to participate in the Program, including how to determine participating dealers; and

(C) a comprehensive list, by make and model, of qualifying vehicles meeting the requirements of the Program.

(2) PUBLIC AWARENESS CAMPAIGN.—Once information described in paragraph (1) is available, the Secretary shall conduct a public awareness campaign to inform consumers about the Program and where to obtain additional information.

(f) RECORDKEEPING AND REPORT.—

(1) DATABASE.—The Secretary, in coordination with the Secretary of Transportation, shall maintain a database of the vehicle identification numbers of all qualifying vehicles purchased or leased and all eligible trade-in vehicles disposed of under the Program.

(2) REPORT.—Not later than 60 days after the termination date described in subsection (c)(1)(A)(ii), the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes the efficacy of the Program, including—

(A) a description of Program results, including—

(i) the total number and amount of vouchers issued for purchase or lease of qualifying vehicles by manufacturer (including aggregate information concerning the make, model, model year, and category of automobile and motorcycle);

(ii) aggregate information regarding the make, model, model year, and manufacturing location of eligible trade-in vehicles traded in under the Program; and

(iii) the location of sale or lease;

(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(C) an estimate of the overall economic and employment effects of the Program.

(g) EXCLUSION OF VOUCHERS AND REBATES FROM INCOME.—

(1) FOR PURPOSES OF ALL FEDERAL PROGRAMS.—A voucher issued under the Program or a cash rebate issued under subsection (c)(3) shall not be regarded as income and shall not be regarded as a resource for the month of receipt of the voucher or rebate and the following 12 months, for purposes of determining the eligibility of the recipient of the voucher or rebate (or the spouse or other family or household member of the recipient) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program.

(2) FOR PURPOSES OF TAXATION.—A voucher issued under the Program or a cash rebate issued under subsection (c)(3) shall not be considered as gross income for purposes of the Internal Revenue Code of 1986.

(h) REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, not later than 30 days after the date of the enactment of this Act, the Secretary shall issue final regulations to implement the Program, including regulations that—

(1) provide for a means of certifying dealers for participation in the Program;

(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for both the amount of the vouchers and any reasonable administrative costs incurred by the dealer as soon as practicable but not later than 10 days after the submission to the Secretary of a voucher for a qualifying vehicle;

(3) allow the dealer to use the voucher in addition to any other rebate or discount offered by the dealer or the manufacturer for a qualifying vehicle and prohibit the dealer from using the voucher to offset any such other rebate or discount;

(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of the vehicle and to permit the dealer to retain $50 of any amounts paid to the dealer for scrappage of the eligible trade-in vehicle as payment for any administrative costs to the dealer associated with participation in the Program;

(5) establish a process by which persons who qualify for a rebate under subsection (c)(3) may apply for the rebate;

(6) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in the disposal to ensure that the eligible trade-in vehicles are disposed of in accordance with the requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with procedures established by the Secretary in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal and State requirements;

(B) a mechanism for dealers to certify to the Secretary that each eligible trade-in vehicle will be transferred to an entity that will ensure that the eligible trade-in vehicle is disposed of, in accordance with the requirements and procedures, and to submit the vehicle identification numbers of the vehicles disposed of and the qualifying vehicle purchased with each voucher; and

(C) a list of entities to which dealers may transfer eligible trade-in vehicles for disposal;

(7) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in the disposal to ensure that the eligible trade-in vehicles are disposed of in accordance with the requirements and procedures; and

(8) provide for the enforcement of the penalties described in subsection (d).

(i) FUNDING.—From the amounts made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the Director of the Office of Management and Budget may allocate such sums as the Director determines are necessary to carry out this Act.

By Mr. NELSON, of Florida (for himself, Mr. CRAPO, Mr. BINGAMAN, Mr. BENNET, Mr. MARTINEZ, Mr. CARDIN, and Mr. BROWNBACK):

S. 1250. A bill to amend the Internal Revenue code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce, with several of my colleagues, the Algae-based Renewable Fuel Promotion Act.

The energy, environmental, and food supply challenges confronting our nation are immense. The United States imports roughly 60 percent of the crude oil consumed domestically, much of it from unstable parts of the world. As global demand continues to rise, price shocks in oil markets are increasingly common, causing economic pain and hardship for American consumers. Our overwhelming reliance on traditional fossil fuels contributes to unsustainable greenhouse gas emissions levels and the damaging effects of global warming. Ethanol made from corn or soybean—also called first generation biofuels—serve an important function in diversifying our energy base, but their benefits are largely offset by their adverse effects on food prices and the environment.

Addressing these challenges requires a multi-faceted strategy that invests in renewable and alternative energy sources, green technology, and conservation measures. If we succeed, the payoff will be a cleaner, healthier, and more economically prosperous future.

I was pleased that the economic stimulus legislation enacted earlier this year included important investments in renewable energy and green technology programs. It also included a number of expanded tax incentives, including tax credits for renewable energy sources, such as wind, geothermal, hydropower, and biomass; energy-efficient home improvements; and plug-in electric vehicles, to name just a few.

The legislation I am introducing today with six of my colleagues in the Senate—three on each side of the aisle—builds on these investments and incentives by recognizing the powerful potential of a new and emerging energy source, algae.

After years of basic research at the academic and governmental level, new algae-based fuels are poised to move from the experimentation stage to commercial development. These fuels have the potential to make a significant contribution to our energy future. Algae are one of nature's most prolific and efficient photosynthetic organisms. They have a short growing cycle, high oil content, and can require little land or potable water. An algae-based fuel needs only sunlight, CO_2, and in some cases, other nutrient inputs to produce biomass that can be converted into readily usable liquid transportation fuels—gasoline, jet fuel, and diesel. Unlike some of the other energy sources currently under development, algae-based fuels are ''drop-in'' fuels, that is to say, they can be incorporated into our existing energy infrastructure, including our pipelines, terminals, and our fleet of trucks, cars and jets.

For example, over the past several months, commercial airlines have flown four successful test flights using a variety of biofuel jet fuel blends, including a Continental Airlines flight using a blend of algae- and jatropha-derived biofuel and a Japan Airlines flight using a similar blend that also included camelina.

Moreover, some algae-based fuel production processes even sequester and consume CO_2. Algae production facilities can use CO_2 emitted by a coal-fired electric utility as a feedstock for the production of the fuel. As a result, algae-based fuels can help transform the energy landscape by shifting our energy consumption to a renewable, home-grown fuel that is carbon neutral or better.

Unfortunately, current Federal tax policy inhibits the production of algae-based fuels by failing to provide a level playing—field relative to other alternative and renewable fuels. Tax incentives currently apply to the production of liquefied petroleum gas, compressed or liquefied natural gas, ethanol, liquefied hydrogen, biodiesel, liquid fuels derived from coal, and other alternative fuels. Many of these incentives were added to the tax code well before recent technological developments demonstrated the extraordinary promise of algae as a renewable fuel source. In order to ensure that Federal tax incentives stimulate the most promising and environmentally beneficial energy sources available, the tax code should be updated to incorporate and promote algae-based fuel production.

The Algae-based Renewable Fuel Promotion Act would make two modest changes to the tax code to promote the development and commercialization of algae-based fuels in the U.S. First, the bill would expand the $1.01 per gallon income tax credit for cellulosic biofuels to cover algae-based biofuels. The bill retains the current law December 31, 2012, expiration date for the cellulosic biofuel producer credit. Second, the bill would extend the capital investment tax incentives for cellulosic biofuels to cover equipment used to produce algae-based fuels. Specifically, the bill would modify the 50 percent bonus depreciation provision for property used to produce cellulosic biofuel by extending the provision to qualified algae-based biofuel plant property. The bill retains the current law requirement that qualified property must be placed in service before January 1, 2013. By ensuring that algae-based fuels fully benefit under Federal tax policies that promote renewable and alternative fuels, the legislation will encourage investment in this sustainable energy source and make an important contribution to our energy landscape for years to come.

Algae-based fuels are just one of the many renewable and alternative energy sources under development by aggressive and entrepreneurial start-up firms. These firms seek to capitalize on the commercial opportunities presented by the transition away from reliance on fossil fuels. It is critical that we regularly review the tax code to ensure

that it encourages and promotes the most promising renewable energy sources available. The Algae-based Renewable Fuel Promotion Act is one step in this direction. I encourage my colleagues to support it.

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. 1250

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 ''Algae-based Renewable Fuel Promotion Act of 2009''.

SEC. 2. INCLUSION OF ALGAE-BASED BIOFUEL IN DEFINITION OF CELLULOSIC BIOFUEL.

(a) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) GENERAL RULE.—Paragraph (4) of section 40(a) of the Internal Revenue Code of 1986 is amended by inserting ''and algae-based'' after ''cellulosic''.

(2) DEFINITIONS.—Paragraph (6) of section 40(b) of such Code is amended—

(A) by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading,

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

''(A) IN GENERAL.—The cellulosic and algae-based biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of—

''(i) qualified cellulosic biofuel production, and

''(ii) qualified algae-based biofuel production.'',

(C) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (I), (J), and (K), respectively,

(D) by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading of subparagraph (I), as so redesignated,

(E) by inserting ''or algae-based biofuel, whichever is appropriate,'' after ''cellulosic biofuel'' in subparagraph (J), as so redesignated,

(F) by inserting ''and qualified algae-based biofuel production'' after ''qualified cellulosic biofuel production'' in subparagraph (K), as so redesignated, and

(G) by inserting after subparagraph (E) the following new subparagraphs:

''(F) QUALIFIED ALGAE-BASED BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified algae-based biofuel production' means any algae-based biofuel which is produced by the taxpayer, and which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified algae-based biofuel mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such algae-based biofuel at retail to another person and places such algae-based biofuel in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified algae-based biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(G) QUALIFIED ALGAE-BASED BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified algae-based biofuel mixture' means a mixture of algae-based biofuel and gasoline or of algae-based biofuel and a special fuel which—

''(i) is sold by the person producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the person producing such mixture.

''(H) ALGAE-BASED BIOFUEL.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'algae-based biofuel' means any liquid fuel, including gasoline, diesel, aviation fuel, and ethanol, which—

''(I) is produced from the biomass of algal organisms, and

''(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

''(ii) ALGAL ORGANISM.—The term 'algal organism' means a single- or multi-cellular organism which is primarily aquatic and classified as a non-vascular plant, including microalgae, blue-green algae (cyanobacteria), and macroalgae (seaweeds).

''(iii) EXCLUSION OF LOW-PROOF ALCOHOL.—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.''.

(3) CONFORMING AMENDMENTS.—

(A) Subparagraph (D) of section 40(d)(3) of such Code is amended—

(i) by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading,

(ii) by inserting ''or (b)(6)(F)'' after ''(b)(6)(C)'' in clause (ii), and

(iii) by inserting ''or algae-based'' after ''such cellulosic''.

(B) Paragraph (6) of section 40(d) of such Code is amended—

(i) by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading, and

(ii) by striking the first sentence and inserting ''No cellulosic and algae-based biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic or algae-based biofuel unless such cellulosic or algae-based biofuel is produced in the United States and used as a fuel in the United States.''

(C) Paragraph (3) of section 40(e) of such Code is amended by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading.

(D) Paragraph (1) of section 4101(a) of such Code is amended—

(i) by inserting ''or algae-based'' after ''cellulosic'', and

(ii) by inserting ''and 40(b)(6)(H), respectively'' after ''section 40(b)(6)(E)''.

(b) SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.—Subsection (l) of section 168 of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading,

(2) by inserting ''and any qualified algae-based biofuel plant property'' after ''qualified cellulosic biofuel plant property'' in paragraph (1),

(3) by redesignating paragraphs (4) through (8) as paragraphs (6) through (10), respectively,

(4) by inserting ''or qualified algae-based biofuel plant property'' after ''cellulosic biofuel plant property'' in paragraph (7)(C), as so redesignated,

(5) by striking ''with respect to'' and all that follows in paragraph (9), as so redesignated, and inserting ''with respect to any qualified cellulosic biofuel plant property and any qualified algae-based biofuel plant property which ceases to be such qualified property.'',

(6) by inserting ''or qualified algae-based biofuel plant property'' after ''cellulosic biofuel plant property'' in paragraph (10), as so redesignated, and

(7) by inserting after paragraph (3) the following new paragraphs:

''(4) QUALIFIED ALGAE-BASED BIOFUEL PLANT PROPERTY.—The term 'qualified algae-based biofuel plant property' means property of a character subject to the allowance for depreciation—

''(A) which is used in the United States solely to produce algae-based biofuel,

''(B) the original use of which commences with the taxpayer after December 31, 2008,

''(C) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after December 31, 2008, but only if no written binding contract for the acquisition was in effect on or before such date, and

''(D) which is placed in service by the taxpayer before January 1, 2013.

''(5) ALGAE-BASED BIOFUEL.—

''(A) IN GENERAL.—The term 'algae-based biofuel' means any liquid fuel which is produced from the biomass of algal organisms.

''(B) ALGAL ORGANISM.—The term 'algal organism' means a single- or multi-cellular organism which is primarily aquatic and classified as a non-vascular plant, including microalgae, blue-green algae (cyanobacteria), and macroalgae (seaweeds).''.

(c) EFFECTIVE DATES.—

(1) CELLULOSIC BIOFUEL PRODUCER CREDIT.—The amendments made by subsection (a) shall apply to fuel produced after December 31, 2008.

(2) SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.—The amendments made by subsection (b) shall apply to property purchased and placed in service after December 31, 2008.

Mr. CRAPO. Mr. President, I rise today to speak in support of the Algae-based Renewable Fuel Promotion Act.

I would first like to thank Senator BILL NELSON for his leadership on this extraordinary piece of legislation, which gives algae-based biofuels the same tax incentives that cellulosic biofuels currently enjoy. Specifically, the bill would provide a $1.01 per gallon tax credit and offer 50 percent bonus depreciation for property used in the production of algae-based biofuels. In short, this legislation will level the playing field for algae, resulting in enhanced development and commercialization.

Recent technological advances have showcased the tremendous potential of algae as a renewable fuel source. Algae-based biofuels can be refined into gasoline, jet fuel and diesel. These fuels are renewable, have a low-carbon footprint, and can fit seamlessly into our existing energy infrastructure. Additionally, algae does not compete for arable land or potable water. Algae grows best in very sunny climates, making the desert an ideal place for production, and it utilizes saltwater, not freshwater, to grow. It also has a short-life cycle and high oil content.

Algae-based renewable fuels will play an important role in America's clean energy portfolio, and provide an answer to the question of how we will decrease our dependence on foreign oil and increase our domestic security. Again, I thank my colleague, Senator BILL NELSON, and I look forward to working with my colleagues in the Senate on this important piece of legislation.

By Mr. WARNER:

S. 1251. A bill to amend title XVIII of the Social Security Act to provide for advanced illness care management services for Medicare beneficiaries, and for other purposes; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce legislation to help seniors navigate through a complicated and often overwhelming health care delivery system. Because of the fragmented nature of our healthcare system, we often fail to provide patients, their families, and caregivers with the necessary tools, information, and support to age well and with dignity in the setting of their preference. I believe that if we provide patients with better information about advance care planning in non-crisis situations, they will make decisions for themselves and their families that result in better care and better quality of life.

Our health care system is in need of sweeping reforms that will not only provide broader coverage but will also increase value and efficient access to quality care. As we provide meaningful reforms for the healthcare system, we should take the opportunity to refine and enhance those parts of the Medicare system that work well for seniors.

Currently, Medicare beneficiaries with advanced illnesses have a good option in the Medicare hospice benefit to receive care, family support, and counseling during the last six months of life. For those who are ill or in need of advanced illness care, but are not eligible for the hospice benefit, there are very few options for counseling and services that would help them make informed choices about their care options. Often, they are left in the dark about their treatment alternatives and without the support they and their family members need to prepare and plan for the care they want and need. Frankly, it is unconscionable to leave it to families to resolve these extraordinarily difficult decisions, often in moments of crisis, without appropriate information, materials and supportive services. The Senior Navigation and Planning Act of 2009 will help seniors and their families navigate through an extremely complex system and will help them make informed medical decisions.

My legislation would provide access to an advanced illness care management benefit, increase the awareness of advance care planning through a national education campaign and clearinghouse, reduce legal hurdles to the enforcement of advance directives, create incentives for hospitals and physicians to get accredited and certified in palliative care, increase compliance with medical orders and discharge instructions, educate entities including faith-based organizations on advance care planning issues, and increase integration and coordination between the Medicare and Medicaid programs. Collectively, these initiatives will create a more accessible environment for seniors to receive the care they need, when they need it, in the setting they prefer.

Specifically, the advanced illness care management benefit would allow Medicare beneficiaries who have been diagnosed with a life expectancy of 18 months or less to have access to the guidance and expertise of a hospice team and receive services such as consultations on palliative care, advance care planning that is patient-centered, and counseling, respite, and care giving training for their family members. This new advanced illness care management benefit will provide seniors with the support they need to make informed decisions.

This initiative builds upon the efforts of the hospice community and the private sector. For example, United Health Group has created an Advanced Illness model in their benefit design and offers this program to the seniors they serve in Medicare Advantage and Special Needs Plans. They have found by providing access to the hospice and palliative care teams earlier, patients experience an increase in the quality of their life and duplicative or futile care is reduced. Aetna and Kaiser Permanente have also implemented these types of programs with similar results.

In addition to the impact a lack of advance care planning and access to supportive services has on a patient's quality of life, inadequate access to advance care planning services contributes to 27 percent of Medicare costs spent in the last year of life. Advanced illness, palliative, and hospice care have been shown to improve quality of care at a reduced cost. Specifically, studies demonstrate that if an additional 2 percent of hospitalized Medicare beneficiaries received palliative care, direct cost savings to the Medicare program would be $1.57 billion. Given health care costs are growing at an alarming rate and that seniors may not be getting the necessary information they need to make appropriate treatment decisions, we need to act now to provide them with access to advanced illness and advance care planning services.

I believe that rather than deny or withhold healthcare services, overall health reform should include a thoughtful process that informs patients, their families, and caregivers on how to navigate and think through decisions about when and how long to pursue treatments at the end-of-life. By doing this, we will provide a culture in which all of us will have the ability to age well, with dignity, in the setting of our choosing.

It is my hope that this legislation will be incorporated into the broader health care reform effort that is underway in the Finance and Health, Education, Labor, and Pensions Committees. I look forward to working with Chairmen BAUCUS and KENNEDY to implement these meaningful reforms so seniors have access to the information and services they need to receive the care they deserve.

By Mr. ROCKEFELLER (for himself, Mr. INOUYE, and Ms. CANTWELL):

S. 1252. A bill to promote ocean and human health and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, oceans affect human health both directly and indirectly from the water quality at our beaches to the safety of seafood at U.S. markets; therefore, it is important to understand the relationship between environmental stressors, coastal conditions, climate change, and human health. Over the last several decades ocean and coastal waters have become channels for environmental threats to human health including infectious disease, harmful toxins from algae, and chemical pollutants from contact with contaminated seafood, polluted drinking water, and dirty beaches. Since the 1960s, scientists have realized that marine plants, animals, and microbes can also produce substances that benefit human health, such as anticancer, anti-inflammatory, and antibiotic medicines.

Through well designed research and monitoring programs, we can maximize the health benefits derived from the oceans, improve the safety of American seafood, reduce beach closures, and detect emerging threats to human health in a proactive rather than reactive manner.

In 2004, Congress enacted the Oceans and Human Health Act which authorized the National Oceanic and Atmospheric Administration, the National Science Foundation, and the National Institutes of Health to conduct research to improve understanding of the connection between the oceans and public health. Today, Senator INOUYE, Senator CANTWELL, and I are introducing the Oceans and Human Health Reauthorization Act of 2009.

This legislation would direct the President, working through the National Science and Technology Council, to coordinate a national research program to improve understanding of the role of the oceans, coasts and Great Lakes in human health and deliver information, products, and services to assist the nation in reducing public health risks, including those related to climate change, and enhancing health benefits from the ocean. It would establish the Oceans and Human Health Task Force that will include a number of federal agencies, such as the National Oceanic and Atmospheric Administration, the National Institutes of Health, the National Science Foundation, the National Institute for Environmental Health Science, and the Center for Disease Control. It would direct the Interagency Oceans and Human Health Task Force to develop an implementation plan that: establishes the goals and priorities for federal research that advance scientific

understanding of the connections between oceans and human health; provides information for the prediction, surveillance, and forecasting of marine-related public health problems, including those related to climate change; and uses the biological and chemical potentials of the oceans to develop new products for the prevention and treatment of diseases and to increase our understanding of the biological properties of ocean resources. The legislation would also reauthorize the National Oceanic and Atmospheric Administration's Oceans and Human Health Initiative and establish a Distinguished Scholars program for scientists to work with the National Oceanic and Atmospheric Administration on the oceans and human health initiative.

Importantly, this bill would recognize the effects of climate change on oceans and human health. The effects of climate change do not stop with sea level rise and increased water temperatures. Without physical and ecological boundaries, climate change causes a cascade of effects throughout ocean environments that can result in surprising impacts on ocean and human health. This reauthorization bill would include climate change and oceans and human health as a new research area.

Our oceans impact every American and they are a foundation of America's economy. The research and monitoring supported by this bill will help make sure we have healthy oceans where people can swim, fish, play, and eat seafood. It will also help us develop new blue jobs in marine natural products and lead to new discoveries in medicines to cure deadly diseases.

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. 1252

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 ''Oceans and Human Health Reauthorization Act of 2009''.

SEC. 2. INTERAGENCY OCEANS AND HUMAN HEALTH RESEARCH PROGRAM.

(a) COORDINATION.—Subsection (a) of section 902 of the Oceans and Human Health Act (33 U.S.C. 3101) is amended by striking ''in human health.'' and inserting '', coasts, and Great Lakes in human health and deliver information, products, and services to assist the nation in reducing public health risks, including those related to climate change, and enhancing health benefits from the ocean.''.

(b) IMPLEMENTATION PLAN.—Subsection (b) of section 902 of the Oceans and Human Health Act (33 U.S.C. 3101) is amended—

(1) by amending the matter preceding paragraph (1) to read as follows:

''(b) IMPLEMENTATION PLAN.—Not later than 5 years after the date of the enactment of the Oceans and Human Health Reauthorization Act of 2009, an Interagency Oceans and Human Health Task Force or working group established by the National Science and Technology Council, through the Director of the Office of Science and Technology Policy, shall revise and update the 2007 'Interagency Oceans and Human Health Research Implementation Plan' and submit to the Congress the updated Plan. Nothing in this subsection is intended to duplicate or supersede the activities of the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia established under section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (Public Law 105–383; 16 U.S.C. 1451 note). The updated plan shall—'';

(2) in paragraph (1)—

(A) by inserting '', surveillance, and forecasting'' after ''prediction'';

(B) by inserting '', including problems related to climate change,'' after ''health problems'';

(C) by inserting ''and chemical'' after ''biological''; and

(D) by inserting ''products for the prevention and'' after ''new'';

(3) in paragraph (2), by striking ''and participation;'' and all that follows through the end and inserting ''participation in national and international research and outreach efforts, and outreach to the medical community and the public;'';

(4) in paragraph (3), by inserting '', including joint efforts,'' after ''departments'';

(5) in paragraph (4), by striking ''preventive'' and inserting ''preventing'';

(6) in paragraph (5), by inserting ''Resources'' after ''the Ocean'';

(7) in paragraph (6), by striking ''and'' at the end;

(8) by amending paragraph (7) to read as follows:

''(7) estimate funding needed for research, surveillance, education, and outreach activities to be conducted within or supported by Federal agencies and departments under the program.''; and

(9) by at the end the following:

''(8) build on, and complement, the research, surveillance, and outreach activities of the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Institutes of Health, the Centers for Disease Control and Prevention, the National Institute of Environmental Health Sciences, and other departments and agencies.''.

