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House of Representatives

The House met at 10 a.m.

Rev. Shawn L. Kumm, Zion Evangelical Lutheran Church, Laramie, Wyoming, offered the following prayer:

Gracious, Heavenly Father, who is ever-watchful and attentive to the needs of this country and who has promised to ''Satisfy us in the morning with Your steadfast love, that we may rejoice and be glad all our days,'' I implore You to provide for the people of this land honest and productive industry. Preserve us from famine, disasters, pestilence, and disease. Grant us courage and steadfastness in times of testing. Restrain unrest within and without our borders, and keep safe those who watch over and protect us at every level of life. Give us compassion and open hearts in times of want and need.

And finally, for this assembly who is charged with the responsibility of representing the people of this Nation, bestow wisdom and courage as laws are crafted and enacted.

To You, O Father, I give thanks and praise, with the Son and the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mrs. TAUSCHER). 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.

Mr. WILSON of South Carolina. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. WILSON of South Carolina. 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, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. PERLMUTTER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 30. Concurrent resolution commending the Bureau of Labor Statistics on the occasion of its 125th anniversary.

The message also announced that pursuant to section 194 of title 14, United States Code, as amended by Public Law 101–595, the Chair, on behalf of the Vice President, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the United States Coast Guard Academy:

The Senator from Mississippi (Mr. WICKER), from the Committee on Commerce, Science and Transportation.

The Senator from Louisiana (Mr. VITTER), At Large.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Air Force Academy:

The Senator from Utah (Mr. BENNETT), from the Committee on Appropriations.

The Senator from Oklahoma (Mr. INHOFE), At Large.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Texas (Mrs. HUTCHISON), from the Committee on Appropriations, and the Senator from North Carolina (Mr. BURR), At Large, to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 1295(b) of title 46, United States Code, as amended by Public Law 101–595, the Chair, on behalf of the Vice President, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the United States Merchant Marine Academy:

The Senator from Georgia (Mr. ISAKSON), from the Committee on Commerce, Science and Transportation.

The Senator from South Carolina (Mr. GRAHAM), At Large.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Naval Academy:

The Senator from Alaska (Ms. MURKOWSKI), from the Committee on Appropriations.

The Senator from Arizona (Mr. MCCAIN), designated by the Chairman of the Committee on Armed Services.

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HONORING PASTOR SHAWN KUMM, GUEST CHAPLAIN

The SPEAKER pro tempore. Without objection, the gentlewoman from Wyoming (Mrs. LUMMIS) is recognized for 1 minute.

There was no objection.

Mrs. LUMMIS. I rise in honor of today's guest chaplain, Pastor Shawn Kumm. He is joining us from Laramie, Wyoming, where he has served the congregation at the Zion Evangelical Lutheran Church for 13 years.

Originally from Iowa, Pastor Kumm settled in Wyoming in 1996. He has held two offices in the Wyoming District of the Lutheran Church Missouri Synod, first as secretary to the board of directors, followed by his nomination in 2003 to vice president of the synod, a position which he currently holds.

Pastor Kumm and his wife, Barbie, have two children, his son, Nickoli, and his daughter, Alexandra, who joins him here today.

Pastor Kumm has provided invaluable help to the members of his church and my constituency. I thank him for his positive impact, leadership, and service to the community and wish him the best as his congregation continues to grow with God's blessing.

I also want to acknowledge Representative JEFF FORTENBERRY, who joins me here today, and Pastor Kumm's parents, who reside in Representative FORTENBERRY's district.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches from each side of the aisle.

WMATA TRAGEDY

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

Mr. HOYER. Madam Speaker, on Monday evening, as millions of Americans were making their daily commute home, tragedy struck in our Nation's Capital. The collision outside of the Fort Totten station in Northeast Washington, the