(c) PROGRAM SCOPE.—Subsection (c) of section 902 of the Oceans and Human Health Act (33 U.S.C. 3101) is amended—

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

''(1) Interdisciplinary research among the ocean, atmospheric, and medical sciences, and coordinated research and activities to improve understanding of processes within the ocean that may affect human and marine animal health and to explore the potential contribution of marine organisms to medicine and research, including—

''(A) vector-, water-, and food-borne diseases of humans and marine organisms, including marine mammals, corals, and fish;

''(B) health effects for both humans and marine animals associated with harmful algal blooms and hypoxia (in collaboration with the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia);

''(C) health effects for humans and marine organisms associated with climate change impacts in ocean, coastal, and Great Lakes waters;

''(D) marine-derived pharmaceuticals and other natural products;

''(E) marine organisms and habitats as models for biomedical research and as indicators of human health and well being and marine environmental health;

''(F) marine environmental microbiology;

''(G) legacy and emerging chemicals of concern, including bioaccumulative and endocrine-disrupting chemical contaminants;

''(H) predictive models based on indicators of marine environmental health or public health threats; and

''(I) social, economic, and behavioral studies of relationships between the condition of oceans, coasts, and Great Lakes and human health and well-being.'';

(2) by amending paragraph (2) to read as follows:

''(2) Coordination with any appropriate interagency working group of the Joint Subcommittee on Ocean Science and Technology, or its successor body, through the National Science and Technology Council, to ensure that any integrated ocean and coastal observing system provides information necessary to monitor and reduce marine public health problems, including climate change information, health-related data on biological populations, and detection of toxins and contaminants in marine waters and seafood.''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''genomics and proteomics'' and inserting ''genomics, proteomics, metabolomics, and other related sciences'';

(B) by amending subparagraph (C) to read as follows:

''(C) in situ, laboratory, and remote sensors—

''(i) to detect, quantify, and predict the presence, distribution, concentration, toxicity, or virulence of infectious microbes, harmful algae, toxins, and chemical contaminants in ocean, coastal, and Great Lakes waters, sediments, organisms, and seafood; and

''(ii) to identify new genetic resources for biomedical purposes;''; and

(C) in subparagraph (E), by striking ''equipment and technologies'' and inserting ''equipment, technologies, and methodologies''.

(d) BIENNIAL REPORT.—Subsection (d) of section 902 of the Oceans and Human Health Act (33 U.S.C. 3101) is amended—

(1) in the heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(2) in the material preceding paragraph (1)—

(A) by striking ''24 months after the date of enactment of this Act'' and inserting ''12 months after the date of the enactment of the Oceans and Human Health Reauthorization Act of 2009'';

(B) by striking ''each year an annual'' and inserting ''alternate years a biennial''; and

(C) by striking ''year,'' and inserting ''years,'';

(3) in paragraph (1), by striking ''year;'' and inserting ''years;'';

(4) in paragraph (4), by striking ''that preceding fiscal year;'' and inserting ''the preceding two fiscal years;'' and

(5) in paragraph (5), by inserting '', funding needs,'' after ''action''.

SEC. 3. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEANS AND HUMAN HEALTH INITIATIVE.

(a) ESTABLISHMENT.—Subsection (a) of section 903 of the Oceans and Human Health Act (33 U.S.C. 3102) is amended—

(1) in the matter preceding paragraph (1), by striking the second sentence, and inserting ''In carrying out this section, the Secretary shall consult with other Federal agencies and departments conducting integrated oceans and human health research and disease surveillance activities and research in related areas, including the National Science Foundation, the National Institutes of Health, the Centers for Disease Control and

Prevention, the National Institute of Environmental Health Sciences, and other agencies and departments.''; and

(2) in paragraph (2), by inserting ''external'' after ''an''.

(b) ADVISORY PANEL.—Subsection (b) of section 903 of the Oceans and Human Health Act (33 U.S.C. 3102) is amended—

(1) by striking ''is authorized to'' and inserting ''shall''; and

(2) by striking ''sciences.'' and inserting ''sciences, including public health practitioners.''.

(c) NATIONAL CENTERS.—Subsection (c) of section 903 of the Oceans and Human Health Act (33 U.S.C. 3102) is amended—

(1) in paragraph (1), by striking ''for''; and

(2) by amending paragraph (2) to read as follows:

''(2) The centers shall focus on—

''(A) areas related to agency missions, including use of marine organisms and habitats as indicators for marine environmental health, impacts of climate change on ocean health threats, ocean pollutants, marine toxins and pathogens, harmful algal blooms, hypoxia, seafood safety and quality, identification of potential marine products, and biology and pathobiology of marine mammals, corals, and other marine organisms; and

''(B) supporting disciplines including marine genomics, marine environmental microbiology, ecological chemistry, and conservation medicine.''.

(d) EXTRAMURAL RESEARCH GRANTS.—Subsection (d) of section 903 of the Oceans and Human Health Act (33 U.S.C. 3102) is amended by adding at the end the following:

''(3) Grants under this subsection shall support research to improve understanding of processes within the ocean that may affect human and marine animal health and to explore the potential contribution of marine organisms to medicine and research, including—

''(A) vector-, water-, and food-borne diseases of humans and marine organisms, including marine mammals, corals, and fish;

''(B) health effects for humans and marine organisms associated with climate change impacts in ocean, coastal, and Great Lakes waters;

''(C) marine-derived pharmaceuticals and other natural products;

''(D) marine organisms and habitats as models for biomedical research and as indicators of human health and well being and marine environmental health;

''(E) marine environmental microbiology;

''(F) legacy and emerging chemicals of concern, including bioaccumulative and endocrine-disrupting chemical contaminants;

''(G) predictive models based on indicators of marine environmental health or public health threats;

''(H) cataloging and interpreting microbes and understanding microbial functions in ecosystems and impacts on human and marine health; and

''(I) social, economic, and behavioral studies of relationships between the condition of oceans, coasts, and Great Lakes, and human health and well-being.''.

(e) DISTINGUISHED SCHOLARS; COOPERATIVE AGREEMENTS.—Section 903 of the Oceans and Human Health Act (33 U.S.C. 3102) is amended by adding at the end the following:

''(f) DISTINGUISHED SCHOLARS.—The Secretary of Commerce is authorized to establish a competitive program to recognize highly distinguished external scientists in any area of oceans and human health research and to involve those scientists in collaborative work with the Oceans and Human Health Initiative of the National Oceanic and Atmospheric Administration.

''(g) COOPERATIVE AGREEMENTS.—The Secretary of Commerce may execute and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out this section.''.

SEC. 4. PUBLIC INFORMATION AND OUTREACH.

(a) IN GENERAL.—Subsection (a) of section 904 of the Oceans and Human Health Act (33 U.S.C. 3103) is amended by striking ''program,'' and inserting ''and institutions of higher education,''.

(b) REPORT.—Subsection (b) of section 904 of the Oceans and Human Health Act (33 U.S.C. 3103) is amended to read as follows:

''(b) REPORT.—

''(1) REQUIREMENT.—The Secretary of Commerce shall submit to Congress a biennial report reviewing the results of the research, assessments, and findings developed under the Oceans and Human Health Initiative of the National Oceanic and Atmospheric Administration. Each such report shall—

''(A) describe the projects, products, and programs funded under the Initiative;

''(B) describe the work of the Advisory Committee and the manner in which the program is meeting development and implementation recommendations for the program; and

''(C) include recommendations for improving or expanding the program.

''(2) COMBINED REPORTS.—Each report required by paragraph (1) may be combined with the National Ocean and Atmospheric Administration's input to the biennial interagency report required by section 902(d).''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 905 of the Oceans and Human Health Act (33 U.S.C. 3104) is amended—

(1) by striking ''2005 through 2008'' and inserting ''2010 through 2014''; and

(2) by inserting '', distinguished scholar,'' after ''grant''.

By Mr. CORKER (for himself, Mr. NELSON of Florida, Mrs. SHAHEEN, Ms. SNOWE, Mr. ISAKSON, and Mr. WICKER):

S. 1253. A bill to address reimbursement of certain costs to automobile dealers; to the Committee on the Judiciary.

Mr. CORKER. 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. 1253

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 ''Automobile Dealers Assistance Act of 2009''.

SEC. 2. REIMBURSEMENT OF AUTOMOBILE DISTRIBUTORS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds provided by the United States Government, or any agency, department, or subdivision thereof, to an automobile manufacturer or a distributor thereof as credit, loans, financing, advances, or by any other agreement in connection with such automobile manufacturer's or distributor's proceeding as a debtor under title 11, United States Code, shall be conditioned upon use of such funds to fully reimburse all dealers of such automobile manufacturer or manufacturer's distributor for—

(1) the cost incurred by such dealers during the 9-month period preceding the date on which the proceeding under title 11, United States Code, by or against the automobile manufacturer or manufacturer's distributor is commenced, in acquisition of all parts and inventory in the dealer's possession on on the same basis as if the dealers were terminating pursuant to existing franchise agreements or dealer agreements; and

(2) all other obligations owed by such automobile manufacturer or manufacturer's distributor under any other agreement between the dealers and the automobile manufacturer or manufacturer's distributor arising during that 9-month period, including, without limitation, franchise agreement or dealer agreements.

(b) INCLUSION IN TERMS.—Any note, security agreement, loan agreement, or other agreement between an automobile manufacturer or manufacturer's distributor and the Government (or any agency, department, or subdivision thereof) shall expressly provide for the use of such funds as required by this section. A bankruptcy court may not authorize the automobile manufacturer or manufacturer's distributor to obtain credit under section 364 of title 11, United States Code, unless the credit agreement or agreements expressly provided for the use of funds as required by this section.

(c) EFFECTIVENESS OF REJECTION.—Notwithstanding any other provision of law, any rejection by an automobile manufacturer or manufacturer's distributor that is a debtor in a proceeding under title 11, United States Code, of a franchise agreement or dealer agreement pursuant to section 365 of that title, shall not be effective until at least 180 days after the date on which such rejection is otherwise approved by a bankruptcy court.

By Ms. CANTWELL (for herself and Mr. KOHL):

S. 1256. A bill to amend title XIX of the Social Security Act to establish financial incentives for States to expand the provision of long-term services and supports to Medicaid beneficiaries who do not reside in an institution, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Home and Community Balanced Incentives Act of 2009, together with my colleague from Wisconsin, Senator KOHL. As we in the Senate embark on reforming America's health care system, we cannot forget those who are dependent on daily care in order to survive: those in long-term care. Long-term care provides health care and daily living services to the elderly and disabled population, providing them with the ability to live happy, productive lives that age, illness and disability would otherwise prevent.

In 2007, the U.S. spent close to $109 billion on long term institutional care services under the Medicaid program; in my state of Washington it was approximately $2 billion. This amount represents more than 30 percent of all Medicaid payments, and is a number we can easily reduce. This legislation seeks to rebalance how states handle long term care by providing the tools they need to shift people out of expensive institutional care facilities and into home and community based care, where they can remain vibrant, active members of their community.

As Dorothy from the Wizard of Oz once said: There is no place like home. I could not agree more, which is why I believe in providing individuals and

families with the option to remain in their home, where studies have shown the overall quality of life is far superior to that in an institutional facility. Additionally, home and community based care is far more cost efficient than institutional care; by diverting just 5 percent of the long term care community away from institutional care and into home and community based services, we would see a net savings of more than $10 billion dollars over five years. In a time when rising health care spending plays such a pivotal role in the health of the overall economy, these savings represent a giant step towards reining in unnecessary health care spending.

The Home and Community Balanced Incentives Act would achieve the goal of transitioning to home and community based services by offering states modest increases to their federal medical assistance payment, FMAP, for home and community based services. States would have to use these increases to develop the programs needed to provide effective home and community based services. These services will reduce barriers that currently prohibit people from accessing home and community based services.

This bill succeeds in not only saving the Medicaid program a significant amount of money, but it will empower families to make informed decisions about their long term care needs.

Specifically, this bill would: improve case management to help people remain in their homes and communities and out of nursing homes; provide consumer empowerment helping to put individuals in charge of their care; provide a coordinated transition structure for those wishing to leave institutional care and return to their homes and communities; create a clear and well coordinated system for providing long term care information and support; improve methodology for determining eligibility and tracking provider data on services and quality outcomes.

Senator KOHL and I are excited to introduce this important legislation and to begin working with our colleagues on improving the long term care system in America.

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. 1256

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Home and Community Balanced Incentives Act of 2009''.

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

Sec. 1. Short title; table of contents.

TITLE I—BALANCING INCENTIVES

Sec. 101. Enhanced FMAP for expanding the provision of non-institutionally-based long-term services and supports.

TITLE II—STRENGTHENING THE MEDICAID HOME AND COMMUNITY-BASED STATE PLAN AMENDMENT OPTION

Sec. 201. Removal of barriers to providing home and community-based services under State plan amendment option for individuals in need.

Sec. 202. Mandatory application of spousal impoverishment protections to recipients of home and community-based services.

Sec. 203. State authority to elect to exclude up to 6 months of average cost of nursing facility services from assets or resources for purposes of eligibility for home and community-based services.

TITLE III—COORDINATION OF HOME AND COMMUNITY-BASED WAIVERS

Sec. 301. Streamlined process for combined waivers under subsections (b) and (c) of section 1915.

TITLE I—BALANCING INCENTIVES

SEC. 101. ENHANCED FMAP FOR EXPANDING THE PROVISION OF NON-INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.

(a) ENHANCED FMAP TO ENCOURAGE EXPANSION.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in the first sentence of subsection (b)—

(A) by striking '', and (4)'' and inserting '', (4)''; and

(B) by inserting before the period the following: '', and (5) in the case of a balancing incentive payment State, as defined in subsection (y)(1), that meets the conditions described in subsection (y)(2), the Federal medical assistance percentage shall be increased by the applicable number of percentage points determined under subsection (y)(3) for the State with respect to medical assistance described in subsection (y)(4)''; and

(2) by adding at the end the following new subsection:

''(y) STATE BALANCING INCENTIVE PAYMENTS PROGRAM.—For purposes of clause (5) of the first sentence of subsection (b):

''(1) BALANCING INCENTIVE PAYMENT STATE.—A balancing incentive payment State is a State—

''(A) in which less than 50 percent of the total expenditures for medical assistance for fiscal year 2009 for long-term services and supports (as defined by the Secretary, subject to paragraph (5)) are for non-institutionally-based long-term services and supports described in paragraph (5)(B);

''(B) that submits an application and meets the conditions described in paragraph (2); and

''(C) that is selected by the Secretary to participate in the State balancing incentive payment program established under this subsection.

''(2) CONDITIONS.—The conditions described in this paragraph are the following:

''(A) APPLICATION.—The State submits an application to the Secretary that includes the following:

''(i) A description of the availability of non-institutionally-based long-term services and supports described in paragraph (5)(B) available (for fiscal years beginning with fiscal year 2009).

''(ii) A description of eligibility requirements for receipt of such services.

''(iii) A projection of the number of additional individuals that the State expects to provide with such services to during the 5-fiscal year period that begins with fiscal year 2011.

''(iv) An assurance of the State's commitment to a consumer-directed long-term services and supports system that values quality of life in addition to quality of care and in which beneficiaries are empowered to choose providers and direct their own care as much as possible.

''(v) A proposed budget that details the State's plan to expand and diversify medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) during such 5-fiscal year period, and that includes—

''(I) a description of the new or expanded offerings of such services that the State will provide; and

''(II) the projected costs of the services identified in subclause (I).

''(vi) A description of how the State intends to achieve the target spending percentage applicable to the State under subparagraph (B).

''(vii) An assurance that the State will not use Federal funds, revenues described in section 1903(w)(1), or revenues obtained through the imposition of beneficiary cost-sharing for medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) for the non-federal share of expenditures for medical assistance described in paragraph (4).

''(B) TARGET SPENDING PERCENTAGES.—

''(i) In the case of a balancing incentive payment State in which less than 25 percent of the total expenditures for home and community-based services under the State plan and the various waiver authorities for fiscal year 2009 are for such services, the target spending percentage for the State to achieve by not later than October 1, 2015, is that 25 percent of the total expenditures for home and community-based services under the State plan and the various waiver authorities are for such services.

''(ii) In the case of any other balancing incentive payment State, the target spending percentage for the State to achieve by not later than October 1, 2015, is that 50 percent of the total expenditures for home and community-based services under the State plan and the various waiver authorities are for such services.

''(C) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—The State does not apply eligibility standards, methodologies, or procedures for determining eligibility for medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B)) that are more restrictive than the eligibility standards, methodologies, or procedures in effect for such purposes on December 31, 2010.

''(D) USE OF ADDITIONAL FUNDS.—The State agrees to use the additional Federal funds paid to the State as a result of this subsection only for purposes of providing new or expanded offerings of non-institutionally-based long-term services and supports described in paragraph (5)(B) (including expansion through offering such services to increased numbers of beneficiaries of medical assistance under this title).

''(E) STRUCTURAL CHANGES.—The State agrees to make, not later than the end of the 6-month period that begins on the date the State submits and application under this paragraph, such changes to the administration of the State plan (and, if applicable, to waivers approved for the State that involve the provision of long-term care services and supports) as the Secretary determines, by regulation or otherwise, are essential to achieving an improved balance between the provision of non-institutionally-based long-term services and supports described in paragraph (5)(B) and other long-term services and supports, and which shall include the following:

''(i) 'NO WRONG DOOR'—SINGLE ENTRY POINT SYSTEM.—Development of a statewide system to enable consumers to access all long-term

services and supports through an agency, organization, coordinated network, or portal, in accordance with such standards as the State shall establish and that—

''(I) shall require such agency, organization, network, or portal to provide—

''(aa) consumers with information regarding the availability of such services, how to apply for such services, and other referral services; and

''(bb) information regarding, and make recommendations for, providers of such services; and

''(II) may, at State option, permit such agency, organization, network, or portal to—

''(aa) determine financial and functional eligibility for such services and supports; and

''(bb) provide or refer eligible individuals to services and supports otherwise available in the community (under programs other than the State program under this title), such as housing, job training, and transportation.

''(ii) PRESUMPTIVE ELIGIBILITY.—At the option of the State, provision of a 60-day period of presumptive eligibility for medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) for any individual whom the State has reason to believe will qualify for such medical assistance (provided that any expenditures for such medical assistance during such period are disregarded for purposes of determining the rate of erroneous excess payments for medical assistance under section 1903(u)(1)(D)).

''(iii) CASE MANAGEMENT.—Development, in accordance with guidance from the Secretary, of conflict-free case management services to—

''(I) address transitioning from receipt of institutionally-based long-term services and supports described in paragraph (5)(A) to receipt of non-institutionally-based long-term services and supports described in paragraph (5)(B); and

''(II) in conjunction with the beneficiary, assess the beneficiary's needs and , if appropriate, the needs of family caregivers for the beneficiary, and develop a service plan, arrange for services and supports, support the beneficiary (and, if appropriate, the caregivers) in directing the provision of services and supports, for the beneficiary, and conduct ongoing monitoring to assure that services and supports are delivered to meet the beneficiary's needs and achieve intended outcomes.

''(iv) CORE STANDARDIZED ASSESSMENT INSTRUMENTS.—Development of core standardized assessment instruments for determining eligibility for non-institutionally-based long-term services and supports described in paragraph (5)(B), which shall be used in a uniform manner throughout the State, to—

''(I) assess a beneficiary's eligibility and functional level in terms of relevant areas that may include medical, cognitive, and behavioral status, as well as daily living skills, and vocational and communication skills;

''(II) based on the assessment conducted under subclause (I), determine a beneficiary's needs for training, support services, medical care, transportation, and other services, and develop an individual service plan to address such needs;

''(III) conduct ongoing monitoring based on the service plan; and

''(IV) require reporting of collect data for purposes of comparison among different service models.

''(F) DATA COLLECTION.—Collecting from providers of services and through such other means as the State determines appropriate the following data:

''(i) SERVICES DATA.—Services data from providers of non-institutionally-based long-term services and supports described in paragraph (5)(B) on a per-beneficiary basis and in accordance with such standardized coding procedures as the State shall establish in consultation with the Secretary.

''(ii) QUALITY DATA.—Quality data on a selected set of core quality measures agreed upon by the Secretary and the State that are linked to population-specific outcomes measures and accessible to providers.

''(iii) OUTCOMES MEASURES.—Outcomes measures data on a selected set of core population-specific outcomes measures agreed upon by the Secretary and the State that are accessible to providers and include—

''(I) measures of beneficiary and family caregiver experience with providers;

''(II) measures of beneficiary and family caregiver satisfaction with services; and

''(III) measures for achieving desired outcomes appropriate to a specific beneficiary, including employment, participation in community life, health stability, and prevention of loss in function.

''(3) APPLICABLE NUMBER OF PERCENTAGE POINTS INCREASE IN FMAP.—The applicable number of percentage points are—

''(A) in the case of a balancing incentive payment State subject to the target spending percentage described in paragraph (2)(B)(i), 5 percentage points; and

''(B) in the case of any other balancing incentive payment State, 2 percentage points.

''(4) ELIGIBLE MEDICAL ASSISTANCE EXPENDITURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), medical assistance described in this paragraph is medical assistance for non-institutionally-based long-term services and supports described in paragraph (5)(B) that is provided during the period that begins on October 1, 2011, and ends on September 30, 2015.

''(B) LIMITATION ON PAYMENTS.—In no case may the aggregate amount of payments made by the Secretary to balancing incentive payment States under this subsection during the period described in subparagraph (A), or to a State to which paragraph (6) of the first sentence of subsection (b) applies, exceed $3,000,000,000.

''(5) LONG-TERM SERVICES AND SUPPORTS DEFINED.—In this subsection, the term 'long-term services and supports' has the meaning given that term by Secretary and shall include the following:

''(A) INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.—Services provided in an institution, including the following:

''(i) Nursing facility services.

''(ii) Services in an intermediate care facility for the mentally retarded described in subsection (a)(15).

''(B) NON-INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.—Services not provided in an institution, including the following:

''(i) Home and community-based services provided under subsection (c), (d), or (i), of section 1915 or under a waiver under section 1115.

''(ii) Home health care services.

''(iii) Personal care services.

''(iv) Services described in subsection (a)(26) (relating to PACE program services).

''(v) Self-directed personal assistance services described in section 1915(j)''.

(b) ENHANCED FMAP FOR CERTAIN STATES TO MAINTAIN THE PROVISION OF HOME AND COMMUNITY-BASED SERVICES.—The first sentence of section 1905(b) of such Act (42 U.S.C. 1396d (b)), as amended by subsection (a), is amended—

(1) by striking '', and (5)'' and inserting '', (5)''; and

(2) by inserting before the period the following: '', and (6) in the case of a State in which at least 50 percent of the total expenditures for medical assistance for fiscal year 2009 for long-term services and supports (as defined by the Secretary for purposes of subsection (y)) are for non-institutionally-based long-term services and supports described in subsection (y)(5)(B), and which satisfies the requirements of subparagraphs (A) (other than clauses (iii), (v), and (vi)), (C), and (F) of subsection (y)(2), and has implemented the structural changes described in each clause of subparagraph (E) of that subsection, the Federal medical assistance percentage shall be increased by 1 percentage point with respect to medical assistance described in subparagraph (A) of subsection (y)(4) (but subject to the limitation described in subparagraph (B) of that subsection)''.

(c) GRANTS TO SUPPORT STRUCTURAL CHANGES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall award grants to States for the following purposes:

(A) To support the development of common national set of coding methodologies and databases related to the provision of non-institutionally-based long-term services and supports described in paragraph (5)(B) of section 1905(y) of the Social Security Act (as added by subsection (a)).

(B) To make structural changes described in paragraph (2)(E) of section 1905(y) to the State Medicaid program.

(2) PRIORITY.—In awarding grants for the purpose described in paragraph (1)(A), the Secretary of Health and Human Services shall give priority to States in which at least 50 percent of the total expenditures for medical assistance under the State Medicaid program for fiscal year 2009 for long-term services and supports, as defined by the Secretary for purposes of section 1905(y) of the Social Security Act, are for non-institutionally-based long-term services and supports described in paragraph (5)(B) of such section.

(3) COLLABORATION.—States awarded a grant for the purpose described in paragraph (1)(A) shall collaborate with other States, the National Governor's Association, the National Conference of State Legislatures, the National Association of State Medicaid Directors, the National Association of State Directors of Developmental Disabilities, and other appropriate organizations in developing specifications for a common national set of coding methodologies and databases.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2010 through 2012.

(d) AUTHORITY FOR INDIVIDUALIZED BUDGETS UNDER WAIVERS TO PROVIDE HOME AND COMMUNITY-BASED SERVICES.—In the case of any waiver to provide home and community-based services under subsection (c) or (d) of section 1915 of the Social Security Act (42 U.S.C. 1396n) or section 1115 of such Act (42 U.S.C. 1315), that is approved or renewed after the date of enactment of this Act, the Secretary of Health and Human Services shall permit a State to establish individualized budgets that identify the dollar value of the services and supports to be provided to an individual under the waiver.

(e) OVERSIGHT AND ASSESSMENT.—

(1) DEVELOPMENT OF STANDARDIZED REPORTING REQUIREMENTS.—

(A) STANDARDIZATION OF DATA AND OUTCOME MEASURES.—The Secretary of Health and Human Services shall consult with States and the National Governor's Association, the National Conference of State Legislatures, the National Association of State Medicaid Directors, the National Association of State Directors of Developmental Disabilities, and other appropriate organizations to develop specifications for standardization of—

(i) reporting of assessment data for long-term services and supports (as defined by the

Secretary for purposes of section 1905(y)(5) of the Social Security Act) for each population served, including information standardized for purposes of certified EHR technology (as defined in section 1903(t)(3)(A) of the Social Security Act (42 U.S.C. 1396b(t)(3)(A)) and under other electronic medical records initiatives; and

(ii) outcomes measures that track assessment processes for long-term services and supports (as so defined) for each such population that maintain and enhance individual function, independence, and stability.

(2) ADMINISTRATION OF HOME AND COMMUNITY SERVICES.—The Secretary of Health and Human Services shall promulgate regulations to ensure that all States develop service systems that are designed to—

(A) allocate resources for services in a manner that is responsive to the changing needs and choices of beneficiaries receiving non-institutionally-based long-term services and supports described in paragraph (5)(B) of section 1905(y) of the Social Security Act (as added by subsection (a)) (including such services and supports that are provided under programs other the State Medicaid program), and that provides strategies for beneficiaries receiving such services to maximize their independence;

(B) provide the support and coordination needed for a beneficiary in need of such services (and their family caregivers or representative, if applicable) to design an individualized, self-directed, community-supported life; and

(C) improve coordination among all providers of such services under federally and State-funded programs in order to—

(i) achieve a more consistent administration of policies and procedures across programs in relation to the provision of such services; and

(ii) oversee and monitor all service system functions to assure—

(I) coordination of, and effectiveness of, eligibility determinations and individual assessments; and

(II) development and service monitoring of a complaint system, a management system, a system to qualify and monitor providers, and systems for role-setting and individual budget determinations.

(3) MONITORING.—The Secretary of Health and Human Services shall assess on an ongoing basis and based on measures specified by the Agency for Healthcare Research and Quality, the safety and quality of non-institutionally-based long-term services and supports described in paragraph (5)(B) of section 1905(y) of that Act provided to beneficiaries of such services and supports and the outcomes with regard to such beneficiaries' experiences with such services. Such oversight shall include examination of—

(A) the consistency, or lack thereof, of such services in care plans as compared to those services that were actually delivered; and

(B) the length of time between when a beneficiary was assessed for such services, when the care plan was completed, and when the beneficiary started receiving such services.

(4) GAO STUDY AND REPORT.—The Comptroller General of the United States shall study the longitudinal costs of Medicaid beneficiaries receiving long-term services and supports (as defined by the Secretary for purposes of section 1905(y)(5) of the Social Security Act) over 5-year periods across various programs, including the non-institutionally-based long-term services and supports described in paragraph (5)(B) of such section, PACE program services under section 1894 of the Social Security Act (42 U.S.C. 1395eee, 1396u–4), and services provided under specialized MA plans for special needs individuals under part C of title XVIII of the Social Security Act.

TITLE II—STRENGTHENING THE MEDICAID HOME AND COMMUNITY-BASED STATE PLAN AMENDMENT OPTION

SEC. 201. REMOVAL OF BARRIERS TO PROVIDING HOME AND COMMUNITY-BASED SERVICES UNDER STATE PLAN AMENDMENT OPTION FOR INDIVIDUALS IN NEED.

(a) PARITY WITH INCOME ELIGIBILITY STANDARD FOR INSTITUTIONALIZED INDIVIDUALS.—Paragraph (1) of section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)) is amended by striking ''150 percent of the poverty line (as defined in section 2110(c)(5))'' and inserting ''300 percent of the supplemental security income benefit rate established by section 1611(b)(1)''.

(b) ADDITIONAL STATE OPTIONS.—Section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)) is amended by adding at the end the following new paragraphs:

''(6) STATE OPTION TO PROVIDE HOME AND COMMUNITY-BASED SERVICES TO INDIVIDUALS ELIGIBLE FOR SERVICES UNDER A WAIVER.—

''(A) IN GENERAL.—A State that provides home and community-based services in accordance with this subsection to individuals who satisfy the needs-based criteria for the receipt of such services established under paragraph (1)(A) may, in addition to continuing to provide such services to such individuals, elect to provide home and community-based services in accordance with the requirements of this paragraph to individuals who are eligible for home and community-based services under a waiver approved for the State under subsection (c), (d), or (e) or under section 1115 to provide such services, but only for those individuals whose income does not exceed 300 percent of the supplemental security income benefit rate established by section 1611(b)(1).

''(B) APPLICATION OF SAME REQUIREMENTS FOR INDIVIDUALS SATISFYING NEEDS-BASED CRITERIA.—Subject to subparagraph (C), a State shall provide home and community-based services to individuals under this paragraph in the same manner and subject to the same requirements as apply under the other paragraphs of this subsection to the provision of home and community-based services to individuals who satisfy the needs-based criteria established under paragraph (1)(A).

''(C) AUTHORITY TO OFFER DIFFERENT TYPE, AMOUNT, DURATION, OR SCOPE OF HOME AND COMMUNITY-BASED SERVICES.—A State may offer home and community-based services to individuals under this paragraph that differ in type, amount, duration, or scope from the home and community-based services offered for individuals who satisfy the needs-based criteria established under paragraph (1)(A), so long as such services are within the scope of services described in paragraph (4)(B) of subsection (c) for which the Secretary has the authority to approve a waiver and do not include room or board.

''(7) STATE OPTION TO OFFER HOME AND COMMUNITY-BASED SERVICES TO SPECIFIC, TARGETED POPULATIONS.—

''(A) IN GENERAL.—A State may elect in a State plan amendment under this subsection to target the provision of home and community-based services under this subsection to specific populations and to differ the type, amount, duration, or scope of such services to such specific populations.

''(B) 5-YEAR TERM.—

''(i) IN GENERAL.—An election by a State under this paragraph shall be for a period of 5 years.

''(ii) PHASE-IN OF SERVICES AND ELIGIBILITY PERMITTED DURING INITIAL 5-YEAR PERIOD.—A State making an election under this paragraph may, during the first 5-year period for which the election is made, phase-in the enrollment of eligible individuals, or the provision of services to such individuals, or both, so long as all eligible individuals in the State for such services are enrolled, and all such services are provided, before the end of the initial 5-year period.

''(C) RENEWAL.—An election by a State under this paragraph may be renewed for additional 5-year terms if the Secretary determines, prior to beginning of each such renewal period, that the State has—

''(i) adhered to the requirements of this subsection and paragraph in providing services under such an election; and

''(ii) met the State's objectives with respect to quality improvement and beneficiary outcomes.''.

(c) REMOVAL OF LIMITATION ON SCOPE OF SERVICES.—Paragraph (1) of section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)), as amended by subsection (a), is amended by striking ''or such other services requested by the State as the Secretary may approve''.

(d) OPTIONAL ELIGIBILITY CATEGORY TO PROVIDE FULL MEDICAID BENEFITS TO INDIVIDUALS RECEIVING HOME AND COMMUNITY-BASED SERVICES UNDER A STATE PLAN AMENDMENT.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVIII), by striking ''or'' at the end;

(B) in subclause (XIX), by adding ''or'' at the end; and

(C) by inserting after subclause (XIX), the following new subclause:

''(XX) who are eligible for home and community-based services under needs-based criteria established under paragraph (1)(A) of section 1915(i), or who are eligible for home and community-based services under paragraph (6) of such section, and who will receive home and community-based services pursuant to a State plan amendment under such subsection;''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting ''1902(a)(10)(A)(ii)(XX),'' after ''1902(a)(10)(A)(ii)(XIX),''.

(B) Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (xii), by striking ''or'' at the end;

(ii) in clause (xiii), by adding ''or'' at the end; and

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

''(xiv) individuals who are eligible for home and community-based services under needs-based criteria established under paragraph (1)(A) of section 1915(i), or who are eligible for home and community-based services under paragraph (6) of such section, and who will receive home and community-based services pursuant to a State plan amendment under such subsection,''.

(e) ELIMINATION OF OPTION TO LIMIT NUMBER OF ELIGIBLE INDIVIDUALS OR LENGTH OF PERIOD FOR GRANDFATHERED INDIVIDUALS IF ELIGIBILITY CRITERIA IS MODIFIED.—Paragraph (1) of section 1915(i) of such Act (42 U.S.C. 1396n(i)) is amended—

(1) by striking subparagraph (C) and inserting the following:

''(C) PROJECTION OF NUMBER OF INDIVIDUALS TO BE PROVIDED HOME AND COMMUNITY-BASED SERVICES.—The State submits to the Secretary, in such form and manner, and upon such frequency as the Secretary shall specify, the projected number of individuals to be provided home and community-based services.''; and

(2) in subclause (II) of subparagraph (D)(ii), by striking ''to be eligible for such services

for a period of at least 12 months beginning on the date the individual first received medical assistance for such services'' and inserting ''to continue to be eligible for such services after the effective date of the modification and until such time as the individual no longer meets the standard for receipt of such services under such pre-modified criteria''.

(f) ELIMINATION OF OPTION TO WAIVE STATEWIDENESS; ADDITION OF OPTION TO WAIVE COMPARABILITY.—Paragraph (3) of section 1915(i) of such Act (42 U.S.C. 1396n(3)) is amended by striking ''1902(a)(1) (relating to statewideness)'' and inserting ''1902(a)(10)(B) (relating to comparability''.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the first day of the first fiscal year quarter that begins after the date of enactment of this Act.

SEC. 202. MANDATORY APPLICATION OF SPOUSAL IMPOVERISHMENT PROTECTIONS TO RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.

(a) IN GENERAL.—Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r–5(h)(1)(A)) is amended by striking ''(at the option of the State) is described in section 1902(a)(10)(A)(ii)(VI)'' and inserting ''is eligible for medical assistance for home and community-based services under subsection (c), (d), (e), or (i) of section 1915''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2009.

SEC. 203. STATE AUTHORITY TO ELECT TO EXCLUDE UP TO 6 MONTHS OF AVERAGE COST OF NURSING FACILITY SERVICES FROM ASSETS OR RESOURCES FOR PURPOSES OF ELIGIBILITY FOR HOME AND COMMUNITY-BASED SERVICES.

(a) IN GENERAL.—Section 1917 of the Social Security Act (42 U.S.C. 1396p) is amended by adding at the end the following new subsection:

''(i) STATE AUTHORITY TO EXCLUDE UP TO 6 MONTHS OF AVERAGE COST OF NURSING FACILITY SERVICES FROM HOME AND COMMUNITY-BASED SERVICES ELIGIBILITY DETERMINATIONS.—Nothing in this section or any other provision of this title, shall be construed as prohibiting a State from excluding from any determination of an individual's assets or resources for purposes of determining the eligibility of the individual for medical assistance for home and community-based services under subsection (c), (d), (e), or (i) of section 1915 (if a State imposes an limitation on assets or resources for purposes of eligibility for such services), an amount equal to the product of the amount applicable under subsection (c)(1)(E)(ii)(II) (at the time such determination is made) and such number, not to exceed 6, as the State may elect.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed as affecting a State's option to apply less restrictive methodologies under section 1902(r)(2) for purposes of determining income and resource eligibility for individuals specified in that section.

TITLE III—COORDINATION OF HOME AND COMMUNITY-BASED WAIVERS

SEC. 301. STREAMLINED PROCESS FOR COMBINED WAIVERS UNDER SUBSECTIONS (B) AND (C) OF SECTION 1915.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall create a template to streamline the process of approving, monitoring, evaluating, and renewing State proposals to conduct a program that combines the waiver authority provided under subsections (b) and (c) of section 1915 of the Social Security Act (42 U.S.C. 1396n) into a single program under which the State provides home and community-based services to individuals based on individualized assessments and care plans (in this section referred to as the ''combined waivers program''). The template required under this section shall provide for the following:

(1) A standard 5-year term for conducting a combined waivers program.

(2) Harmonization of any requirements under subsections (b) and (c) of such section that overlap.

(3) An option for States to elect, during the first 5-year term for which the combined waivers program is approved to phase-in the enrollment of eligible individuals, or the provision of services to such individuals, or both, so long as all eligible individuals in the State for such services are enrolled, and all such services are provided, before the end of the initial 5-year period.

(4) Examination by the Secretary, prior to each renewal of a combined waivers program, of how well the State has—

(A) adhered to the combined waivers program requirements; and

(B) performed in meeting the State's objectives for the combined waivers program, including with respect to quality improvement and beneficiary outcomes.

By Ms. CANTWELL (for herself and Ms. STABENOW):

S. 1257. A bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce Project 2020: Building on the Promise of Home and Community-Based Services Act with my colleague from Michigan, Senator STABENOW. By the year 2020, almost 1 in 6 Americans will be over the age of 65 and the population of people over the age of 85, the fastest growing segment of the population, will double. Our current long term care financing structure is unsustainable as the population in need of such services rapidly increases. As such, we must turn our focus to reforming the long term care system to provide the best care available to this vulnerable population.

The average cost of a nursing home in this country is $70,000 a year, making this an unrealistic option for most Americans. In fact, most people who end up in a nursing home last just six months before they have spent so much they become poor enough to qualify for Medicaid. This situation is expensive for consumers, for states, and for the federal government. Fortunately, there is a clear answer. It costs Medicaid one third as much to provide someone with home and community based care as it would cost to care for them in a nursing home. In addition, most people want to stay in their own home or community whenever possible. An independent analysis conducted by the Lewin Group shows that Project 2020 would reach over 40 million Americans, while simultaneously reducing Medicare and Medicaid costs by more than $2.8 billion over 5 years.

Project 2020 addresses the urgent need to shift away from institutional care and towards home and community based services in three distinct ways: through enhanced nursing home diversion; by increasing the use of person-centered access to information; and by utilizing evidence-based disease and injury prevention. As I previously mentioned, increased nursing home diversion will not only provide significant savings to the Medicaid program, it will also allow families to stay together and let people be active members of their communities. Through the creation of a person-center access point to information, consumers, family members, and caregivers will be given the tools necessary to make well informed decisions about long term care. Finally, this bill will provide for programs that help consumers get proven education about avoiding preventable diseased and injuries, such as falls and malnutrition, which result in thousands of unnecessary hospitalizations every year.

As you can see, these three programs constitute a common-sense, multifaceted approach to improving the quality of life of individuals and their families, while providing a substantial amount of savings to the health care system.

I am pleased to introduce this important legislation along with my colleague Senator STABENOW and I look forward to working with the rest of my Senate colleagues to provide families with the long term care services and support they need.

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. 1257

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 ''Project 2020: Building on the Promise of Home and Community-Based Services Act of 2009''.

SEC. 2. LONG-TERM SERVICES AND SUPPORTS.

The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following:

"TITLE XXII—LONG-TERM SERVICES AND SUPPORTS

"SEC. 2201. DEFINITIONS.

''Except as otherwise provided, the terms used in this title have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

"Subtitle A—Single-Entry Point System Program

"SEC. 2211. STATE SINGLE-ENTRY POINT SYSTEMS.

''(a) DEFINITIONS.—In this title:

''(1) LONG-TERM SERVICES AND SUPPORTS.—The term 'long-term services and supports' means any service (including a disease prevention and health promotion service, an in-home service, or a case management service), care, or item (including an assistive device) that is—

''(A) intended to assist individuals in coping with, and, to the extent practicable, compensating for, functional impairment in carrying out activities of daily living;

''(B) furnished at home, in a community care setting, including a small community care setting (as defined in section 1929(g)(1)) and a large community care setting (as defined in section 1929(h)(1)), or in a long-term care facility; and

''(C) not furnished to diagnose, treat, or cure a medical disease or condition.

''(2) SINGLE-ENTRY POINT SYSTEM.—The term 'single-entry point system' means any coordinated system for providing—

''(A) comprehensive information to consumers and caregivers on the full range of available public and private long-term services and supports, options, service providers, and resources, including information on the availability of integrated long-term care, including consumer directed care options;

''(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

''(C) consumers and caregivers access to the range of publicly supported and privately supported long-term services and supports that are available.

''(b) PROGRAM.—The Secretary shall establish and carry out a single-entry point system program. In carrying out the program, the Secretary shall make grants to States, from allotments described in subsection (c), to pay for the Federal share of the cost of establishing State single-entry point systems.

''(c) ALLOTMENTS.—

''(1) ALLOTMENTS TO INDIAN TRIBES AND TERRITORIES.—

''(A) RESERVATION.—The Secretary shall reserve from the funds made available under subsection (g)—

''(i) for fiscal year 2010, $1,962,456; and

''(ii) for each subsequent fiscal year, $1,962,456, increased by the percentage increase in the Consumer Price Index for All Urban Consumers, between October of the fiscal year preceding the subsequent fiscal year and October, 2007.

''(B) ALLOTMENTS.—The Secretary shall use the funds reserved under subparagraph (A) to make allotments to—

''(i) Indian tribes; and

''(ii) Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

''(2) ALLOTMENTS TO STATES.—

''(A) IN GENERAL.—

''(i) AMOUNT.—The Secretary shall allot to each eligible State for a fiscal year the sum of the fixed amount determined under subparagraph (B), and the allocation determined under subparagraph (C), for the State.

''(ii) SUBGRANTS TO AREA AGENCIES ON AGING.—

''(I) IN GENERAL.—Each State agency receiving an allotment under clause (i) shall use such allotment to make subgrants to area agencies on aging that can demonstrate performance capacity to carry out activities described in this section whether such area agency on aging carries out the activities directly or through contract with an aging network or disability entity. An area agency on agency desiring a subgrant shall establish or designate a collaborative board to ensure meaningful involvement of stakeholders in the development, planning, implementation, and evaluation of a single-entry point system consistent with the following:

''(aa) The collaborative board shall be composed of—

''(AA) individuals representing all populations served by the agency's single-entry point system, including older adults and individuals from diverse backgrounds who have a disability or a chronic condition requiring long-term support;

''(BB) a representative from the local center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)), and representatives from other organizations that provide services to the individuals served by the system and those who advocate on behalf of such individuals; and

''(CC) representatives of the government and non-governmental agencies that are affected by the system.

''(bb) The agency shall work in conjunction with the collaborative board on—

''(AA) the design and operations of the single-entry point system;

''(BB) stakeholder input; and

''(CC) other program and policy development issues related to the single-entry point system.

''(cc) An advisory board established under the Real Choice Systems Change Program or for an existing single-entry point system may be used to carry out the activities of a collaborative board under this subclause if such advisory board meets the requirements under item (aa).

''(II) SUBGRANTS TO OTHER ENTITIES.—A State agency may make subgrants described in subclause (I) to other qualified aging network or disability entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

''(III) SUBGRANTEE RECIPIENT SUBGRANTS.—An administrator of a single-entry point system established by a State receiving an allotment under clause (i) shall make any necessary subgrants to key partners involved in developing, planning, or implementing the single-entry point system. Such partners may include centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)).

''(B) FIXED AMOUNTS FOR STATES.—

''(i) RESERVATION.—The Secretary shall reserve from the funds made available under subsection (g)—

''(I) for fiscal year 2010, $15,759,000; and

''(II) for each subsequent fiscal year, $15,759,000, increased by the percentage increase in the Consumer Price Index for All Urban Consumers, between October of the fiscal year preceding the subsequent fiscal year and October, 2007.

''(ii) FIXED AMOUNTS.—The Secretary shall use the funds reserved under clause (i) to provide equal fixed amounts to the States.

''(C) ALLOCATION FOR STATES.—The Secretary shall allocate to each eligible State for a fiscal year an amount that bears the same relationship to the funds made available under subsection (g) (and not reserved under paragraph (1) or subparagraph (B)) for that fiscal year as the number of persons who are either older individuals or individuals with disabilities in that State bears to the number of such persons or individuals in all the States.

''(D) DETERMINATION OF NUMBER OF PERSONS.—

''(i) OLDER INDIVIDUALS.—The number of older individuals in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Secretary.

''(ii) INDIVIDUALS WITH DISABILITIES.—The number of individuals with disabilities in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the American Community Survey, and other reliable demographic data satisfactory to the Secretary, on individuals who have a sensory disability, physical disability, mental disability, self-care disability, go-outside-home disability, or employment disability.

''(3) ELIGIBILITY.—In addition to the States determined by the Secretary to be eligible for a grant under this section, a State that receives a Federal grant for an aging and disability resource center is eligible for a grant under this section.

''(4) DEFINITION.—In this subsection, the term 'State' shall not include any jurisdiction described in paragraph (1)(B)(ii).

''(d) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive an initial grant under this section, a State agency shall, after consulting and coordinating with consumers, other stakeholders, centers for independent living in the State, if any, and area agencies on aging in the State, if any, submit an application to the Secretary at such time, in such manner, and containing the following information:

''(A) Evidence of substantial involvement of stakeholders and agencies in the State that are administering programs that will be the subject of referrals.

''(B) The applicant's plan for providing—

''(i) comprehensive information on the full range of available public and private long-term services and supports options, providers, and resources, including building awareness of the single-entry point system as a resource;

''(ii) objective, neutral, and personal information, counseling, and assistance to individuals and their caregivers in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care to meet their needs;

''(iii) for eligibility screening and referral for services;

''(iv) for stakeholder input;

''(v) for a management information system; and

''(vi) for an evaluation of the effectiveness of the single-entry point system.

''(C) A specification of the period of the grant request, which shall include not less than 3 consecutive fiscal years in the 5-fiscal-year-period beginning with fiscal year 2010.

''(D) Such other information as the Secretary determines appropriate.

''(2) APPLICATION FOR CONTINUATION.—

''(A) IN GENERAL.—A State that receives an initial grant under this section shall apply, after consulting and coordinating with the area agencies on aging, for a continuation of the initial grant, which includes a description of any significant changes to the information provided in the initial application and such data concerning performance measures related to the requirements in the initial application as the Secretary shall require.

''(B) EFFECT.—The requirement under subparagraph (A) shall be in effect through fiscal year 2020.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—A State that receives a grant under this section shall use the funds made available through the grant to—

''(A) establish a State single-entry point system, to enable older individuals and individuals with disabilities and their caregivers to obtain resources concerning long-term services and supports options; and

''(B) provide information on, access to, and assistance regarding long-term services and supports.

''(2) SERVICES.—In particular, the State single-entry point system shall be the referral source to—

''(A) provide information about long-term care planning and available long-term services and supports through a variety of media (such as websites, seminars, and pamphlets);

''(B) provide assistance with making decisions about long-term services and supports

and determining the most appropriate services through options counseling, future financial planning, and case management;

''(C) provide streamlined access to and assistance with applying for federally funded long-term care benefits (including medical assistance under title XIX, Medicare skilled nursing facility services, services under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.), the services of Aging and Disability Resource Centers), and State-funded and privately funded long-term care benefits, through efforts to shorten and simplify the eligibility processes for older individuals and individuals with disabilities;

''(D) provide referrals to the State evidence-based disease prevention and health promotion programs under subtitle B;

''(E) allocate the State funds available under subtitle C and carry out the State enhanced nursing home diversion program under subtitle C; and

''(F) and provide information about, other services available in the State that may assist an individual to remain in the community, including the Medicare and Medicaid programs, the State health insurance assistance program, the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), and the Low-Income Home Energy Assistance Program under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), and such other services, as the State shall include.

''(3) COLLABORATIVE ARRANGEMENTS.—

''(A) CENTER FOR INDEPENDENT LIVING.—Each entity receiving an allotment under subsection (c) shall involve in the planning and implementation of the single-entry point system the local center for independent living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)), which provides information, referral, assistance, or services to individuals with disabilities.

''(B) OTHER ENTITIES.—To the extent practicable, the State single-entry point system shall enter into collaborative arrangements with aging and disability programs, service providers, agencies, the direct care work force, and other entities in order to ensure that information about such services may be made available to individuals accessing the State single-entry point system.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost described in subsection (b) shall be 75 percent.

''(2) NON-FEDERAL SHARE.—The State may provide the non-Federal share of the cost in cash or in-kind, fairly evaluated, including plant, equipment, or services. The State may provide the non-Federal share from State, local, or private sources.

''(g) FUNDING.—

''(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (2) to make the grants described in subsection (b).

''(2) FUNDING.—There are authorized to be appropriated to carry out this section—

''(A) $30,900,000 for fiscal year 2010;
''(B) $38,264,000 for fiscal year 2011;
''(C) $48,410,000 for fiscal year 2012;
''(D) $53,560,000 for fiscal year 2013;
''(E) $63,860,000 for fiscal year 2014;
''(F) $69,010,000 for fiscal year 2015;
''(G) $74,160,000 for fiscal year 2016;
''(H) $79,310,000 for fiscal year 2017;
''(I) $84,460,000 for fiscal year 2018;
''(J) $89,610,000 for fiscal year 2019; and
''(K) $95,790,000 for fiscal year 2020.

''(3) AVAILABILITY.—Funds appropriated under paragraph (2) shall remain available until expended.

''Subtitle B—Healthy Living Program

''SEC. 2221. EVIDENCE-BASED DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS.

''(a) PROGRAM.—The Secretary shall establish and carry out a healthy living program. In carrying out the program, the Secretary shall make grants to State agencies, from allotments described in subsection (b), to pay for the Federal share of the cost of carrying out evidence-based disease prevention and health promotion programs.

''(b) ALLOTMENTS.—

''(1) ALLOTMENTS TO INDIAN TRIBES AND TERRITORIES.—

''(A) RESERVATION.—The Secretary shall reserve from the funds made available under subsection (g)—

''(i) for fiscal year 2010, $1,500,952; and

''(ii) for each subsequent fiscal year, $1,500,952, increased by the percentage increase in the Consumer Price Index for All Urban Consumers, between October of the fiscal year preceding the subsequent fiscal year and October, 2007.

''(B) ALLOTMENTS.—The Secretary shall use the reserved funds under subparagraph (A) to make allotments to—

''(i) Indian tribes; and

''(ii) Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

''(2) IN GENERAL.—

''(A) AMOUNTS.—

''(i) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall allot to each eligible State for a fiscal year an amount that bears the same relationship to the funds made available under this section and not reserved under paragraph (1) for that fiscal year as the number of older individuals in the State bears to the number of older individuals in all the States.

''(ii) OLDER INDIVIDUALS.—The number of older individuals in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Secretary.

''(B) SUBGRANTS.—

''(i) IN GENERAL.—Each State agency that receives an amount under subparagraph (A) shall award subgrants to area agencies on aging that can demonstrate performance capacity to carry out activities under this section whether such area agency on aging carries out the activities directly or through contract with an aging network entity.

''(ii) SUBGRANTS TO OTHER ENTITIES.—A State agency may make subgrants described in clause (i) to other qualified aging network entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

''(3) MINIMUM ALLOTMENT.—No State shall receive an allotment under this section for a fiscal year that is less than 0.5 percent of the funds made available to carry out this section for that fiscal year and not reserved under paragraph (1).

''(4) ELIGIBILITY.—In addition to the States determined by the Secretary to be eligible for a grant under this section, a State that receives a Federal grant for evidence-based disease prevention is eligible for a grant under this section.

''(c) APPLICATIONS.—To be eligible to receive a grant under this section, a State agency shall, after consulting and coordinating with consumers, other stakeholders, and area agencies on aging in the State, if any, submit an application to the Secretary at such time, in such manner, and containing the following information:

''(1) A description of the evidence-based disease prevention and health promotion program.

''(2) Sufficient information to demonstrate that the infrastructure exists to support the program.

''(3) A specification of the period of the grant request, which shall include not less than 3 consecutive fiscal years in the 5 fiscal year period beginning with fiscal year 2010.

''(4) Such other information as the Secretary determines appropriate.

''(d) APPLICATION FOR CONTINUATION.—

''(1) IN GENERAL.—A State that receives an initial grant under this section shall apply, after consulting and coordinating with the area agencies on aging, for a continuation of the initial grant, which application shall include—

''(A) a description of any significant changes to the information provided in the initial application; and

''(B) such data concerning performance measures related to the requirements in the initial application as the Secretary shall require.

''(2) EFFECT.—The requirement under paragraph (1) shall be in effect through fiscal year 2020.

''(e) USE OF FUNDS.—A State that receives a grant under this section shall use the funds made available through the grant to carry out—

''(1) an evidence-based chronic disease self-management program;

''(2) an evidence-based falls prevention program; or

''(3) another evidence-based disease prevention and health promotion program.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 85 percent.

''(2) NON-FEDERAL SHARE.—The State may provide the non-Federal share of the cost in cash or in-kind, fairly evaluated, including plant, equipment, or services. The State may provide the non-Federal share from State, local, or private sources.

''(g) FUNDING.—

''(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (2) to make the grants described in subsection (a).

''(2) FUNDING.—There are authorized to be appropriated to carry out this section—

''(A) $36,050,000 for fiscal year 2010;
''(B) $41,200,000 for fiscal year 2011;
''(C) $56,650,000 for fiscal year 2012;
''(D) $77,250,000 for fiscal year 2013;
''(E) $92,700,000 for fiscal year 2014;
''(F) $103,000,000 for fiscal year 2015;
''(G) $118,450,000 for fiscal year 2016;
''(H) $133,900,000 for fiscal year 2017;
''(I) $149,350,000 for fiscal year 2018;
''(J) $157,590,000 for fiscal year 2019; and
''(K) $173,040,000 for fiscal year 2020.

''(3) AVAILABILITY.—Funds appropriated under paragraph (2) shall remain available until expended.

''Subtitle C—Diversion Programs

''SEC. 2231. ENHANCED NURSING HOME DIVERSION PROGRAMS.

''(a) DEFINITION.—In this section:

''(1) LOW-INCOME SENIOR.—The term 'low-income senior' means an individual who—

''(A) is age 75 or older; and

''(B) is from a household with a household income that is not less than 150 percent, and not more than 300 percent, of the poverty line.

''(2) NURSING HOME.—The term 'nursing home' means—

''(A) a skilled nursing facility, as defined in section 1819(a); or

''(B) a nursing facility, as defined in section 1919(a).

''(b) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and carry out a diversion program. In carrying out the program, the Secretary shall make grants to States, from allotments described in subsection (c), to pay for the Federal share of the cost of carrying out enhanced nursing home diversion programs.

''(2) COHORTS.—The Secretary shall make the grants to—

''(A) a first year cohort consisting of one third of the States, for fiscal year 2010;

''(B) a second year cohort consisting of the cohort described in subparagraph (A) and an additional one third of the States, for fiscal year 2011; and

''(C) a third year cohort consisting of all the eligible States, for fiscal year 2012 and each subsequent fiscal year.

''(3) READINESS.—In determining whether to include an eligible State in the first year, second year, or third year and subsequent year cohort, the Secretary shall consider the readiness of the State to carry out an enhanced nursing home diversion program under this section. Readiness shall be determined based on a consideration of the following factors:

''(A) Availability of a comprehensive array of home- and community-based services.

''(B) Sufficient home- and community-based services provider capacity.

''(C) Availability of housing.

''(D) Availability of supports for consumer-directed services, including whether a fiscal intermediary is in place.

''(E) Ability to perform timely eligibility determinations and assessment for services.

''(F) Existence of a quality assessment and improvement program for home and community-based services.

''(G) Such other factors as the Secretary determines appropriate.

''(c) ALLOTMENTS.—

''(1) IN GENERAL.—

''(A) AMOUNT.—The Secretary shall allot to an eligible State (within the applicable cohort) for a fiscal year an amount that bears the same relationship to the funds made available under subsection (i) for that fiscal year as the number of low-income seniors in the State bears to the number of low-income seniors within States in the applicable cohort for that fiscal year.

''(B) LOW-INCOME SENIORS.—The number of low-income seniors in any State and in all States shall be determined by the Secretary on the basis of the most recent data available from the American Community Survey, and other reliable demographic data satisfactory to the Secretary.

''(2) ELIGIBILITY.—In addition to the States determined by the Secretary to be eligible for a grant under this section, a State that receives a Federal grant for a nursing home diversion is eligible for a grant under this section.

''(d) APPLICATIONS.—To be eligible to receive a grant under this section, a State agency shall, after consulting and coordinating with consumers, other stakeholders, and area agencies on aging in the State, if any, submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a specification of the period of the grant request, which shall include not less than 3 consecutive fiscal years in the 5 fiscal year period beginning with the fiscal year prior to the year of application.

''(e) APPLICATION FOR CONTINUATION.—

''(1) IN GENERAL.—A State that receives an initial grant under this section shall apply, after consulting and coordinating with the area agencies on aging, for a continuation of the initial grant, which application shall include—

''(A) a description of any significant changes to the information provided in the initial application; and

''(B) such data concerning performance measures related to the requirements in the initial application as the Secretary shall require.

''(2) EFFECT.—The requirement under paragraph (1) shall be in effect through fiscal year 2020.

''(f) USE OF FUNDS.—

''(1) IN GENERAL.—A State that receives a grant under this section shall carry out the following:

''(A) Use the funds made available through the grant to carry out an enhanced nursing home diversion program that enables eligible individuals to avoid admission into nursing homes by enabling the individuals to obtain alternative long-term services and supports and remain in their communities.

''(B) Award subgrants to area agencies on aging that can demonstrate performance capacity to carry out activities under this section whether such area agency on aging carries out the activities directly or through contract with an aging network entity. A State may make subgrants to other qualified aging network entities only if the area agency on aging chooses not to apply for a subgrant or is not able to demonstrate performance capacity to carry out the activities described in this section.

''(2) CASE MANAGEMENT.—

''(A) IN GENERAL.—The State, through the State single-entry point system established under subtitle A, shall provide for case management services to the eligible individuals.

''(B) USE OF EXISTING SERVICES.—In carrying out subparagraph (A), the State agency or area agency on aging may utilize existing case management services delivery networks if—

''(i) the networks have adequate safeguards against potential conflicts of interest; and

''(ii) the State agency or area agency on aging includes a description of such safeguards in the grant application.

''(C) CARE PLAN.—The State shall provide for development of a care plan for each eligible individual served, in consultation with the eligible individual and their caregiver, as appropriate. In developing the care plan, the State shall explain the option of consumer directed care and assist an individual, who so requests, with developing a consumer-directed care plan that shall include arranging for support services and funding. Such assistance shall include providing information and outreach to individuals in the hospital, in a nursing home for post-acute care, or undergoing changes in their health status or caregiver situation.

''(g) ELIGIBLE INDIVIDUALS.—In this section, the term 'eligible individual' means an individual—

''(1) who has been determined by the State to be at high functional risk of nursing home placement, as defined by the State agency in the State agency's grant application;

''(2) who is not eligible for medical assistance under title XIX; and

''(3) who meets the income and asset eligibility requirements established by the State and included in such State's grant application for approval by the Secretary.

''(h) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost described in subsection (b) shall be, for a State and for a fiscal year, the sum of—

''(A) the Federal medical assistance percentage applicable to the State for the year under section 1905(b); and

''(B) 5 percentage points.

''(2) NON-FEDERAL SHARE.—The State may provide the non-Federal share of the cost in cash or in-kind, fairly evaluated, including plant, equipment, or services. The State may provide the non-Federal share from State, local, or private sources.

''(i) FUNDING.—

''(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (2) to make the grants described in subsection (b).

''(2) FUNDING.—There are authorized to be appropriated to carry out this section—

''(A) $111,825,137 for fiscal year 2010;

''(B) $337,525,753 for fiscal year 2011;

''(C) $650,098,349 for fiscal year 2012;

''(D) $865,801,631 for fiscal year 2013;

''(E) $988,504,887 for fiscal year 2014;

''(F) $1,124,547,250 for fiscal year 2015;

''(G) $1,276,750,865 for fiscal year 2016;

''(H) $1,364,488,901 for fiscal year 2017;

''(I) $1,466,769,052 for fiscal year 2018;

''(J) $1,712,755,702 for fiscal year 2019; and

''(K) $1,712,755,702 for fiscal year 2020.

''(3) AVAILABILITY.—Funds appropriated under paragraph (2) shall remain available until expended.

"Subtitle D—Administration, Evaluation, and Technical Assistance

"SEC. 2241. ADMINISTRATION, EVALUATION, AND TECHNICAL ASSISTANCE.

''(a) ADMINISTRATION AND EXPENSES.—For purposes of carrying out this title, there are authorized to be appropriated for administration and expenses—

''(1) of the area agencies on aging—

''(A) $16,825,895 for fiscal year 2010;

''(B) $39,246,141 for fiscal year 2011;

''(C) $50,766,948 for fiscal year 2012;

''(D) $66,999,101 for fiscal year 2013;

''(E) $76,979,152 for fiscal year 2014;

''(F) $87,163,513 for fiscal year 2015;

''(G) $98,780,562 for fiscal year 2016;

''(H) $106,063,792 for fiscal year 2017;

''(I) $114,324,642 for fiscal year 2018;

''(J) $123,312,948 for fiscal year 2019; and

''(K) $133,215,845 for fiscal year 2020;

''(2) of the State agencies—

''(A) $8,412,948 for fiscal year 2010;

''(B) $19,623,071 for fiscal year 2011;

''(C) $25,383,474 for fiscal year 2012;

''(D) $33,499,551 for fiscal year 2013;

''(E) $38,489,576 for fiscal year 2014;

''(F) $43,581,756 for fiscal year 2015;

''(G) $49,390,281 for fiscal year 2016;

''(H) $53,031,896 for fiscal year 2017;

''(I) $57,162,321 for fiscal year 2018;

''(J) $61,656,474 for fiscal year 2019; and

''(K) $66,607,923 for fiscal year 2020; and

''(3) of the Administration—

''(A) $2,103,237 for fiscal year 2010;

''(B) $4,905,768 for fiscal year 2011;

''(C) $6,345,868 for fiscal year 2012;

''(D) $8,374,888 for fiscal year 2013;

''(E) $9,622,394 for fiscal year 2014;

''(F) $10,895,439 for fiscal year 2015;

''(G) $12,347,570 for fiscal year 2016;

''(H) $13,257,974 for fiscal year 2017;

''(I) $14,290,580 for fiscal year 2018;

''(J) $15,414,118 for fiscal year 2019; and

''(K) $16,651,981 for fiscal year 2020.

''(b) EVALUATION AND TECHNICAL ASSISTANCE.—

''(1) CONDITIONS TO RECEIPT OF GRANT.—In awarding grants under this title, the Secretary shall condition receipt of the grant for the second and subsequent grant years on a satisfactory determination that the State agency is meeting benchmarks specified in the grant agreement for each grant awarded under this title.

''(2) EVALUATIONS.—The Secretary shall measure and evaluate, either directly or through grants or contracts, the impact of the programs authorized under this title. Not later than June 1 of the year that is 6 years after the year of the date of enactment of the Project 2020: Building on the Promise of Home and Community-Based Services Act of 2009 and every 2 years thereafter, the Secretary shall—

''(A) compile the reports of the measures and evaluations of the grantees;

''(B) establish benchmarks to show progress toward savings; and

''(C) present a compilation of the information under this paragraph to Congress.

''(3) TECHNICAL ASSISTANCE GRANTS.—The Secretary shall award technical assistance grants, including State specific grants whenever practicable, to carry out the programs authorized under this title.

''(4) TRANSFER.—There are authorized to be appropriated for such evaluation and technical assistance under this subsection—

''(A) $4,206,474 for fiscal year 2010;

''(B) $9,811,535 for fiscal year 2011;

''(C) $8,461,158 for fiscal year 2012;

''(D) $11,166,517 for fiscal year 2013;

''(E) $12,829,859 for fiscal year 2014;

''(F) $14,527,252 for fiscal year 2015;

''(G) $16,463,427 for fiscal year 2016;

''(H) $17,677,299 for fiscal year 2017;

''(I) $19,054,107 for fiscal year 2018;

''(J) $20,552,158 for fiscal year 2019; and

''(K) $22,202,641 for fiscal year 2020.

''(c) AVAILABILITY.—Funds appropriated under this section shall remain available until expended.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 183—CELEBRATING THE LIFE AND ACHIEVEMENTS OF MILLARD FULLER, THE FOUNDER OF HABITAT FOR HUMANITY

Mr. SHELBY (for himself, Mr. SESSIONS, Mr. ISAKSON, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas Millard Fuller was born on January 3, 1935, in the small cotton-mill town of Lanett, in Chambers County, Alabama, and would later graduate from Auburn University and the University of Alabama School of Law;

Whereas Millard Fuller became a self-made millionaire by the age of 29 and could have lived out the rest of his life in comfort, but instead he and his wife sold all of their possessions, donated the proceeds to the poor, and began searching for a new purpose for their lives;

Whereas Millard Fuller and his wife established Habitat for Humanity in Americus, Georgia, in 1976;

Whereas Habitat for Humanity has constructed more than 300,000 homes for 1,500,000 people and has a presence in all 50 States, the District of Columbia, Guam, Puerto Rico, and more than 90 countries around the world;

Whereas Habitat for Humanity's noteworthy accomplishments include building 263 houses across the United States in 1 week and massive rebuilding efforts in New Orleans following Hurricane Katrina;

Whereas in 2005, Millard Fuller established The Fuller Center for Housing, which works with local organizations to provide support and guidance to repair and build homes for impoverished individuals and is located in 24 States and 15 countries on 5 continents;

Whereas Millard Fuller provided 3 decades of leadership and service to Habitat for Humanity and The Fuller Center for Housing, committing his life to philanthropy and service to others while raising global concern for homelessness and poverty;

Whereas Millard Fuller was honored with over 50 honorary doctorate degrees by colleges and universities throughout the United States and was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, by President William Jefferson Clinton in 1996; and

Whereas Millard Fuller passed away on February 3, 2009, leaving behind a loving wife, a proud family, and a legacy that will extend far beyond his life: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the life and achievements of Millard Fuller;

(2) acknowledges the millions of people he and his organization have served and the inspiration he has given to so many; and

(3) encourages all the people of the United States to recognize and pay tribute to Millard Fuller's life by following the example of service that he set.

SENATE RESOLUTION 184—OFFERING DEEPEST CONDOLENCES TO THE FAMILY AND FRIENDS OF OFFICER STEPHEN T. JOHNS AND CALLING ON THE LEADERS OF ALL NATIONS TO SPEAK OUT AGAINST THE MANIFESTATIONS OF ANTI-SEMITISM, BIGOTRY, AND HATRED

Mr. CARDIN (for himself, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. REID, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 184

Whereas the United States Holocaust Memorial Museum was established as a ''living memorial that stimulates leaders and citizens to confront hatred, prevent genocide, promote human dignity, and strengthen democracy'';

Whereas, since the dedication of the United States Holocaust Memorial Museum in 1993, the United States Holocaust Memorial Museum has welcomed nearly 30,000,000 visitors, including more than 8,000,000 school children and 85 heads of state;

Whereas, on June 10, 2009, in an assault at the entrance of the United States Holocaust Memorial Museum, Officer Stephen T. Johns of Temple Hills, Maryland, was fatally wounded and died heroically in the line of duty;

Whereas, in the wake of this heinous act of violence, the people of the United States should renew the commitment to end bigotry, intolerance, and hatred; and

Whereas there is no place in the society of the United States for individuals who seek to harm or deny rights to others, especially based on religion, race, or ethnic identity: Now, therefore, be it

Resolved, That the Senate—

(1) offers deepest condolences to the family and friends of Officer Stephen T. Johns;

(2) commends the staff members of the United States Holocaust Memorial Museum for their courage and bravery in responding to the attack on June 10, 2009;

(3) condemns anti-Semitism and all forms of religious, ethnic, and racial bigotry;

(4) condemns acts of physical violence against, and harassment of, people based on race, gender, ethnicity, or religious affiliation; and

(5) calls on the leaders of all Nations to speak out against the manifestations of anti-Semitism, bigotry, and hatred.

SENATE CONCURRENT RESOLUTION 26—APOLOGIZING FOR THE ENSLAVEMENT AND RACIAL SEGREGATION OF AFRICAN AMERICANS

Mr. HARKIN (for himself, Mr. BROWNBACK, Mr. LEVIN, Mr. DURBIN, Mr. KENNEDY, Mr. LAUTENBERG, Ms. STABENOW, Mr. BOND, and Mr. COCHRAN) submitted the following conrurrent resolution; which was ordered held at the desk:

S. CON. RES. 26

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

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

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

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

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

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

Whereas slavery was not officially abolished until the ratification of the 13th amendment to the Constitution of the United States in 1865, after the end of the Civil War;

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

Whereas the system of de jure racial segregation known as ''Jim Crow'', which arose in certain parts of the United States after

the Civil War to create separate and unequal societies for Whites and African Americans, was a direct result of the racism against people of African descent that was engendered by slavery;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) DISCLAIMER.—Nothing in this resolution—

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

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

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 the business meeting of the Committee on Energy and Natural Resources that reconvened on Thursday, June 11, 2009, will resume in SD–366 of the Dirksen Senate Office Building, on Tuesday, June 16, 2009, at 10:15 a.m., until 11 a.m.

The business meeting will then reconvene on Wednesday, June 17, 2009, at 9 a.m. until 10 a.m.

The purpose of the business meeting is to consider pending energy legislation.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 2 p.m. to hold a hearing entitled ''North Korea Back at the Brink?''.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Healthcare Reform'' on Thursday, June 11, 2009. The hearing will commence at 3 p.m. in room 216 of the Hart Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 11, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 2:45 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to met during the session of the Senate on June 11, 2009, at 2 p.m.

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

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on June 11, 2009, at 3 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Exploring the National Criminal Justice Commission Act of 2009.''

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, June 11, 2009 at 11 a.m., in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, June 11, 2009, at 2:30 p.m. to conduct a hearing entitled, ''S. 372—The Whistleblower Protection Enhancement Act of 2009.''

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

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Ryan Douglas, Christian Fjeld, and Lisa Hone, Congressional fellows with the Commerce Committee, be allowed floor privileges during the consideration of S. 1023.

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

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 26

Mr. REID. I ask unanimous consent that on Thursday, June 18, following a period of morning business, the Senate proceed to the consideration of S. Con. Res. 26, a concurrent resolution submitted earlier today, and relating to slavery apology; that the concurrent resolution be held at the desk; that there be 60 minutes for debate with respect to the concurrent resolution, with the time equally divided and controlled between the two leaders or their designees; that no amendments be in order to the concurrent resolution or preamble; that upon the use or yielding back of time, the Senate proceed to vote on adoption of the concurrent resolution; that upon adoption, the preamble be agreed to; and the motions to reconsider be laid upon the table, en bloc.

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

Mr. REID. Mr. President, we expect this resolution to be voted on by voice.

CELEBRATING THE LIFE AND ACHIEVEMENTS OF MILLARD FULLER

Mr. REID. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 183.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 183) celebrating the life and achievements of Millard Fuller, the founder of Habitat for Humanity.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. 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. 183) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 183

Whereas Millard Fuller was born on January 3, 1935, in the small cotton-mill town of Lanett, in Chambers County, Alabama, and would later graduate from Auburn University and the University of Alabama School of Law;

Whereas Millard Fuller became a self-made millionaire by the age of 29 and could have lived out the rest of his life in comfort, but instead he and his wife sold all of their possessions, donated the proceeds to the poor, and began searching for a new purpose for their lives;

Whereas Millard Fuller and his wife established Habitat for Humanity in Americus, Georgia, in 1976;

Whereas Habitat for Humanity has constructed more than 300,000 homes for 1,500,000 people and has a presence in all 50 States, the District of Columbia, Guam, Puerto Rico, and more than 90 countries around the world;

Whereas Habitat for Humanity's noteworthy accomplishments include building 263 houses across the United States in 1 week and massive rebuilding efforts in New Orleans following Hurricane Katrina;

Whereas in 2005, Millard Fuller established The Fuller Center for Housing, which works with local organizations to provide support and guidance to repair and build homes for impoverished individuals and is located in 24 States and 15 countries on 5 continents;

Whereas Millard Fuller provided 3 decades of leadership and service to Habitat for Humanity and The Fuller Center for Housing, committing his life to philanthropy and service to others while raising global concern for homelessness and poverty;

Whereas Millard Fuller was honored with over 50 honorary doctorate degrees by colleges and universities throughout the United States and was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, by President William Jefferson Clinton in 1996; and

Whereas Millard Fuller passed away on February 3, 2009, leaving behind a loving wife, a proud family, and a legacy that will extend far beyond his life: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the life and achievements of Millard Fuller;

(2) acknowledges the millions of people he and his organization have served and the inspiration he has given to so many; and

(3) encourages all the people of the United States to recognize and pay tribute to Millard Fuller's life by following the example of service that he set.

OFFERING CONDOLENCES TO THE FAMILY AND FRIENDS OF OFFICER STEPHEN T. JOHNS

Mr. REID. I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 184.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 184) offering deepest condolences to the family and friends of Officer Stephen T. Johns and calling on the leaders of all Nations to speak out against the manifestations of anti-Semitism, bigotry, and hatred.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, today I have submitted a resolution condemning yesterday's heinous, horrific act of violence at the U.S. Holocaust Memorial Museum.

I want to offer my deepest condolences to the family and friends of Officer Stephen Tyrone Johns. Officer Johns, of Temple Hills, in Prince George's County, MD, died in the line of duty. He ably served as a guard of the museum for 6 years. He was just 39 and leaves behind a grieving family. He gave his life to save the lives of numerous others. We must perpetually honor that ultimate sacrifice. I also want to commend all the staff of the U.S. Holocaust Memorial Museum and the authorities who responded to the scene for their bravery.

I have visited the Holocaust Memorial Museum many times with my family and friends. It is clear that the gunman's despicable rampage was intended to frighten and intimidate all people who care about equality and liberty.

I introduced this resolution to affirm my commitment to ending the bigotry and hatred that led to this heinous act. There is no place in our society for individuals who would harm or deny rights to others, especially based on religion, race, gender, or ethnic identity. It is heartening that each and every U.S. Senator has cosponsored this resolution.

Let there be no mistake about it, anti-Semitism and other hate crimes remain a pressing problem in our society. Anti-Semitism spawns from centuries of hatred, persecution, and the repeated attempts to destroy the Jewish people from their early days of slavery, through the Inquisition to the Holocaust and beyond. Hate crimes send a powerful message because they affect more than the individual victims; they are meant to intimidate and instill fear in entire groups of people. They create a sense of vulnerability and insecurity in others who may share characteristics with the victims. And that is precisely the intent of those who commit these crimes.

I am privileged to be chairman of the Helsinki Commission and a member of the Senate Judiciary Committee. In those capacities, and as a U.S. Senator generally, I am afforded numerous opportunities to speak out against the scourge of anti-Semitism, racial bigotry, and ethnic hatred worldwide. Part of the battle is to publicize the intolerance and hateful activity. As Oliver Wendell Holmes remarked,

The mind of a bigot is like the pupil of an eye. The more light you shine on it, the more it will contract.

This resolution is meant to be such a light and I am grateful that each and

every other Senator has seen fit to cosponsor it. We truly speak as one in our anguish at the tragic event yesterday and in our determination to root out its causes so that it will not be repeated.

Mr. BURRIS. Mr. President, it is with deep sadness that I rise to mark the death of security guard Stephen Tyrone Johns, whose senseless murder yesterday afternoon at the U.S. Holocaust Memorial Museum shocked us all.

My heart goes out to his family and friends on this tragic day and to his colleagues and fellow security officers who must return to a workplace that will surely never be quite the same.

Even as we mourn his death, we must commend Officer Johns, his colleagues, and all emergency personnel who responded quickly to prevent additional violence and protect the safety of museum visitors.

In the aftermath of this killing, how can we make sense of that which can only be described as senseless?

How can we comprehend the forces that would drive a person to such hatred, to such violence?

The simple truth is that most of us will never be able to fully understand this tragedy. We can only comfort one another as we struggle to confront a world in which Officer Johns has been taken from us far before his time.

The same incomprehensible hatred to which the Holocaust Memorial Museum bears silent witness.

We must honor the memory of Officer Johns by continuing the work he supported at the museum, preventing further violence, and standing tall in the face of intolerance.

It will not be easy to move on, but we can start by asking ourselves what we can do to prevent guns from falling into the hands of killers, to stop those who would commit hate crimes before more innocent people are slain. That is what we owe the legacy of Officer Stephen Tyrone Johns. That is how we can celebrate his memory, honor his sacrifice, and pay tribute to the spirit of his work and the continuing mission of the place where he died.

Mr. REID. I ask unanimous consent 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 be printed in the RECORD.

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

The resolution (S. Res. 184) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 184

Whereas the United States Holocaust Memorial Museum was established as a ''living memorial that stimulates leaders and citizens to confront hatred, prevent genocide, promote human dignity, and strengthen democracy'';

Whereas, since the dedication of the United States Holocaust Memorial Museum in 1993, the United States Holocaust Memorial Museum has welcomed nearly 30,000,000 visitors, including more than 8,000,000 school children and 85 heads of state;

Whereas, on June 10, 2009, in an assault at the entrance of the United States Holocaust Memorial Museum, Officer Stephen T. Johns of Temple Hills, Maryland, was fatally wounded and died heroically in the line of duty;

Whereas, in the wake of this heinous act of violence, the people of the United States should renew the commitment to end bigotry, intolerance, and hatred; and

Whereas there is no place in the society of the United States for individuals who seek to harm or deny rights to others, especially based on religion, race, or ethnic identity: Now, therefore, be it

Resolved, That the Senate—

(1) offers deepest condolences to the family and friends of Officer Stephen T. Johns;

(2) commends the staff members of the United States Holocaust Memorial Museum for their courage and bravery in responding to the attack on June 10, 2009;

(3) condemns anti-Semitism and all forms of religious, ethnic, and racial bigotry;

(4) condemns acts of physical violence against, and harassment of, people based on race, gender, ethnicity, or religious affiliation; and

(5) calls on the leaders of all Nations to speak out against the manifestations of anti-Semitism, bigotry, and hatred.

ORDERS FOR MONDAY, JUNE 15, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1:45 p.m., Monday, June 15; 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 there be 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.

PROGRAM

Mr. REID. Mr. President, earlier today I filed a cloture motion on the motion to proceed to S. 1023, the travel promotion legislation. That cloture vote will occur prior to the recess for the caucus luncheons on Tuesday, June 16. As previously announced, there will be no rollcall votes next Monday.

ADJOURNMENT UNTIL MONDAY, JUNE 15, 2009, AT 1:45 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Monday, June 15, 2009, at 1:45 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL ENERGY REGULATORY COMMISSION

JOHN R. NORRIS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2012, VICE JOSEPH TIMOTHY KELLIHER, RESIGNED.

DEPARTMENT OF STATE

MICHAEL ANTHONY BATTLE, SR., OF GEORGIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

DONALD STERNOFF BEYER, JR., OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

MARTHA LARZELERE CAMPBELL, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

DONALD HENRY GIPS, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

GORDON GRAY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

ALFONSO E. LENHARDT, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

JOHN R. NAY, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

DANIEL M. ROONEY, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

RICHARD J. SCHMIERER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

PAMELA JO HOWELL SLUTZ, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

VINAI K. THUMMALAPALLY, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROCCO LANDESMAN, OF NEW YORK, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS, VICE DANA GIOIA, RESIGNED.

DEPARTMENT OF DEFENSE

JOSEPH W. WESTPHAL, OF NEW YORK, TO BE UNDER SECRETARY OF THE ARMY, VICE NELSON M. FORD.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

JOHN M. WIGHTMAN

To be major

MARK H. BAUMGARTNER
JOHN F. FREILER
SHANNON L. MCCAMEY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

MICHELLE BONGIOVI

To be major

JOSEF F. DOENGES
JENNIFER A. KORKOSZ

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

SCOTT M. BAKER
MARIO L. REPETA
DEE A. WEED

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MICHAEL L. STEINBERG

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

PAUL W. MAETZOLD

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SHERYL L. DACY
JAMES M. LEITH

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES R. FINLEY
EDWARD E. HILDRETH III
MARK A. STRYKER
CRAIG M. WEAVER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

OSCAR T. ARAUCO
DAVID S. BAUM
KEITH N. CROOM
JIMMY C. DAVIS, JR.
ALBERT L. DOWNING
BARTH G. EDISON
CHARLES M. FIELDS
STEVEN R. GEORGE
WILLIAM E. GODWINSTREMLER
BILLY N. HAWKINS, JR.
TERRENCE E. HAYES
CAROL D. HIGHSMITH
WALTER G. HOSKINS
TIMOTHY L. HUBBS
YVONNE C. HUDSON
HARRY C. HUEY, JR.
JAY S. JOHNS III
NORMAN W. JONES
KLON K. KITCHEN, JR.
MICHAEL T. KLEIN
SAMUEL S. LEE
SUK J. LEE
TRENTON E. LEWIS
PEDRO R. MARTINEZ
ANTONIO J. MCELROY
JOHN J. MURPHY
KIM M. NORWOOD
JOHN S. PECK
DOUGLAS L. PRENTICE
ALLEN L. PUNDT
KWON PYO
JOHN H. RASMUSSEN
TERRY L. SIMMONS
KENNETH R. SORENSON
TERRENCE M. WALSH
ROBERT E. WICHMAN
KENNETH R. WILLIAMS, JR.
MICHAEL D. WOOD
D070807

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

DENNIS K. BENNETT
MICHAEL R. BRANTLEY
CHERYL L. CAVES
LAWRENCE J. CRAFTS
AUSTIN S. HAMNER
JEROME E. KUCZERO
SHERMAN S. LACOST
DONALD S. NELSON
JANINA T. REYES
LONNIE E. SLADE
WILLIAM R. SPENGLER

To be major

JEREMIAH A. AESCHLEMAN
ERIK M. BAUER
RICHARD J. BROWN
RUSSELL B. BROWNFIELD
SHAWN E. CARPENTER
ISABEL M. CASSLE
EDWARD G. DOUGLAS
MONTGOMERY C. ERFOURTH
NATHAN M. GRAY
CARLOS I. MARTINEZ
PAUL NAVAS III
PHILIP R. RUSIECKI
RACHEL D. SULLIVAN
JAMES C. SULLIVAN
MICHAEL F. TREMBLAY
JOSE M. VARGAS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

ERNEST T. FORREST
EDWARD B. MCKEE
MARK L. VANDRIE

To be lieutenant colonel

ROBERT A. ALBINO
BRIAN D. ALLEN
JONATHAN E. ALLEN
STEVEN ANGERTHAL
NEIL C. ARNOLD
DOUGLAS J. BELL
DOUGLAS B. BELLET
MARC B. CAROLAN
CHARLES R. CHAPPELL
WILLIE P. COLLINS
DAVID C. COOK
CHARLES F. CORSON
JESSE T. CRUZ
JAMES H. DONAHUE
TIMOTHY A. DOYLE
ANTHONY B. DUCKSWORTH
MALCOLM E. EARLES
JEFFREY L. EDMONDS
DAVID A. FAHY
FRED V. FLYNN
DAVID W. FREEMAN
IVA R. GRAHEK
MICHAEL HAMPTON
THOMAS M. HEBERT
DAVID E. HICKEY
PLINT W. HICKMAN
BASIL R. HOWARD
FOSTER E. HUDSON
PAUL H. JAMES
MARY C. JOHANNS
JOHN K. JOHNSON
ROBERT V. KENNINGTON
JEREMY S. KOTKIN
JEFFREY J. KYBURZ
MICHAEL O. LALLAS
EDWARD P. LOCKE
TERRY O. MARBURY
FRANK M. MARTIN
RENE C. MARTINEZ
MICHAEL E. METELKO
EDWIN MOTT
BRIDGET C. NIEHUS
MORANT PITTMAN
WILLIAM A. RASKIN
DAVID F. RITTER
EUGENIO R. RIVERA
RICHARD A. RODRIGUES
BONNIE F. ROGERS
RICHARD A. SANDERS
CHARLES G. SIMPSON
STEVEN M. SPANGLER
STEPHEN F. STCLAIR
DANIEL M. SWANSON
JERRY D. THOMAS
DANIEL R. VALENTE
VERNON N. VANDYNE
FAHNESTOCK C. VON
DONALD S. WALKER
TERESA A. WARDELL
JOSEPH W. WEIGMAN
MICHAEL L. WILLIAMS

To be major

KEVIN J. AGEN
LAWRENCE W. BITTNER
ANGELA L. BOWIE
SHAWN L. BROWN
PETER C. CHEN
EDWARD V. CHESSER
SHANE A. CIPOLLA
JAMES G. CLARK
ANDREW W. COLLINS
TERENCE J. CONNOLLY
PHILIP C. COSTLEY
CLIFTON B. CRIBB
SCOTT A. CRUMP
RAFAEL CRUZGARCIA
MICHELLE A. DAILING
SCOTT L. DOWNING
TIMOTHY A. DOYLE
MICHAEL R. EASON
MONTGOMERY C. ERFOURTH
ADAM T. FAIN
GUY A. GASSER
ARTHUR G. GIRALDI
GARY L. GOOD
MICHAEL K. GOODWIN
MICHAEL K. GRISWOLD
KRISJON A. HANSON
MICHAEL T. HEATON
MICHAEL V. HICKMAN
DELANE L. HOLLIS
SEUNGHO HONG
EDWARD K. HOOKS
TREVOR W. HOUGH
KENGI A. HUTCHINS
STEVEN HUTCHISON
TODD A. JOHNSON
TINA R. JONESFAISON
GAIDRA U. JOSEPH
LLOYD D. JUNGHANS
THOMAS D. KELLEY
LARRY D. KIMBRELL
JEFFREY T. LAKEY
STUART E. LAWRENCE
TODD M. LEITSCHUH
AARON M. LEONARD
BRIAN A. LESIAK
LINDA K. LEWIS
ARTURO Z. LINCON
JOHN C. LING
LISA J. LIVINGOOD
CHRISTOPHER S. LUTZKANIN
STEVEN L. MAKARSKY
PATRICK L. MALLETT
ALICIA M. MASSON
NATHAN E. MCCAULEY
CAROL A. MCCLELLAND
WAYNE E. MCCORMICK
JOHN K. MCGEE
DETRICE D. MOSBY
JOHN C. MULHALL
MARC H. NGUYEN
PAUL NIX
ALI N. OMUR
SHERRILYN W. ONEAL
STEPHEN W. OWEN
MATTHEW D. PEDERSEN
RICHARD S. PEEKE
DAVID L. POSTON
PETER G. QUEYREL
MARCUS R. REINHART
DONOVAN A. RICKEL
WILLIE R. ROSEMAN
ERIC F. SAUER
LORNE V. SERPA
DAVID A. SETTJE
ERIC A. SHAW
DANA L. SMITH
JOHN E. SMITH
JENNIFER J. SMITHHEYS
JAMES T. SOPER
GREGORY C. SPEAKER
MARSHALL L. STEPHENSON
GRANT W. STOEBNER
CHRISTOPHER O. STOECKLIN
BRET A. STOVALL
WILLIAM E. SUMNER
MICHAEL D. TAYLOR
MICHAEL S. TOKAR
JOSE M. TORRES
TIMOTHY J. TREAT
JOHN F. VANSTEENBURGH
GILBERTO R. VAZQUEZ
TERRY R. VEENEMAN
MARK A. VERDI
ANGELA Y. WALKER
PAUL M. WHITE
THEODORE O. WHITE
LILIETH R. WHYTE
TROY H. WINCAPAW
TERRY A. WINDMILLER
DEAN W. WOOD
WILLIAM H. WOOD
WALTON D. ZIMMERMAN

EXTENSIONS OF REMARKS

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes.

Mrs. LOWEY. Mr. Chair, I rise today in strong support of H.R. 2410, the Foreign Relations Authorization Act, and commend Chairman BERMAN for his leadership on this bill. Diplomacy and international development are cornerstones of U.S. national security, and H.R. 2410 will ensure that these key strategic tools are maximized in our efforts to protect America and rebuild our standing in the world.

H.R. 2410 provides robust authorization for rebuilding civilian capacity by authorizing 1,500 new Foreign Service Officers for the State Department and promotes training to ensure our diplomats have the skills to confront twenty-first century challenges. Additionally, the bill authorizes 700 new Foreign Service Officers for USAID, an important step to rebuild the capacity of our development agency to provide appropriate, effective aid to countries and communities in need around the world.

Improving the livelihoods of vulnerable and oppressed women around the world should be a key component of U.S. foreign policy, and I applaud the inclusion of the authorization of the ''Office of Women's Issues'' in the base bill. Irrefutable research has shown that incorporating the unique needs of women into development policy is integral to ensure our aid initiatives' effectiveness; by coordinating and advising on gender integration and international women's empowerment, this office will help to increase the efficiency of our foreign assistance. As evidenced by its opposition to this office's authorization, the extreme anti-choice wing of the Republican party continues to put ideology over fact and science. Let me be clear: this bill in no way changes existing statutory prohibitions on abortion. A vote against this bill inhibits our government's ability to advance women's empowerment initiatives aimed at stability, security, and equality around the world.

I urge my colleagues to support this important legislation.

CONDEMNING THE MURDER OF DR. GEORGE TILLER

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 2009

Ms. McCOLLUM. Mr. Speaker, I rise today in strong support of the resolution Condemning the Murder of Dr. George Tiller (H. Res. 505) and with deepest sympathy for the loved ones of Dr. Tiller.

On May 31, 2009, an assassination took place in Kansas. A physician was murdered in an act of terrorism in his church. This act of anti-abortion vigilantism inspires fear and terror. The murdered doctor had previously been shot and the clinic in which he worked had been previously bombed.

This resolution, of which I am an original cosponsor, expresses our sympathy for the family and loved ones of Dr. George Tiller and declares that violence should never be recourse for a difference in beliefs. In honor of the memory of Dr. Tiller we must work harder than ever to promote tolerance and non-violence.

Abortion in this nation is a legal health care procedure. I support a woman's right to make her own health care decisions and the work of health care providers to meet women's health care needs. What America witnessed with Dr. Tiller's death was a Taliban-like tactic to prevent abortions by murdering a doctor. It is terrorism and I urge the administration to extend protection to women's clinics all across our country.

I support comprehensive sex education, evidence-based science, full access to family planning and reproductive health care for all women, and counseling to ensure women of all ages have the best information to make good choices about when they decide to have children. This is how we reduce abortions. This is how we empower individuals to prevent the need for abortions.

Safe, comprehensive reproductive and family planning services should be accessible to all Americans and providers, because it is essential for the health and well-being of women and families. I will continue to work with President Obama in the 111th Congress to keep women's health as a priority.

My condolences go out to Dr. Tiller's family and loved ones. I urge my colleagues to support this resolution and join me in condemning the murder of Dr. Tiller.

TO HONOR THE 350TH ANNIVERSARY OF THE INCORPORATION OF THE CITY OF NORWICH, CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. COURTNEY. Madam Speaker, I rise today to recognize the 350th anniversary of the incorporation of the city of Norwich, Connecticut. Founded in 1659 and known as the ''Rose of Connecticut,'' Norwich will be celebrating its 350th birthday and rich history throughout the month of June.

During the American Revolution, Norwich supported the cause for independence by supplying soldiers, ships, and munitions. One of the most infamous figures of the Revolution, Benedict Arnold, was born in Norwich. Other well-known Colonial era individuals include Samuel Huntington, Christopher Leffingwell, and Daniel Lathrop. Today, Norwich is a thriving city and a center of commerce and manufacturing, with a wide range of municipal services, a modern industrial park, and a positive outlook for residential and business growth.

As part of the celebration, the city will be presenting several events with participants from across the globe. The city green will host various reenactments of history with period uniforms and equipment as they demonstrate lifestyles of days past. There will be historic talks, as well as tours of historical and present-day landmarks, historic homes, factories, gardens, places of worship, and other areas of preservation. Norwich will offer ''museum days'' with free access to all of the city museums, and will also sponsor a time capsule to be opened on the 400th anniversary of the city.

The 350th Commemorative Quilt, to be known as a historical work of art, will be on display. Additionally, city citizens will perform in ''Rose on the River,'' a compilation of short plays written by local playwrights. Special musical performances will add to the festivities. The National Association for the Advancement of Colored People (NAACP) will host a parade and festival to commemorate both Norwich's 350th and the NAACP's 100th anniversaries.

Madam Speaker, I am proud and pleased to honor the City of Norwich. Three hundred fifty years after incorporation, from its colonial origins through its modern evolution, Norwich represents the very best of Connecticut. I ask my colleagues to join with me and my constituents in honoring and celebrating Norwich's semiseptcentennial anniversary and welcome many more to come.

INTRODUCTORY REMARKS FOR THE AFRICAN AMERICAN BONE MARROW AWARENESS MONTH ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Ms. KILPATRICK of Michigan. Madam Speaker, as I rise today in support of the African American Bone Marrow Awareness Month Act, I am reminded of two things—the thousands of lives that bone marrow donations save each year, and the distance we have to travel to increase the participation of minorities, especially African Americans, in the National Marrow Donor Program. The African

American Bone Marrow Awareness Month Act, by urging all Americans to initiate, organize and participate in programs to increase the collective consciousness of African Americans to become bone marrow donors.

Since the inception of the National Marrow Donor Program registry, over 24,000 people have received bone marrow transplants. African Americans make up only eight percent, or 450,000 of the more than six million people currently registered in the National Marrow Donor Program. Worse, African Americans have received a little more than four percent—one out of every 24—of these transplants. While it is possible for an African American patient to get a match for a bone marrow donor from any racial or ethnic group, the most likely match for a transplant is from another African American. All it takes is a single drop of blood to help determine a match.

Madam Speaker, this legislation will encourage all people, but particularly African Americans, to organize a bone marrow registration drive in their community. The collective work under this legislation will promote donor awareness and increase the number of African Americans registered with the National Marrow Donor Program throughout our nation. I urge all Members of Congress to begin the need for awareness, importance and value of bone marrow awareness, and urge its quick adoption by Congress.

MARKING THE 100TH BIRTHDAY OF MR. RUDOLF SMITH JUNE 12, 2009

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. BUTTERFIELD. Madam Speaker, on June 12, 2009 Nash County, North Carolina native and resident Mr. Rudolf Smith will be celebrating his 100th birthday. To mark this milestone, family and friends will be gathering for a party in his honor.

Mr. Smith was born on June 12, 1909, to sharecroppers, Mr. Willis Smith II and Mrs. Willie M. Smith on Joe Ellison's farm near Dortches in Nash County, North Carolina. He was kept home from school after the fourth grade because he was needed to work the crops.

Working six and a half days a week, Mr. Smith was barely tall enough to keep the plow in the field when he started farming.

Mr. Smith was married to Patty Alston in 1933. Together, they had six children.

Currently, he resides at Knight's Family Care Homes where he enjoys reminiscing about his past, walking, and eating anything he wants. He lives a healthy and fulfilled life.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in wishing Mr. Smith a very happy 100th birthday.

INTRODUCING LEGISLATION TO SUPPORT SMALL BUSINESSES IN SOUTHERN AND EASTERN KENTUCKY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. ROGERS of Kentucky. Madam Speaker, today I rise with my colleague and fellow Kentuckian, Congressman ED WHITFIELD, to raise awareness about an important issue impacting a number of small businesses in our region of the country.

Scenic Lake Cumberland has been the hub of economic development in our area of southern Kentucky for years. Some 4 million visitors stop by every year to take advantage of the lake's many attractions—world class bass fishing, relaxing atop a custom built houseboat, or boating with family and friends. These visitors pump over $70 million into our local economy, benefiting a wide array of businesses in the surrounding counties. However, with our nation's economy floundering and the Commonwealth's unemployment rate of nearly 10 percent hovering above the national average, the houseboat and marina industries surrounding Lake Cumberland are hemorrhaging—and so too are our people whose livelihoods rely on the lake as a lifeline.

While the overall economy is part of the problem, business conditions at Lake Cumberland have suffered an even greater share in large part due to a long delayed and deferred federal rehabilitation and construction project at Wolf Creek Dam. An unfortunate consequence of construction at the dam has been the necessity to temporarily lower the pool of the lake from the traditional level of 720 feet to 680 feet. This significant drawdown has had a substantial adverse impact on the ten local concessionaries leasing marina space from the Corps of Engineers. Many marinas have had to incur tremendous expenses to accommodate the lower pool, such as relocation and investments in additional infrastructure, and these unanticipated expenses have significantly disrupted their cash flow. The legislation we've introduced today ensures that the federal government fulfills its obligation to those concessionaries with which it has entered into leasing agreements and provides some relief for these unforeseeable expenses that have the potential to set back the economy of an entire region. These measures include suspending burdensome rental payments until it is safe to restore the lake level, as well as reimbursing marina operators for expenses directly tied to this continued drawdown. Finally, the bill makes whole the surrounding communities that rely heavily on these rental payments.

The U.S. Army Corps of Engineers has been tasked and is hard at work with correcting structural issues with the dam to shore up the dam for future generations to enjoy, and Congress has diligently provided vital funds for the continuation of this project. I have no argument with this work or the funding. However, no relief has been made available to those who have tied their livelihoods to this lake and who, through no fault of their own, are enduring a government-induced hardship. The bill introduced today will correct this and provide some measure of relief to the hardworking small business owners scattered along beautiful Lake Cumberland.

TRIBUTE TO LT COL KENNETH BOW, USAR RET

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. CAMP. Madam Speaker, I rise today to pay tribute to LT COL Kenneth Bow, USAR RET, in recognition of his 70th birthday this Saturday, June 13, 2009.

Kenneth Bow retired from the U.S. Army Reserves in 1993 with the rank of LT COL. He joined the ROTC at Michigan State in 1958. After graduation as an Electrical Engineer, he began his active duty as a Second Lieutenant at Aberdeen Proving Ground. Later, from 1963 to 1965, he was stationed in Stuttgart, Germany. After being honorably discharged, he immediately joined the 578th Research and Development Unit in the USAR in Midland, Michigan.

On active-duty training assignments over his army career, he served in many Mobilization Designee positions, mainly in the Ft. Belvoir Research Development and Engineer Center. His training projects were highly technical and engineering-oriented, such as standardization of controls across an electrical generator family and related self diagnosis; and the impact of chlorofluorocarbon, CFC, regulations on users. In addition, LT COL Bow co-chaired management of selected engineering and financial teams assembled to conceptualize the design of a state-of-the-art, $100 million automated logistical center/warehouse at Sharpe Army Depot in California.

In his more than twenty-eight years serving the USAR, LT COL Bow was highly decorated with the following awards: Meritorious Service Medal, Army Commendation Medal, USAR Achievement Medal with three Bronze Oak Leaves, National Defense Service Medal, and Armed Forces Reserve Medal with Hour-Glass Device.

In 1965, Kenneth Bow joined the Dow Chemical Company in Midland, Michigan, rising to the highest research professional rank of Research Scientist at the time of his retirement in 2007.

On behalf of the Fourth Congressional District of Michigan, I am honored today to recognize LT COL Kenneth Bow in celebration of his 70th birthday. I hope the year to come will bring him health, happiness, and special times with family and friends. Birthdays are a time to reminisce over good memories and make new ones. I hope that his is special.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Ms. WOOLSEY. Madam Speaker, on June 10, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 317.

Had I been present I would have voted:

Rollcall No. 317—"yes"—Providing for consideration of H.R. 1886, the Pakistan Enduring

Assistance and Cooperation Enhancement (PEACE) Act; and providing for consideration of H.R. 2410, the Foreign Relations Authorization Act, FYs 2010 and 2011.

INTRODUCTION OF THE BREASTFEEDING PROMOTION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mrs. MALONEY. Madam Speaker, today I am reintroducing an important piece of legislation, the Breastfeeding Promotion Act with my colleagues Mrs. CAPPS, Mr. OLVER, Mr. FRANK, Ms. ROYBAL-ALLARD, Mr. LEVIN, Mr. MEEKS, Ms. KAPTUR, Mr. SNYDER, Ms. SCHWARTZ, and Mr. MORAN.

Statistical surveys of families show that over 50 percent of mothers with children less than one year of age are in the labor force. Whereas women with infants and toddlers are a rapidly growing segment of the labor force today, arrangements must be made to allow a mother's expressing of milk if mother and child must separate.

The American Academy of Pediatrics recommends that mothers breastfeed exclusively for six months but continuing for at least the first year of a child's life. Research studies show that children who are not breastfed have higher rates of mortality, meningitis, some types of cancers, asthma and other respiratory illnesses, bacterial and viral infections, diarrhoeal diseases, ear infections, allergies, and obesity. There have also been numerous benefits to mothers shown, including improved bone mineralization, an earlier return to prepregnancy weight, and decreased risk of certain cancers.

Our bill will encourage and promote breastfeeding by removing common obstacles to breastfeeding and expressing milk in the workplace that many women face by: (1) amending the Civil Rights Act of 1964 to protect breastfeeding in the workplace, (2) providing tax incentives for businesses that establish private lactation areas in the workplace, (3) providing for a performance standard for breast pumps, (4) allowing breastfeeding equipment to be tax deductible for families, and (5) protecting the privacy of breastfeeding mothers.

We urge all of our colleagues to support this important legislation.

RECOGNIZING THE 100TH ANNIVERSARY OF WATKINS BROTHERS MEMORIAL CHAPEL

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the 100th anniversary of Watkins Brothers Memorial Chapel, the oldest African-American owned business of Missouri's Fifth Congressional District, which I am honored to represent. The Watkins Brothers Memorial Chapel will celebrate its centennial milestone beginning this weekend on Saturday, June 13th, when they will have the first series of events dedicated to the great service this business has bestowed upon Missouri's Fifth Congressional District. I am privileged to have been asked to partake in these celebrations.

The Watkins Brothers Memorial Chapel has been an influential and unwavering force since founders John "J.T." and Theron "T.B." Watkins first opened the chapel's doors in spring of 1909. After John's premature death, Theron remained determined to carry on the business and the vision that he and his brother had worked so hard to make a reality. The Watkins Brothers Memorial Chapel has now seen five generations of Watkins run the family business. The chapel is known throughout the greater Kansas City metropolitan area for its excellent service and the high level of care and concern it affords both the families and the individuals involved.

The Watkins family has been highly influential in the arena of Kansas City politics. Since the beginning, Theron was very involved in neighborhood development; so much so that there is now an important housing project in Kansas City named in his honor. From 1941 to 1948, Theron sat on the Housing Authority Board of Commissioners. The story of Theron filling up one of his funeral cars with coal and delivering the coal to families in desperate need during the peak of the Great Depression signifies his deep commitment to those around him. His heightened awareness of the needs of others led him to encourage his son, Bruce Watkins, Sr., to pursue a career in service and politics.

Bruce Watkins, Sr. spent most of his adult life relentlessly pursuing the greater good through political service. He was one of the co-founders of Freedom Incorporated, an African-American political organization that worked to increase their community's influence by generating votes for candidates they felt would best empower African-Americans. Bruce Watkins, Sr. was also one of the first two African-Americans elected in 1963 to serve on Kansas City's City Council. In 1979, he became the first African-American councilperson to run for mayor of Kansas City. Though he lost, his progressive views of African-American leadership and political influence endured. His legacy lives on in the form of Bruce Watkins Drive, a 10.2 mile long stretch of highway that connects the southern, suburban part of Kansas City to its northern, urban counterpart.

Throughout the years, the Watkins family has remained active in the Kansas City community. Working alongside the CODA Jazz Fund, the Watkins family provides financial assistance for dignified funeral services to jazz musicians who have passed. Individual members of the family are involved in organizations ranging from the Mutual Musicians Fund to the Boys and Girls Club.

The Watkins family has remained true to their philosophy and goal "to serve humanity, persons of all faiths, under all circumstances, with dignity, respect, and understanding, with attention to he needs and desires of each family."

Considering their tremendous contribution to Missouri's Fifth Congressional District and surrounding areas, it is an honor and a privilege to recognize the Watkins Brothers Memorial Chapel and the Watkins family for their one hundred years of excellent service to the Kansas City area. Madam Speaker, please join me in celebrating and expressing our gratitude to this family and their incredible dedication to both their business and their community. The African-American community has long benefitted from figures such as Theron Watkins, Bruce Watkins, Sr., and the many other members of the Watkins family. Due to their unyielding persistence, they helped change the reality of African-Americans' political power and influence. The Watkins family is one to revere and respect, and they truly are role models that the Missouri Fifth Congressional District is proud to call our own.

HONORING RICHARD E. MURRAY, FACHE, FOR HIS SERVICE AS THE PRESIDENT/CEO OF KENNEDY MEMORIAL HEALTH SYSTEM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor Mr. Richard E. Murray, FACHE. He has played an integral role in New Jersey's First District through his administration of multiple health care systems. Mr. Murray has demonstrated a history of compassion throughout the community and for this he deserves great praise.

Mr. Murray has served as the President/Chief Executive Officer of Kennedy Memorial Health System since 1980. Kennedy Memorial Health System consists of three acute-care hospitals, multiple outpatient clinics and various wellness programs.

Mr. Murray's leadership has led to many advances within the Kennedy Memorial Health System. Since 1998, Kennedy Memorial Hospital has opened a free-standing outpatient Dialysis Center, a Sleep Center, a 10-bed Ronald McDonald House Pediatric Unit, a Cancer Center and Outpatient Medical Imaging Center, an Emergency Department, a Center for Wound Healing, a Neonatal Intensive Care Unit, a 40-bed Progressive Care Unit, a 12-bed Innovative Hospice Care Center, a Stroke Program, a Maternity Center, a PET/CT Center, a Family Health Services Center, a Maternal-Fetal Medicine Unit, a Surgical Unit, and an Intensive Care Unit.

Aside from the structural upgrades, Mr. Murray has overseen multiple projects that have improved the quality of care within the Kennedy Memorial Health System. These projects include the creation of an "Invensivist Program" to ensure the oversight of health care providers and patient safety, the purchase of the high-tech DaVinci Robot for use in minimally invasive surgical procedures, and the creation of programs for diabetes control and a smoke free environment at all facilities. Without the hard work and exceptional guidance provided by Mr. Murray, none of these things would have been possible.

Mr. Murray has received multiple awards commemorating his service to the South Jersey community. In 2005, he received the New Jersey Hospital Association's Distinguished Service Award, presented annually to an individual with more than 15 years of service in health care who "consistently demonstrates strength, integrity, professionalism and a relentless commitment to a hospital or health care system." In 2006, he was honored by

March of Dimes for his positive influence and contribution to the community. In 2007, he was honored with the New Jersey Institute for Nursing EPIC Award, which honors exceptional individuals for their contributions to New Jersey communities and the advancement of health care for the profession of nursing.

Madam Speaker, Mr. Murray's service to New Jersey's First Congressional District should not go unrecognized. I want to personally thank Dick Murray for the exceptional guidance he has provided his staff, the community service he has provided to members of the community, and the lives that he has changed throughout New Jersey. I congratulate Mr. Murray and wish him the best of luck in the future.

TRIBUTE TO WINSTON SPENCER WATERS II

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mrs. McCARTHY of New York. Madam Speaker, I rise today to recognize Winston Spencer Waters II, a senior at Elmont Memorial High School. Winston was named a semifinalist in the Intel Science Talent Search Competition, becoming the first Elmont student to be named a semifinalist in the competition.

The Intel Science Talent Search is America's most prestigious science research competition for high school seniors. Each year 300 students are selected as semifinalists nationwide. Winston's project, ''Separating the Roles of HIF–1α and HIF–2α in Tumorigenesis through Downregulation of HIF–2α by RNA Interference.'' This project studied Von Hippel Lindau, or VHL, disease which is a form of kidney cancer. Winston was selected as a semifinalist from over 1,000 students who entered projects into the competition.

This is a remarkable achievement for Winston, for the Elmont Memorial High School and for the entire Elmont Community. Winston has not only excelled in science, but has worked hard to remain a well balanced student. As President of the senior class, member of the Future Business Leaders of America and the Math, Science and National Honor Societies, he has certainly been able to accomplish that goal.

As a Member of the Committee for Education and Labor, I commend Winston and congratulate him for his dedication to his education. I would like to wish him the best of luck as he prepares to attend Harvard University in the fall, where he plans to study biomedical sciences and engineering as well as economics or finance.

Madam Speaker, it is with pride and admiration I offer my congratulations and best wishes to Winston Spencer Waters II and his entire family.

IN RECOGNITION OF REVEREND DOUGLAS PAUL JONES OF WELCOME MISSIONARY BAPTIST CHURCH

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. PETERS. Madam Speaker, I rise to recognize Reverend Douglas Paul Jones, on the occasion of his twentieth anniversary as Senior Pastor of the Welcome Missionary Baptist Church in the City of Pontiac, Michigan. Since June 18, 1989, when Pastor Jones was first installed, he has been a tireless leader—both within the church, and in the greater Pontiac community.

Throughout Pastor Jones' tenure at Welcome Missionary Baptist Church, he has grown the membership of the church by more than three thousand members. As the Senior Pastor of the church, he has touched countless lives through developing well respected ministries and mentorship programs supporting men, women, and young adults, as well as those individuals struggling with drug addiction, domestic violence and HIV/AIDS.

Outside of the church, Pastor Jones is a member of various chambers of commerce, business associations and youth programs. Of note, he founded the Greater Pontiac Community Coalition with the mission to collectively exercise actions and advocacy to generate individual, social, and institutional change. His outreach sews the fabric of the religious, social, educational, business, and artistic communities together with the steadfastness of a person of faith and foresight of a true leader.

Pastor Jones, I congratulate you on this significant anniversary. I salute your untiring commitment to Welcome Missionary Baptist Church and the greater City of Pontiac community. I am proud to call you not only a partner in serving our community, but also a dear friend. I look forward to the next twenty years working with you and the congregation at Welcome Missionary Baptist Church.

IN HONOR OF J. NICHOLAS COUNTER III UPON HIS RETIREMENT AS PRESIDENT OF THE ALLIANCE OF MOTION PICTURE & TELEVISION PRODUCERS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. BERMAN. Madam Speaker, I rise to share some observations about the historic career of J. Nicholas (''Nick'') Counter III upon his retirement from the Alliance of Motion Picture and Television Producers, ''AMPTP''. AMPTP is the multi-employer bargaining agent for more than 350 production companies in their collective bargaining negotiations with more than 20 labor organizations. The production companies include the major motion picture studios and independent production companies. The labor organizations with whom AMPTP engages in collective bargaining include the Directors Guild of America, the Screen Actors Guild, the American Federation of Radio and Television Artists, the Writers Guild of America, East and West, the International Brotherhood of Teamsters, the International Brotherhood of Electrical Workers, the American Federation of Musicians, and the International Alliance of Theatrical Stage Employees, which is the umbrella union for all unions which represent those workers behind the camera—from costumers and make-up artists to art directors and animators. AMPTP negotiates 80 industry-wide collective bargaining agreements, covering some 250,000 industry workers in the United States and Canada.

Nick joined the AMPTP when it was established in 1982 as its first president and has served in that capacity for the past 27 years. During his tenure, he has successfully concluded 312 collective bargaining agreements with the major entertainment industry guilds and unions. Throughout the vast majority of Nick's tenure, the motion picture and television industry enjoyed unprecedented labor peace and stability. In addition, the industry has thrived with growth in employment and wages and consistently improved working conditions under Nick's leadership. He has presided over dramatic changes in the motion picture industry, from the growth of home entertainment to new media, and he has led producers at the bargaining table through these momentous transformations. Many in Hollywood say Nick has had the hardest job in Hollywood—to maintain unity among the producers and face off with some of the most professional and creative workers in any business.

He has been well-suited to the job. He learned about labor relations up close while working summers at a Colorado steel mill where his father spent his career. An amateur boxer and high school star football player, he graduated from the University of Colorado with a degree in electrical engineering and a record of accomplishment as half-back on the football team. Then he detoured to law school, graduating from Stanford University and made his home in Los Angeles.

Nick's accomplishments go beyond his role at the bargaining table. It is well known that motion picture industry jobs come with good benefits—health insurance and pensions. Nick has played a critical role in ensuring those benefits are secure. He serves as a trustee on fourteen guild and union health and pension funds. He is also a trustee on the Motion Picture and Television Fund, a past president and current member of the Board of Directors of the International Foundation of Employee Benefit Plans, and a past chair of the Entertainment Industry Foundation. And he has provided his experience and wisdom to many national groups examining health care issues that face our nation. He has also engaged on safety and environmental issues that affect the industry.

After such a distinguished career, Nick has earned his opportunity to live the next chapter. He will give up the all night bargaining sessions for more time with his family—his wife, Jackie; his son Nick IV; his daughter, Samantha, and her husband, Alex Kurtzman, and their son, Jack. As he embarks on this well-deserved retirement, I ask my colleagues to join me in expressing our appreciation for the work he has done and wishing him and his family well.

RECOGNIZING MIMI GARDNER GATES

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. McDERMOTT. Madam Speaker, today, I rise to offer special recognition of Mimi Gardner Gates on the occasion of her retirement as the Illsley Ball Nordstrom Director of the Seattle Art Museum. During her tenure, the Seattle Art Museum has become the premier art museum in the Pacific Northwest, distinguished by its splendid exhibitions and its commitment to the arts communities of our region. Under Mrs. Gates' leadership, the Seattle Art Museum has increased its endowment, its attendance, and its membership; it has diversified its board, staff, and audience; created a conservation department and studio; and added to its collections more than 6,500 works of art from a wide variety of cultures. And, thanks to Mimi Gates' vision and tireless effort, the Museum has created the Olympic Sculpture Park, a nationally and internationally acclaimed outdoor display that brings an exciting new dimension to Seattle's arts environment. Seattle and the entire Pacific Northwest region have benefited immeasurably from Mimi Gates' talent and dedication to public art, and I am privileged now to acknowledge her outstanding work and to thank her for her many years of exceptional service.

Mrs. Gates also has made considerable contributions to the arts in the classroom, and she has held leadership positions with several arts organizations. She served on the staff of the Yale University Art Gallery, where she currently is a member of the Governing Board, and is a fellow of the Yale Corporation. A past president of the Association of Art Museum Directors, she also chaired the Federal Indemnity panel at The National Endowment for the Arts, and served as a member of the Advisory Board of the Getty Leadership Institute. Mrs. Gates is also an adjunct faculty member in the Department of Art at the University of Washington, and she serves on the boards of directors of the Northwest African American Museum, the Greater Seattle YWCA, the Downtown Seattle Association, and Copper Canyon Press.

Madam Speaker, Mimi Gates has been an enormous asset to the Seattle arts and civic communities. The people of Seattle, including thousands of patrons, students, and professionals, are grateful for the guidance and leadership she has shown, and I join them in thanking Mrs. Gates for her service, and in wishing her the best in her future endeavors.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. MOORE of Kansas. Madam Speaker, on March 11, 2009, I inadvertently failed to cast a recorded vote on rollcall vote 121, concerning H. Res. 226, recognizing the plight of the Tibetan people on the 50th anniversary of His Holiness the Dalai Lama being forced into exile and calling for a sustained multilateral effort to bring about a durable and peaceful solution to the Tibet issue. Had I cast my vote, I would have voted ''aye.''

On March 31, I inadvertently failed to cast a recorded vote on rollcall vote 166, concerning H. Res. 296, providing for the consideration of the Senate Amendments to H.R. 1388. Had I cast my vote, I would have voted ''aye.''

On May 7, I inadvertently failed to cast a recorded vote on rollcall vote 238, concerning H.R. 1728, the Mortgage Reform and Anti-predatory Lending Act. Had I cast my vote, I would have voted ''aye.''

On May 12, I inadvertently failed to cast a recorded vote on rollcall vote 244, concerning H. Res. 413, supporting the goals and ideals of ''IEEE Engineering the Future'' Day on May 13, 2009, and for other purposes. Had I cast my vote, I would have voted ''aye.''

On May 14, I inadvertently failed to cast a recorded vote on rollcall vote 260, concerning H.R. 2187, the amendment to the title of the 21st Century Green High-Performing Public School Facilities Act. Had I cast my vote, I would have voted ''no.''

IN RECOGNITION OF THE 10TH ANNIVERSARY OF CAREER GEAR

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. NADLER of New York. Madam Speaker, I rise today in recognition of Career Gear. In June of 2009, Career Gear is celebrating its 10th Anniversary by hosting its Capital PerSuit Awards Dinner in New York, NY.

Career Gear, a grassroots 501(c)(3) non-profit organization, was founded in New York City in 1998 to promote the gainful employment and self-sufficiency of disadvantaged men who are actively seeking employment. The organization began with the goal of providing appropriate business clothing for those seeking jobs and has grown to provide services and resources that help clients retain employment and advance in the workplace.

Once employed, a client is encouraged to participate in an alumni program that is designed to provide peer support and networking opportunities to others in need. This program affects other non-employment issues like budgeting and financial management, emotional coping skills, as well as family and child support. All of these matters impact an individual's ability to remain employed.

Over the past 10 years, Career Gear has provided clients with assistance in starting a new chapter of their lives. The success over the past decade is evident by the fact that through the good work of Career Gear, 18,000 men have reentered the workforce with a renewed sense of confidence and have become self-sufficient members of their communities. It is for this attitude of empowerment that I rise today and commend Career Gear.

A SPECIAL TRIBUTE TO ROGER ANDERSON

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding citizen in Ohio's Fifth Congressional District. Roger Anderson is an individual who is dedicated to serving the public and has given much of his time and expertise in helping community groups achieve success.

Madam Speaker, there is no question that our citizens are the foundation of our country. From the earliest day of our nation's history, the men and women of the United States have worked to create opportunities that would provide a better life for future generations.

Roger Anderson has contributed to our community as a volunteer for various clubs and committees, as an educator, an advocate for non-profit organizations, and a public servant. Mr. Anderson served as a Bowling Green City Councilman from 1976–1980 and was a member of Bowling Green's Planning and Zoning, Public Lands, and Building Committees.

Roger Anderson has also held a leadership role in twelve different organizations including the Bowling Green Kiwanas Club, the Ohio Council of Higher Education Retirees, the WSOS Community Action Commission, and most recently, the League of Women Voters, where he was elected the first ever male president.

Madam Speaker, I ask my colleagues to join me in paying special tribute to Roger Anderson. Mr. Anderson's selfless commitment and dedication to the betterment of his community have set an example for future generations to follow. On behalf of the people of the Fifth District of Ohio, I am proud to recognize the service of Roger Anderson.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. HOLT. Madam Speaker, on Wednesday, June 10, 2009 I was in a meeting and missed the vote on the Kirk amendment to the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011. Had I been present I would have voted ''yes'' on the Kirk Amendment No. 19 to H.R. 2410 (Rollcall 326).

ON THE FIFTIETH ANNIVERSARY OF AMERICAN HONDA MOTOR COMPANY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Ms. HARMAN. Madam Speaker, I rise today to recognize American Honda Motor Company—whose North American headquarters is located in my Congressional District—on the

occasion of its 50th anniversary. Established on June 11, 1959 in a small Los Angeles storefront, a handful of Honda associates began selling motorcycles. Fifty years later, American Honda has grown from a single office into a company with significant investments throughout the U.S. and is a leader in fuel economy, safety and environmental technology.

In the midst of the of 1973 oil crisis, Honda introduced the fuel-efficient Civic, marking its official entry into the U.S. market. Two years later, it began market research and new model development activities in America, which today encompass 13 facilities with the capability of complete product creation.

Fast forward to the 1990s, when Honda continued its environmental leadership through investment in advanced internal combustion engines and the introduction in 1999 of the first mass-produced hybrid vehicle in the U.S. On Earth Day of this year, Honda launched the 2010 Insight, a price competitive and exciting new hybrid design.

Starting with eight sales associates in 1959, Honda today employs nearly 28,000 direct employees whose jobs include design, development, manufacturing, sales and service of products ranging from automobiles, motorcycles, ATVs, personal watercraft, outboard marine engines, power equipment and an advanced light jet. Honda's flagship office in Torrance, California employs almost 2,400 people at its sprawling and energy efficient campus.

American Honda has 11 manufacturing plants in the U.S. with two more under construction, 13 research and development facilities, and regional sales, parts, service and finance offices across America. Honda buys parts and materials from 545 U.S. companies in 34 states with annual purchases exceeding $17.5 billion in 2008.

More than just a carmaker, Honda prides itself on community stewardship. Its U.S. charity arm provided over $1.8 million in grants last year—including $75,000 for a local firefighter program.

I offer my hearty congratulations to American Honda, which has established a half century of commitment to investing in this country, innovation and strong environmental leadership. May the next 50 years be just as productive.

RESOLUTION SUPPORTING A ''NATIONAL HEREDITARY HEMORRHAGIC TELANGIECTASIA (HHT) MONTH''

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce a resolution that affects families across America. This resolution expresses support for the designation of a "National Hereditary Hemorrhagic Telangiectasia, HHT, Month" as well as other efforts to increase public awareness of the disease. Hereditary Hemorrhagic Telangiectasia (HHT) is complex genetic disorder of the blood vessels affecting approximately 70,000 Americans. It is characterized by malformations that occur in major organs, including the lungs, brain, and liver. If left untreated, it can lead to chronic health problems or even sudden death due to the rupture of blood vessels in major organs.

Unfortunately, due to a widespread lack of knowledge of the disorder, approximately 90 percent of Americans suffering from HHT currently remain undiagnosed. These people are at risk of sudden death or becoming disabled. However, tests exist for the early detection and diagnosis of HHT and certain treatments are available for those suffering from the disease. It is estimated that between 20 and 40 percent of deaths and disabilities resulting from HHT would have been preventable if the condition had been diagnosed.

This resolution aims to reduce future HHT-related deaths and disabilities. The HHT Foundation International's designation of a "National Hereditary Hemorrhagic Telangiectasia, HHT, Month" and other efforts to educate the public should increase public awareness of the disease, leading to more HHT testing and fewer instances of undiagnosed HHT. Additionally, support for further research will improve outcomes, reduce costs, and increase the quality of life for those living with HHT, while also searching for a cure for the disorder.

This important bill will decrease the suffering of families affected by this devastating disease. It is my goal to improve the quality of life of the approximately 70,000 Americans suffering from HHT. I urge my colleagues to support this resolution to make the public aware of this national health problem.

RECOGNIZING THE 25TH ANNIVERSARY OF THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. HASTINGS of Florida. Madam Speaker, on June 9, 2009, the National Center for Missing and Exploited Children celebrated its 25th anniversary. I stand here today to express my gratitude to an organization that continues to help so many children all across this nation.

In 1984, President Ronald Regan established the National Center for Missing and Exploited Children. Twenty-five years later, the center has a missing child recovery rate of 97 percent. Within my own district, the organization established The Adam Walsh Child Resource Center, having collected fingerprint data from over 50,000 children, providing help to victim parents, and creating victim prevention programs for south Florida—all steps towards making Florida and American families safer.

A price cannot be placed upon the safety of our children and it is essential that, as lawmakers, we continue to support those organizations who strive to great lengths to protect America's youth. As a Member of Congress, it is imperative that we do everything in our power to ensure the safety and protection of our children.

Madam Speaker, as national security threats continue to grow, threatening our freedom and livelihoods, we must recognize the domestic problems which threaten our society and always be vigilant of those who wish to cause harm to others. I applaud the National Center for Missing and Exploited Children whose efforts over the past twenty-five years have undoubtedly been at the forefront of keeping our children safer from abduction and sexual exploitation.

INTRODUCTION OF THE GOLF COURSE PRESERVATION AND MODERNIZATION ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Ms. NORTON. Madam Speaker, today, I introduce the Golf Course Preservation and Modernization Act to renovate and modernize the three National Park Service, NPS, golf courses in the District of Columbia. Several years of research, investigation and consulting on ways to improve these courses demonstrate this bill is necessary to turn around the deterioration of these unique and valuable federal assets. Langston Golf Course, Rock Creek Golf Course and East Potomac Golf Course are in desperate need of capital investment to maintain and preserve their historic features and to reverse decades of deterioration.

East Potomac Golf Course was built in 1920 and included three courses that accommodated all levels of play, with an 18-hole tournament level course and two 9-hole practice courses. East Potomac was initially segregated, with African Americans permitted to play only on Mondays. The course was desegregated in 1941 by the Secretary of the Interior, Harold Ickes, following pressure from an African American women golfers club, the Wake Robin Golf Club. Rock Creek Golf Course opened in 1923 as a 9-hole golf course and an additional nine holes were added to make Rock Creek an 18-hole tournament level course in 1926. Langston Golf Course opened in 1939 as a segregated golf facility for African Americans and is listed in the National Register of Historic Places. Langston was the home course to the Royal Golf Club and the Wake Robin Golf Club, the nation's first clubs for African American men and women golfers respectively. Langston was named for John Mercer Langston, the first African American Congressman from Virginia elected in 1888. Originally a 9-hole course, Langston's expansion to an 18-hole course began in 1955, but was not completed until the mid 1980s.

The courses were built and have been administered by the NPS since the early 20th century for the enjoyment of the general public. However, despite their best efforts, NPS has had a constant struggle to maintain the courses. None has been modernized and all three courses have fallen into disrepair and lack the amenities necessary to serve the public today. As a result, they are underused considering their value to the public.

NPS was created by Congress to ". . . conserve the scenery and the natural and historical objects and the wild life therein, and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." (16 U.S.C. 1) However, NPS's own backlog of repairs, its chronic funding limitations, and the continuing use of concession

contracts that are inappropriate for the unique capital investment required for golf courses militate against appropriate maintenance, historic preservation and the NPS mission ''to leave them unimpaired for the public enjoyment.'' This bill will restore the original intent of Congress, consistent with this important NPS mission.

The three courses together constitute an undervalued public asset that, if appropriately funded, could be renovated and modernized, facilitating affordable recreation, attracting significantly more golfers, and perhaps producing new revenue for the United States Treasury. Unlike other NPS facilities, golf courses require unique and continuing significant capital investment to keep them not only maintained but operational. As a result for nearly 100 years, the courses have had problems associated with upkeep and insufficient capital investment. Without a ready source for capital investment, apart from appropriations, NPS has continuously struggled to manage and maintain each of these courses since their inception. There is no prospect that the necessary federal funds for capital investment and improvement of golf will be available today or in the future. Moreover, the current fee to play at the golf courses, as established in the concessions contract process, must remain affordable and cannot generate sufficient revenue for NPS or the concessioners to keep the courses properly maintained, or to make the capital investment required for a golf course today. In fact, NPS owes millions of dollars to the concessioner of the golf courses for necessary improvements.

General Services Administration land and real estate professionals and other experts advise that the best option consistent with federal law and practices is to create a long-term ground lease that bundles all three of the courses into a single contract and then to request proposals that allow for response with ideas and alternatives for modernization and maintenance consistent with anticipated use and affordability. This bill requires that historic features of the courses be preserved and that two of the three courses remain affordable to the general public.

The confines of federal concession law inhibited NPS and the concessioner from making improvements to the courses because Federal concession laws are incompatible with golf course operations. Historically, the constrictions of NPS concessions law have been a direct cause of disrepair and capital disinvestment, reducing the quality of play and jeopardizing the historic preservation of the courses. However, the NPS joined two of the three golf courses together for the next seven years under a proposed concession contract that was issued on October 23, 2007. The contract requires only that the next concessioner be able to perform routine repair and maintenance consistent with NPS practice and the limits imposed by concession law. The contract does not and could not impose any requirement that capital improvements be made to the courses, usually guaranteeing that these courses will stay in the same poor condition until 2015. East Potomac was excluded from the proposed concession contract because its concession contract expires next year, not for any reason associated with maintaining and improving the courses for public use. This separates East Potomac, the only financially viable golf course, from Langston and Rock Creek, the two that need subsidy for their operations. The effect will leave Langston and Rock Creek worse off than they are today. Now the contract for East Potomac is expected to be put out this fall.

This bill would require the new lease for East Potomac to be set to expire on the same date as Langston and Rock Creek leases, binds the three courses into one contract and exempts these golf courses from concession law. This approach applies another vehicle commonly used by the federal government to allow for more creative solutions consistent with the NPS mission to preserve general public access and preserve the historic qualities of the courses. The single long-term ground lease for all three courses, designed outside of the constraints of concession law, provided by this bill would encourage private investment in these courses, improve the quality of the courses, ensure affordable play, and preserve their historic nature.

I urge my colleagues to support this legislation.

TRIBUTE TO RAÚL H. CASTRO

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRIJALVA. Madam Speaker, I rise today to recognize Raúl H. Castro, Arizona's first Hispanic Governor, who has devoted his life to ensuring democracy for all.

To review the lifelong commitments of Governor Castro is to describe the epitome of the American Dream.

Born in Mexico, he immigrated to a community near Douglas, AZ in his teenage years. The son of a copper miner and a midwife, he overcame great poverty and adversity as a young adult. He was always committed to his family and the need to do something great with his life. In high school he was a stellar athlete and student, which taught him discipline and earned him an athletic scholarship for college. In college, he was an undefeated boxer, winning mostly by knockout and earning the name the ''Douglas Destroyer.''

Governor Castro worked diligently through school, completing his first degree in higher education in 1939, the same year he became a United States citizen. He worked for the U.S. State Department as a Foreign Service officer in Agua Prieta, Sonora for a period of time, then applied and was accepted at the University of Arizona, where he earned his Juris Doctor degree.

He then practiced law in Tucson, AZ, became deputy Pima County Attorney and was elected Pima County Superior Court Judge. In his six years on the Superior Court bench, he gained a reputation of being fair and grew further respected in the community for his work and commitment to justice.

It wouldn't take long for the country to notice the young judge from Pima County. President Lyndon Johnson appointed Raúl as U.S. Ambassador to El Salvador in 1964, where he served until 1968. He then served as Ambassador to Bolivia from 1968–1969, and returned to Tucson to specialize in international law.

His work abroad became a benefit for the state of Arizona. He continued his commitment to his country by becoming active in Arizona Democratic Party politics, and ultimately won a spirited campaign for the governorship in 1974, becoming Arizona's first Hispanic governor.

Governor Castro wouldn't complete his term, President Jimmy Carter selected him to represent the United States again and serve as Ambassador to Argentina, where he served until 1980.

Governor Castro returned to Arizona and devoted more than two decades to practicing law. He has recently retired to Nogales, AZ where he remains involved in the community.

Governor Castro's story is one of inspiration for young and old alike. He has shown all aspects of the American Dream, to work hard, care about your community and success will follow. Arizona and this nation have been blessed by his commitment to democracy and justice.

Madam Speaker, I rise to honor Governor Castro and thank him for being a role model for so many of us.

PERSONAL EXPLANATION

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Ms. HIRONO. Madam Speaker, on rollcall No. 334, had I been present, I would have voted ''yes.''

HONORING THE LIFE OF G.A. GINDICK

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. NUNES. Madam Speaker, I rise today to celebrate the life of G.A. Gindick—an inspirational community leader and philanthropist who touched the lives of all who knew her.

Madam Speaker, I had the honor of representing Mrs. Gindick in Congress. I witnessed her impact on the community of Visalia first-hand. She and her late husband Frank were instrumental in starting the Visalia Boys and Girls Club—an organization that has touched the lives of both the young and young at heart. She was a true booster—a financial supporter and active volunteer.

Mrs. Gindick's dedication to Visalia was full-time. She was a powerful advocate for local art and cultural institutions and was constantly engaged in the defense of Visalia's heritage and quality of life.

She was a tenacious woman; a woman it was hard to say no to; a woman who understood what community meant, and always strove to help those in need.

Madam Speaker, Mrs. Gindick will be sorely missed. But because of her enormous heart and lifelong commitment to others, she will not be forgotten.

A SPECIAL TRIBUTE TO EASTWOOD HIGH SCHOOL BOYS TRACK AND FIELD TEAM

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to an outstanding high school track and field team in Ohio's Fifth Congressional District. The young men of Eastwood High School's Track and Field team have represented their school and families ably on their way to achieving their first ever State Track and Field Championship.

In their effort to surpass all other teams in the Division II State Track and Field Championship, the Eastwood Eagles overcame the challenges posed by injuries and intense competition.

In their bid for the State Title, the Eastwood High Boys Team produced 4 All-Ohio performances from individuals on the team. In winning the Ohio State Division II Track and Field Championship, the members of this very special team have shown that their sport requires an individual effort for a team result. As a direct consequence of their hard work and dedication on and off the track, both their efforts and their results were outstanding.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the Eastwood High School Boys Track Team. Our communities are well served by the type of effort and perseverance demonstrated by these young men. On behalf of the people of the Fifth District of Ohio, I am proud to recognize this great achievement.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

The House in Committee of this Whole House on the State of the Union had under consideration of the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chair, thank you, Madam Speaker and thank you Chairman BERMAN for your efforts on H.R. 2410, Foreign Relations Authorization Act, Fiscal Years 2010 and 2011." The Committee has once again produced legislation that will help America engage its neighbors and promote national security.

The primary objective of this legislation is to rebuild the capacity of the Department of State to fulfill its core diplomatic mission in fulfilling U.S. national security goals. In a recent hearing Secretary Clinton stated that the priorities of the State Department and other international organizations are clear. Their focus is to deploying the tools of diplomacy and development along with military power. We are securing historic alliances, working with emerging regional powers, and seeking new avenues of engagement. While this may seem like a herculean task, I have confidence that these goals can be successfully accomplished with the passing of this legislation.

H.R. 2410 is a wide encompassing bill that will set the tone on how we engage other nations and strengthen the use of diplomacy as a tool to interact with other countries around the world. This legislation will give President Obama and Secretary Clinton the non-military support they need to engage other nations and change the view of America in the world. President Obama has stated that defense, diplomacy and development are the three keys to strengthening our national security. In recent years, diplomacy and development have been short-changed. Capacity must be rebuilt in these critical areas.

In addition, I appreciate my Sense of Congress language being included in Section 1127, entitled Sense of Congress Sudan, that the United States should support efforts to find a stable and lasting peace in Sudan in the wake of devastating conflict that led to major humanitarian disaster in Darfur and through the Sudan. This conflict caused the deaths of hundreds of thousands and continues to cause violence in Darfur and throughout Sudan. The language further provides that to achieve peace in Darfur, all parties must agree to uphold the Comprehensive Peace Agreement (CPA). The language provides that the United States should support efforts to prepare for the national elections and for the referendum. It further provides that the United States should support efforts to develop international strategy to support the rebuilding of Sudan, with a particular focus on key CPA benchmarks including transitional justice, actions addressing the perpetrators of war crimes, policies towards, the return of displaced Darfuris and other people to their homeland, and management of the armed forces, and that U.S. policy toward Darfur should be fully integrated with U.S. policy toward the CPA as a full and lasting resolution to the Darfur crisis hinges on the resolution of a common set of national problems. We must insure the solution to the continued genocide in Sudan.

To understand the importance of my Sense of Congress language, it is important to address the history of Sudan. The crisis in Darfur began in February 2003, when two rebel groups emerged to challenge the National Congress Party (NCP) government in Darfur. The crisis in Darfur in western Sudan has led to a major humanitarian disaster, with an estimated 2.45 million people displaced, more than 240,000 people forced into neighboring Chad, and an estimated 450,000 people killed.

In July 2004, the House and Senate declared the atrocities in Darfur genocide and on May 4, 2006, the Government of National Unity and the Sudan Liberation Movement/Army signed the Darfur Peace Agreement after almost two years of negotiation. In July 2007, the U.N. Security Council passed Resolution 1769, authorizing the deployment of a robust peacekeeping force in Darfur. The resolution authorized the United Nations African Union force in Darfur to take all necessary measures to protect its personnel and humanitarian workers.

In July 2008, International Criminal Court (ICC) Chief Prosecutor Luis Moreno-Ocampo accused President Omar Bashir of Sudan of genocide, crimes against humanity, and war crimes and asked ICC judges to issue an arrest warrant for President Bashir. On March 4, 2009, the ICC Pre-Trial Chamber issued a warrant of arrest for President Bashir. On March 4, 2009, the ICC Pre-Trial Chamber issued a warrant of arrest for President Bashir for war crimes and crimes against humanity.

It is important that against this backdrop that the U.S. reaffirms that genocide is still occurring in Darfur, displaced individuals should be resettled in their homeland, and the perpetrators of war crimes should be prosecuted.

This legislation is intended to shore up U.S. diplomacy and development efforts. Defense, diplomacy, and development are the three pillars of our national security. In recent years, diplomacy and development have been short-changed. Capacity must be rebuilt in these critical areas.

The legislation authorizes hiring 1500 additional Foreign Service Officers over the next two years and contains provisions on recruitment and training of officers to improve the Foreign Service's ability to respond to modern challenges. It requires the State Department to conduct a quadrennial review of its policies and programs that defines objectives, budget requirements and how these programs fit into the President's national security strategy.

Among other significant measures in the bill are provisions that:

Ensure that the United States will meet its financial commitments to the United Nations (U.N.) and other international organizations;

Allow financing the refurbishment of helicopters for U.N. peacekeeping missions in Darfur, the Republic of Congo and Chad;

Establish the Senator Paul Simon Study Abroad Foundation as a new executive branch corporation to expand dramatically the number and economic diversity of U.S. students studying overseas;

End the long-standing practice of excluding the committed partners of Foreign Service officers from the benefits routinely provided to the spouses and children of officers serving abroad;

Support the Administration's plan to double the size of the Peace Corps, and authorize a plan to use short-term volunteers to respond to humanitarian and development needs worldwide;

Broaden the Merida anti-drug trafficking initiative to include the Caribbean, and improve monitoring and evaluation of Merida programs; and

Increase resources and training for enforcement of intellectual property rights, especially in countries identified by the U.S. government as lax in enforcing those rights.

I have also worked tirelessly on incorporating my bill on Statelessness in its entirety in Section 1104, entitled "Statelessness." The purpose of this section is to increase global stability and security for the United States and the international community and decrease trafficking and discrimination by reducing the number of individuals who are de jure or de facto stateless. As a consequence of their statelessness, individuals are unable to claim right to a nationality and its respective rights and obligations, and instead they are excluded from full participation in civil society. The framework of this language establishes that the right to a nationality is a foundation of human rights, and a deterrent to displacement, since the State is the primary vehicle through which people are guaranteed their inalienable rights, and are made subject to the rule of law.

Additionally, this language ensures that it shall be the policy of the United States that the President and the permanent U.S. Representative to the United Nations work with the international community to increase political and financial support for the work of the United Nations High Commissioner for Refugees (UNHCR) to prevent and resolve problems related to statelessness, and to promote the rights of the stateless by taking the following specific actions. The language urges U.N. and U.N. Country teams in countries with significant stateless populations to devote increasing attention and resources to bring about registration and documentation of all residents. The language advocates for the creation of an Inter-Agency Task Force on Statelessness with UNHCR and UNICEF. With respect to improving conditions for Women and children, Section 1104 urges the U.N. to devote special attention to restore secured citizenship to trafficked women and girls, and to work with Member States to guarantee that national legislation gives women full and equal rights regarding citizenship, and addressing the needs and rights of stateless children. Finally, this important language urges UNICEF to increase its efforts to encourage all U.N. Member States to permit full and easy access to birth registration for all children born in their territories, and promotes the issuance of birth certificates to all children born to refugees and displaced persons.

In conclusion, emerging challenges that will define our century such as climate change, weak states, rogue regimes, criminal cartels, nuclear proliferation, terrorism, poverty, and disease all must be addressed in order to protect our national security. America must work with our neighbors around the world to address these challenges and in doing so, it is our responsibility as Members of Congress to make sure organizations that are dealing with these issues get the resources they need to do their jobs safely and effectively.

NICOLE MOLUMBY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nicole Molumby of Saint Joseph, Missouri. Nicole is active in the community through her school and has been chosen to receive the YWCA Women of Excellence Future Leader Award.

Nicole Molumby possesses a 4.0 GPA on a 4.0 scale and is ranked #1 in a class of 364 students while volunteering more than 300 hours to the community during her high school career. Nicole has lettered three times, been a member of the All-District Choir and has been involved in Show Choir for three years. She is a member of the Spanish and Forum clubs. Nicole was inducted into the International Thespian Society and the National Honor Society and participated in the People to People Student Ambassador Program touring Italy and Greece. She has been a Freshman Mentor for two years. Nicole has volunteered for America's Second Harvest Backpack Buddies program and the United Cerebral Palsy preschool. She is active in her church's youth group and choir. After Hurricane Katrina, she participated in a mission trip to New Orleans to assist in clean up efforts. Nicole is much more than an honor student and role model, she is an asset to the community in which she lives and the high school she attends.

Madam Speaker, I proudly ask you to join me in recognizing Nicole Molumby. She has made an amazing impact on countless individuals in and beyond the St. Joseph Community. I am honored to represent her in the United States Congress.

BJ OFFICE PRODUCTS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize BJ Office Products of Saint Joseph, Missouri. This business has been chosen to receive the YWCA Women of Excellence Award for Employer of Excellence.

In the 1979's, Barbara Burns worked for a small office supply company. She soon borrowed enough to buy the company and build it into BJ Office Products, which 30 years later remains a fixture in the St. Joseph business community. She most recently won the American Business Women's Business Woman of the Year Award. As an employer, she is compassionate to daily life struggles in her employees' families. She is a member of the Eastside Rotary Club and the St. Joseph Chamber of Commerce. Barbara started her business by taking a huge gamble and has worked tirelessly to keep her business running while always making time for her family and her community.

Madam Speaker, I proudly ask you to join me in recognizing BJ Office Products. They are a tremendous asset to the St. Joseph Community. I am honored to represent this business in the United States Congress.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2010 AND 2011

SPEECH OF

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2410) to authorize appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes:

Mr. SCALISE. Mr. Chair, last night, the House of Representatives passed the Foreign Relations Authorization Act. Unfortunately, this bill opens a door that will jeopardize one of the fundamental principles that our country was founded upon: the right to life.

I am disturbed that the liberals in Congress want to allow taxpayer dollars to be spent on the promotion of abortion in foreign countries through the creation of the "Office of Global Women's Issues." Secretary Clinton has acknowledged that this office will be used as a means to promote reproductive rights of women. She also testified before Congress that she believes that reproductive rights include abortion. I find it troubling that Secretary Clinton is forcing a pro abortion agenda on foreign nations, including countries with pro life laws. This pro abortion agenda by the State Department contradicts President Obama's statements that he wants to work toward reducing the number of abortions that are performed.

I applaud Congressman CHRIS SMITH for offering an amendment that would have explicitly prohibited this Office from participating in abortion activity. His amendment would have also promoted maternal health, women's empowerment, and educational opportunities for women. While I supported his amendment, unfortunately it was rejected. If we establish this office, we should set guidelines that promote a culture of life, not a culture of abortion.

Secretary Clinton clearly expressed that she intends to promote and provide abortion through the Office of Global Women's Issues when she said: "We happen to think that family planning is an important part of women's health and reproductive health includes access to abortion . . ." and also that "we are now an administration that will protect the rights of women, including their rights to reproductive health care."

Unborn lives are the most defenseless lives, and it is our job to stand up and protect them. Under no circumstances should Americans be forced to fund abortions, either domestically or abroad.

BARBARA SPRONG

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Barbara Sprong of Saint Joseph, Missouri. Barbara is active in the community and she has been chosen to receive the YWCA Women of Excellence Lifetime Achievement Award: Woman in Volunteerism.

After graduating from Central High School, Barbara received a degree in elementary education from Northwest Missouri State University. She then moved to Independence, volunteering as a docent to the Harry Truman Library, and to the Nelson Atkins Museum of Art, and becoming a member of the Junior Service League of Independence, the University of Kansas City Ambassadors, and the American Association of University Women.

Upon returning to Saint Joseph, Barbara worked with Heartland Regional Medical Center to develop its first volunteer program, and later joined the Board of Directors of Heartland Health, and the Heartland Foundation Board. She has served on the Family Guidance Center of Behavioral Health Care Board of Directors and the Community Living Services Board.

Barbara helped develop the Missouri Western Ambassadors program, and later served on the University's Board of Regents. She served as director of the Profit in Education program, and as a member of the Saint Joseph School District Foundation Board of Directors. She has also supported the United Way, having served on its Board of Directors,

the Albrecht Kemper Museum of Art, the PEO, and is a member of the Wyatt Park Baptist Church.

Madam Speaker, I proudly ask you to join me in recognizing Barbara Sprong. She has made an amazing impact on countless individuals in the St. Joseph community. I am honored to represent her in the United States Congress.

BECKY SHELLITO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Becky Shellito of Saint Joseph, Missouri. Becky is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Award for Woman in Support Services.

Becky Shellito married after attending Missouri Western State University; nevertheless, this high school valedictorian lived up to the expectations of that designation in her life. While raising two young daughters, she was active in the Parent Teacher Association and was elected as president of that organization. She went to work part-time for the Grace Evangelical Church while her youngest daughter was in middle school and today serves as Office Manager, handling all administrative functions for a staff of six pastors, four secretaries and two custodians. Becky is a great coach and strong administrator. She has assisted families who have faced tragedy, knowing all too well the challenges faced by families who have lost loved ones. Seventeen years ago, Becky and her family lost their two daughters in a tragic automobile accident. It is not simply her testimony, but her life that brings hope to individuals who face the most difficult circumstances. Her leadership and professionalism are shadowed only by her strong resolve and perseverance.

Madam Speaker, I proudly ask you to join me in recognizing Becky Shellito. She has made an amazing impact on countless individuals in the St. Joseph community. I am honored to represent her in the United States Congress.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. McDERMOTT. Madam Speaker, I would like to state for the record that I inadvertently voted against a bill which I had cosponsored and intended to support.

H.R. 1886, the Pakistan Enduring Assistance and Cooperation Enhancement Act, provides for a new framework for U.S. assistance to Pakistan in a relationship characterized by commitment. It is especially urgent that the United States and Pakistan pull together during these critical times in Pakistan. As co-Chair of the India Caucus, I was pleased to see provisions that would focus American assistance to Pakistan on the threats it faces from various terrorist groups, instead of allowing for military aid that could inflame tensions with India. It is vital that our assistance demonstrates that we support the people of Pakistan and contributes to stability and the rule of law—this will be a help to all the people of the region.

I encourage the continued progress of H.R. 1886 through the remainder of the legislative process, and I regret losing the opportunity to demonstrate my support for the measure with my vote in the House.

JULIA RUPP

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Julia Rupp of Saint Joseph, Missouri. Julia is active in the community through work and in her spare time and she has been chosen to receive the YWCA Women of Excellence Lifetime Achievement Award: Woman in the Workplace.

Julia Rupp has devoted much of her life toward bettering the St. Joseph community. Following her marriage to John Rupp, the two started Rupp Funeral Home in 1939. Julia was instrumental in the formation of the South Side Fall Festival and was the First Grand Marshall of the event, which has grown each year since its beginning in 1989. Julia is a charter member, past president, and treasurer of the South Side Business Woman's Association. For 21 years, she has been a member of the South St. Joseph Progressive Association, which seeks funding for projects to better St. Joseph. Julia served as a member of the InterServ Community Housing Board, and gave leadership in the development of King Hill Apartments, the first senior housing in South St. Joseph.

She is a past member of the Board of Regents of Missouri Western State University, a member of the Missouri Funeral Directors and Embalmers Association, and the National Funeral Directors Association. Julia is also a member of the St. James Catholic Church. She is active in the Altar Society and is a member of the Daughters of Isabella. At the Fourth annual Winter Splendor, hosted by Catholic Charities, she was honored for her work in the business community.

Madam Speaker, I proudly ask you to join me in recognizing Julia Rupp. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

JODI BLOEMKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jodi Bloemker of Missouri. Jodi is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Emerging Leader Award.

Jodi Bloemker has accomplished much in the ten years since graduating from Central High School. She graduated from Missouri State University in 2002 and received a Master of Public Administration from American University in Washington, D.C. in 2005. While in graduate school, Jodi worked for a U.S. Congressman as a Legislative Correspondent and later as Director of Research and Firm Administrator for U.S. Strategies Corporation.

Upon returning to St. Joseph, Jodi has worked with the Community Action Partnership as a Community Development Specialist and with the United Way of Greater St. Joseph as Director of Community Investment. Jodi has lent considerable time and talent to several projects bringing education and career opportunities to students in our community. She has served with the Heartland Foundation's Healthy Communities Investor Council, the St. Joseph Employment Coalition. She has served on the Preschool-20 Education Council-Northwest Missouri, and the My Success Event Steering Committee. Jodi is a member of the 2009 class of Leadership St. Joseph and is a member of Rotary Club #32 Downtown St. Joseph.

Madam Speaker, I proudly ask you to join me in recognizing Jodi Bloemker. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 2200) to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes:

Mr. HOLT. Mr. Chair, there are many worthy and needed provisions in this legislation. It authorizes a tripling of surface transportation security funding, to $15.6 billion. It requires the Transportation Security Administration to field at least 100 canine teams, which are absolutely critical to our bomb detection efforts. The bill creates a $10 million grant program for improving security measures at general aviation airports. These and many other provisions in the bill are laudable.

Unfortunately, the bill includes a provision that would allow TSA at least two more years to achieve the congressionally-mandated goal of screening 100 percent of air cargo on passenger jets. Mr. Chair, we can't keep kicking this can down the road. The traveling public has been demanding for years that we close this major airline security gap. We said we would fulfill all the recommendations of the 9/11 Commission. We haven't.

If we give TSA two more years, two years from now TSA will say "We need more time." Congress has supplied the money to achieve this goal. What we need from TSA is results-oriented leadership to get the job done. The best way to finish this job is to keep the existing deadline in place, which is why I could not

support this bill. I hope that we can improve this bill during any conference with the Senate or if it is included in a larger Homeland Security authorization bill by removing this two-year extension on meeting the cargo screening requirement.

KAREN WOODBURY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Karen Woodbury of Saint Joseph, Missouri. Karen is active in the community and she has been chosen to receive the YWCA Women of Excellence Award for Woman in Volunteerism.

Karen Woodbury is the Master of Social Work Off-Campus Coordinator in Northwest Missouri for the University of Missouri School of Social Work. As a social worker, Karen has translated her professional commitment to community advocacy into meeting many needs of the St. Joseph community through countless hours of volunteerism. Karen was a pioneer in establishing the Choices program in the St. Joseph School District middle schools for the YWCA. She served on the YWCA St. Joseph Board of Directors for several years and is a past co-chair of the steering committee of Women of Excellence.

Karen has assisted several organizations to develop programs to meet community needs. She helped the Buchanan County Juvenile Office to create a program for young teen women to divert them from the juvenile justice system and was awarded the Missouri Juvenile Justice Award of Excellence in 1998 for this program. She has served on the St. Joseph Safety Council, the United Cerebral Palsy Board of Board of Directors and on the Buchanan County Social Welfare Board. Karen also helped to establish the Social Welfare Board's counseling program for indigent clients. She was awarded the Roy Blunt Citation for Literacy in 1998 for her work with middle school age girls.

Madam Speaker, I proudly ask you to join me in recognizing Karen Woodbury. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

LAURA BAKKEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Laura Bakken of Saint Joseph, Missouri. Laura is active in the community through her work and has been chosen to receive the YWCA Women of Excellence Award for Woman in the Workplace.

Laura Bakken serves as the Spanish interpreter for the Head Start at Community Action Partnership, and is certified in ''Los Ninos Bien Educados,'' a nationally acclaimed curriculum for strengthening Hispanic families and enhancing parenting success. Laura recruits low income Hispanic families to participate in the Head Start program. She was nominated by her peers for excellence in performance and is currently training colleagues about cultural diversity. Laura uses her interpretation skills throughout the community to assist children and families. ''To make a community better, it starts with the people. If everyone can adopt one family, and help that one, and get them on their feet, then it'll be a chain reaction.'' Laura has faced the challenge of overcoming an abusive childhood, homelessness as a teenager, breast cancer, and physical disability to become a survivor and a nurturer. As her nominator describes her, ''She defies the odds and simply gets the job done, making the world a brighter, prettier place just by the doing.''

Madam Speaker, I proudly ask you to join me in recognizing Laura Bakken. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

Senate

Chamber Action

Routine Proceedings, pages S6481–S6572

Measures Introduced: Twenty-four bills and three resolutions were introduced, as follows: S. 1234–1257, S. Res. 183–184, and S. Con. Res. 26. **Pages S6542–43**

Measures Reported:

H.R. 813, to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the ''J. Herbert W. Small Federal Building and United States Courthouse''.

H.R. 837, to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''. **Page S6542**

Measures Passed:

Family Smoking Prevention and Tobacco Control Act: By 79 yeas to 17 nays (Vote No. 207), Senate passed 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, as amended, clearing the measure for the President. **Pages S6497–S6523**

Celebrating the Life and Achievements of Millard Fuller: Senate agreed to S. Res. 183, celebrating the life and achievements of Millard Fuller, the founder of Habitat for Humanity. **Page S6570**

Condolences to Family and Friends of Officer Stephen T. Johns: Senate agreed to S. Res. 184, offering deepest condolences to the family and friends of Officer Stephen T. Johns and calling on the leaders of all Nations to speak out against the manifestations of anti-Semitism, bigotry, and hatred. **Pages S6570–71**

Measures Considered:

Travel Promotion Act—Cloture Agreement: Senate began consideration of the motion to proceed to consideration of S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States. **Pages S6526–28**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, June 11, 2009, a vote on cloture will occur on Tuesday, June 16, 2009. **Page S6526**

A unanimous-consent-time agreement was reached providing that on Tuesday, June 16, 2009, following a period of morning business, Senate resume consideration of the motion to proceed to consideration of the bill, and that there be one hour of debate prior to the vote on the motion to invoke cloture on the motion to proceed to consideration of the bill, with time equally divided and controlled between the two Leaders, or their designees; provided further, that upon use or yielding back of that time, Senate vote on the motion to invoke cloture on the motion to proceed to consideration of the bill. **Page S6526**

Slavery Apology Concurrent Resolution—Agreement: A unanimous-consent agreement was reached providing that on Thursday, June 18, 2009, following a period of morning business, Senate begin consideration of S. Con. Res. 26, apologizing for the enslavement and racial segregation of African Americans, and that there be 60 minutes for debate relative to the resolution, with the time equally divided and controlled between the two Leaders, or their designees; provided that no amendments be in order to

the concurrent resolution or preamble; provided further, that upon the use or yielding back of time, Senate vote on adoption of the concurrent resolution. **Page S6570**

Nominations Received: Senate received the following nominations:

John R. Norris, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2012.

Michael Anthony Battle, Sr., of Georgia, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador.

Donald Sternoff Beyer, Jr., of Virginia, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

Martha Larzelere Campbell, of Michigan, to be Ambassador to the Republic of the Marshall Islands.

Donald Henry Gips, of Colorado, to be Ambassador to the Republic of South Africa.

Gordon Gray, of Virginia, to be Ambassador to the Republic of Tunisia.

Alfonso E. Lenhardt, of New York, to be Ambassador to the United Republic of Tanzania.

John R. Nay, of Michigan, to be Ambassador to the Republic of Suriname.

Daniel M. Rooney, of Pennsylvania, to be Ambassador to Ireland.

Richard J. Schmierer, of Virginia, to be Ambassador to the Sultanate of Oman.

Pamela Jo Howell Slutz, of Texas, to be Ambassador to the Republic of Burundi.

Vinai K. Thummalapally, of Colorado, to be Ambassador to Belize.

Rocco Landesman, of New York, to be Chairperson of the National Endowment for the Arts for a term of four years.

Joseph W. Westphal, of New York, to be Under Secretary of the Army.

Routine lists in the Air Force and Army. **Pages S6571–72**

Messages from the House: **Page S6540**

Measures Placed on the Calendar: **Pages S6481, S6540**

Measures Held at the Desk: **Page S6540**

Executive Communications: **Pages S6540–42**

Executive Reports of Committees: **Page S6542**

Additional Cosponsors: **Pages S6543–45**

Statements on Introduced Bills/Resolutions: **Pages S6545–69**

Additional Statements: **Pages S6538–40**

Notices of Hearings/Meetings: **Page S6569**

Authorities for Committees to Meet: **Pages S6569–70**

Privileges of the Floor: **Page S6570**

Record Votes: One record vote was taken today. (Total—207) **Page S6501**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:15 p.m., until 1:45 p.m. on Monday, June 15, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6571.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Department of Housing and Urban Development, after receiving testimony from Shaun Donovan, Secretary of Housing and Urban Development.

APPROPRIATIONS: DEPARTMENT OF VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on Military Construction and Veterans Affairs, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Department of Veterans Affairs, after receiving testimony from Eric K. Shinseki, Secretary, Gerald M. Cross, Acting Under Secretary for Health, Veterans Health Administration, Patrick W. Dunne, Under Secretary for Benefits, Veterans Benefits Administration, Steve L. Muro, Acting Under Secretary for Memorial Affairs, National Cemetery Administration, Rita A. Reed, Acting Assistant Secretary for Management, and Roger W. Baker, Assistant Secretary for Information and Technology, all of the Department of Veterans Affairs.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Gordon S. Heddell, of the District of Columbia, to be Inspector General, J. Michael Gilmore, of Virginia, to be Director of Operational Test and Evaluation, Zachary J. Lemnios, of Massachusetts, to be Director of Defense Research and Engineering, Dennis M. McCarthy, of Ohio, to be Assistant Secretary for Reserve Affairs,

and Jamie Michael Morin, of Michigan, to be Assistant Secretary for Financial Management and Comptroller, who was introduced by Senator Conrad, and Daniel Ginsberg, of the District of Columbia, to be Assistant Secretary for Manpower and Reserve Affairs, who was introduced by Senator Leahy, both of the Department of the Air Force, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the President's proposed budget request for fiscal year 2010 for the National Oceanic and Atmospheric Administration, after receiving testimony from Jane Lubchenco, Under Secretary for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce.

NORTH KOREA

Committee on Foreign Relations: Committee concluded a hearing to examine certain North Korea issues, after receiving testimony from Stephen Bosworth, Special Representative for North Korea Policy, Department of State; Evan J.R. Revere, The Korea Society, New York, New York; Leon V. Signal, Social Science Research Council Northeast Asia Cooperative Security Project, Brooklyn, New York; and Victor D. Cha, Georgetown University, and Nancy Lindborg, Mercy Corps, both of Washington, D.C.

THE WHISTLEBLOWER PROTECTION ENHANCEMENT ACT

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine S. 372, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, after receiving testimony from Rajesh De, Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice; and William L. Bransford, Senior Executives Association, Danielle Brian, Project on Government Oversight, Thomas Devine, Government Accountability Project, and Robert Vaughn, American University Washington College of Law, all of Washington, D.C.

HEALTH CARE

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine health care, after receiving testimony from Sandy Praeger, Kansas Insurance Commissioner, Topeka; Margaret Flowers, Physicians for a National Health Program, and Samantha Rosman, American Medical Association, both of Chicago, Illinois; Ron Williams, Aetna Inc., Hartford, Connecticut; Randel Johnson, U.S. Chamber of Commerce, William Dennis, National Federation of Independent Business, Mary Andrus, Consortium for Citizens with Disabilities, Ray Scheppach, National Governors' Association, Gerald Shea, AFL–CIO, Dennis Rivera, Service Employees International Union (SEIU), and Scott Gottlieb, American Enterprise Institute; Katherine Baicker, Harvard School of Public Health, Boston, Massachusetts; Jonathan Gruber, Massachusetts Institute of Technology Department of Economics, Cambridge; Janet Trautwein, National Association of Health Underwriters, Arlington, Virginia; and Steve Burd, Safeway, Inc., Pleasanton, California.

INDIAN HEALTH CARE SYSTEM REFORM

Committee on Indian Affairs: Committee concluded a hearing to examine reforming the Indian health care system, after receiving testimony from Jefferson Keel, National Congress of American Indians, Buford Rolin, Poarch Band of Creek Indians, on behalf of the National Indian Health Board, and Geoffrey Roth, National Council of Urban Indian Health, all of Washington, D.C.; Valerie Davidson, Alaska Native Tribal Health Consortium Legal and Intergovernmental Affairs, Anchorage; and Paul K. Carlton, Jr., Texas A&M Health Science Center, College Station.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit, and Mary L. Smith, of Illinois, to be Assistant Attorney General, Tax Division, Department of Justice.

NATIONAL CRIMINAL JUSTICE ACT

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded a hearing to examine the National Criminal Justice Act of 2009, after receiving testimony from Chief William J. Bratton, Los Angeles Police Department, Los Angeles, California; Pat Nolan, Prison Fellowship, Lansdowne, Virginia; Charles J. Ogletree, Jr., Harvard Law School Charles Hamilton Houston Institute for Race and Justice, Cambridge, Massachusetts; and Brian W. Walsh, The Heritage Foundation, Washington, D.C.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported the nomination of John J. Sullivan, of Maryland, to be a Member of the Federal Election Commission.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported the nominations of Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence, and Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 26 public bills, H.R. 2817–2842; and 12 resolutions, H. Con. Res. 147–150; and H. Res. 529–531, 533–537 were introduced. **Pages H6617–18**

Additional Cosponsors: **Pages H6619–20**

Report Filed: A report was filed today as follows:

H. Res. 532, providing for the consideration of the Senate amendment 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 (H. Rept. 111–145). **Pages H6616–17**

House Democracy Assistance Commission—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the House Democracy Assistance Commission: Representative Price (NC), Chairman; Representatives Capps, Holt, Schiff, Schwartz, Payne, Pomeroy, Farr, Ellison, Hirono, and Roybal-Allard. **Page H6545**

House Democracy Assistance Commission—Appointment: Read a letter from Representative Boehner, Minority Leader, in which he appointed the following Members of the House of Representatives to the House Democracy Assistance Commission: Representatives Dreier, Boozman, Fortenberry, Biggert, Shuster, Granger, Boustany, Conaway, and Buchanan. **Page H6545**

Recess: The House recessed at 11:18 a.m. and reconvened at 11:55 a.m. **Page H6550**

Supplemental Appropriations Act, 2009—Motion to go to Conference: The House disagreed to the amendment of the Senate to H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and agreed to a conference. **Pages H6545–50**

Agreed to the Lewis (CA) motion to instruct conferees on the bill by a yea-and-nay vote of 267 yeas to 152 nays, Roll No. 329. **Page H6550**

The Chair appointed the following conferees: Representatives Obey, Murtha, DeLauro, Lowey, Edwards (TX), Lewis (CA), Young (FL), and Granger. **Page H6551**

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in the armed forces and their families. **Pages H6550–51**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, June 9th:

Ralph Regula Federal Building and United States Courthouse Designation Act: H.R. 1687, amended, to designate the Federal building and United States courthouse located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse", by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 330. **Page H6551**

Agreed to amend the title so as to read: "To designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the 'Ralph Regula Federal Building and United States Courthouse'.". **Page H6551**

Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009: The House passed H.R. 1886, to authorize democratic, economic, and social development assistance for Pakistan and to authorize security assistance for Pakistan, by a recorded vote of 234 ayes to 185 noes, Roll No. 333. **Pages H6551–84**

Rejected the Rogers (MI) motion to recommit the bill to the Committee on Foreign Affairs with instructions to report the same back to the House

forthwith with an amendment, by a recorded vote of 164 ayes to 245 noes, Roll No. 332. **Pages H6580–83**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill, modified by the amendment printed in part A of H. Rept. 111–143, shall be considered as adopted. **Page H6551**

Rejected:

Ros-Lehtinen amendment in the nature of a substitute (printed in part B of H. Rept. 111–143) that sought to fully fund the administration's request for non-military assistance to Pakistan ($1.5 billion) for FY 2010 and to provide "such sums" as may be necessary through 2013. It also would require that the administration submit a comprehensive interagency strategy and implementation plan; require quarterly briefings on developments in Pakistan; as well as written notification to the Congress of adjustments in strategy and related changes in allocations and expenditures (by a yea-and-nay vote of 173 yeas to 246 nays, Roll No. 331). **Pages H6563–80**

Pursuant to section 3 of the rule, in the engrossment of H.R. 2410, the Clerk shall add the text of H.R. 1886, as passed by the House, as new matter at the end of H.R. 2410; conform the title of H.R. 2410 to reflect the addition to the engrossment of H.R. 1886; assign appropriate designations to provisions within the engrossment; and conform provisions for short titles within the engrossment.

H. Res. 522, the rule providing for consideration of the bills (H.R. 1886 and H.R. 2410), was agreed to on Wednesday, June 10th.

Order of Procedure: Agreed that the Speaker be authorized on this legislative day to entertain motions that the House suspend the rules relating to H. Res. 529. **Page H6585**

Moment of Silence: The House observed a moment of silence in honor of Carl Pursell, former Member of Congress. **Page H6584**

Suspension: The House agreed to suspend the rules and agree to the following measure:

Condemning the violent attack on the United States Holocaust Memorial Museum on June 10, 2009 and honoring the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel: H. Res. 529, to condemn the violent attack on the United States Holocaust Memorial Museum on June 10, 2009 and to honor the bravery and dedication of United States Holocaust Memorial Museum employees and security personnel, by a ⅔ yea-and-nay vote of 413 yeas with none voting "nay", Roll No. 334. **Pages H6585–93**

Senate Message: Message received from the Senate today appears on page H6585.

Senate Referral: S. 407 was held at the desk. **Page H6585**

Quorum Calls—Votes: Four yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H6550, H6551, H6580, H6583, H6584 and H6593. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:05 p.m.

Committee Meetings

CLIMATE LEGISLATION

Committee on Agriculture: Held a hearing to review pending climate legislation. Testimony was heard from Tom Vilsack, Secretary of Agriculture; and public witnesses.

CONDITIONS IN RURAL AMERICA

Committee on Agriculture: Subcommittee on Conservation, Credit, Energy, and Research held a hearing to review conditions in rural America. Testimony was heard from Doug Caruso, Administrator, Farm Services Agency, USDA; Leland A. Strom, Chairman of the Board, Credit administration; and public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agriculture approved for full Committee action the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations for fiscal year 2010.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Committee on Armed Services: Subcommittee on Military Personnel approved for full Committee action H.R. 2647, National Defense Authorization Act for Fiscal Year 2010.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Committee on Armed Services: Subcommittee on Strategic Forces approved for full Committee action, H.R. 2647, National Defense Authorization Act for Fiscal Year 2010.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities approved for full Committee action, as amended, H.R.

2647, National Defense Authorization Act for Fiscal Year 2010.

MISCELLANEOUS MEASURES

Committee on Education and Labor: Subcommittee on Workforce Protections held a hearing on the following bills: H.R. 2339, Family Income to Response to Significant Transitions Act, and H.R. 2460, Healthy Families Act. Testimony was heard from Representatives DeLauro and Grayson; Sandra Poole, Deputy Director, Employment Development Department Disability Insurance Branch; Rajiv Bhatia, Director, Occupational and Environmental Health, Department of Public Health, San Francisco, California; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Communications, Technology and the Internet held a hearing on the following bills: H.R. 1084, Commercial Advertisement Loudness Mitigation Act (CALM); H.R. 1147, Local Community Radio Act of 2009; and H.R. 1133, Family Telephone Connection Protection At of 2009. Testimony was heard from Peter Doyle, Chief, Audio Division, Media Bureau, FCC; and public witnesses.

EMERGING HEALTH CARE ISSUES

Committee on Energy and Commerce: Subcommittee on Health held a hearing on the forthcoming Federal Trade Commission report entitled "Emerging Health Care Issues: Follow-on Biologic Drug Competition." Testimony was heard from Pamela Jones Harbo, Commissioner, FTC.

COMPENSATION STRUCTURE AND SYSTEMIC RISK

Committee on Financial Services, Held a hearing entitled "Compensation Structure and Systemic Risk." Testimony was heard from Gene Sperling, Counselor to the Secretary of the Treasury; Scott Alvarez, General Counsel, Board of Governors, Federal Reserve System; Brian Breheny, Deputy Director, Corporate Finance, SEC; Lynn Turner, former Chief Accountant, SEC; and public witnesses.

GREEN ACT OF 2009

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on H.R. 2336, GREEN Act of 2009. Testimony was heard from public witnesses.

IMMIGRATION AND CUSTOMS ENFORCEMENT, CUSTOMS AND BORDER PROTECTION AND U.S. COAST GUARD BUDGET

Committee on Homeland Security: Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled " The FY 2010 Budget for Immigration and Customs Enforcement, Customs and Border Protection, and the U.S. Coast Guard." Testimony was heard from the following officials of the Department of Homeland Security: John T. Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement; Jayson P. Ahern, Acting Commissioner, U.S. Customs and Border Protection; and ADM Thad W. Allen, USCG, Commandant, U.S. Coast Guard.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Constitution, Civil Rights and Civil Liberties approved for full Committee action the following bills: H.R. 1843, John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2009; and H.R. 984, as amended, State Secret Protection Act of 2009.

EQUAL JUSTICE FOR OUR MILITARY ACT

Committee on the Judiciary: Subcommittee on Courts and Competition Policy held a hearing on H.R. 569, Equal Justice For Our Military Act of 2009. Testimony was heard from Representative Davis of California; MG John D. Altenburg, Jr., USA, (ret.); and a public witness.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2009

Committee on Natural Resources: Held a hearing on H.R. 2314, Native Hawaiian Government Reorganization Act of 2009. Testimony was heard from Representative Hirono; the following officials of the U.S. Commission on Civil Rights: Gail Heriot and Michael Yaki, both Commissioners; the following officials of the State of Hawaii: Micah Kane, Chairman, Department of Hawaiian Homelands; and Haunani Apoliana, Chairwoman, Office of Hawaiian Affairs; and a public witness.

BANK OF AMERICA AND MERRILL LYNCH

Committee on Oversight and Government Reform: Subcommittee on Oversight and Government Reform and the Subcommittee on the Domestic Policy held a joint hearing entitled "Bank of America and Merrill Lynch: How Did a Private Deal Turn Into a Federal Bailout?" Testimony was heard from Kenneth D. Lew, CEO, Bank of America.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Committee on Rules: Granted, by a non-record vote, a rule providing for the consideration of the Senate amendment to H.R. 1256, the "Family Smoking Prevention and Tobacco Control Act." The rule makes in order a motion offered by the chair of the

Committee on Energy and Commerce or his designee that the House concur in the Senate amendment to H.R. 1256. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment shall be considered as read. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. Testimony was heard from Representative Pallone.

FIXING EPA'S BROKEN INTEGRATED RISK INFORMATION SYSTEM

Committee on Science and Technology: Subcommittee on Investigations and Oversight held a hearing on Fixing EPA's Broken Integrated Risk Information System. Testimony was heard Kevin Teichman, Deputy Assistant Administrator, Science, Office of Research and Development, EPA; and John H. Stephenson, Director, Natural Resources and Environment, GAO.

NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM REAUTHORIZATION

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on the Reauthorization of the National Earthquake Hazards Reduction Program: R&D for Disaster Resilient Communities. Testimony was heard from Jack Hayes, Director, National Earthquake Hazards Reduction Program, National Institute of Standards and Technology; and public witnesses.

SMALL BUSINESS LEGISLATION

Committee on Small Business: Subcommittee on Contracting and Technology approved for full Committee action the following bills: H.R. 2769, Commercializing Small Business Research and Development Act; H.R. 2767, Investing in Tomorrow's Technology Act; H.R. 2772, SBIIR and STTR Enhancement Act; and H.R. 2747, Technology Development and Outreach Act.

REGIONAL AIR CARRIERS AND PILOT WORKFORCE ISSUES

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Regional Air Carriers and Pilot Workforce Issues. Testimony was heard from Representatives Slaughter, and Lee of New York; Mark V. Rosenker, Acting Chairman, National Transportation Safety Board; the following officials of the Department of Transportation: J. Randolph Babbitt, Administrator, FAA; and Calvin L. Scovel III, Inspector General; and public witnesses.

CYBER UPDATE BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Cyber Update. The Committee was briefed by departmental witnesses.

Joint Meetings

SUPPLEMENTAL APPROPRIATIONS ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, but did not complete action thereon, and recessed subject to the call.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 12, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine health care, 10 a.m., SH–216.

House

Committee on Appropriations, to mark up the following appropriations for fiscal year 2010: Homeland Security and Legislative Branch, 9 a.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Air and Land Forces, to mark up H.R. 2647, National Defense Authorization for Fiscal Year 2010, 9 a.m., 2118 Rayburn.

Subcommittee on Readiness, to mark up H.R. 2647, National Defense Authorization Act for Fiscal Year 2010, 2118 Rayburn.

Subcommittee on Seapower and Expeditionary Forces, to mark up H.R. 2647, National Defense Authorization Act for Fiscal Year 2010, 11 a.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Environment, hearing on the Future of the Grid: Proposals for Reforming National Transmission Policy, 9:30 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "GM and Chrysler Dealership Closures and Restructuring," 10 a.m., 2322 Rayburn.

Next Meeting of the SENATE

1:45 p.m., Monday, June 15

Senate Chamber

Program for Monday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, June 12

House Chamber

Program for Friday: Consideration of the Senate amendment to H.R. 1256—Family Smoking Prevention and Tobacco Control Act (Subject to a Rule).

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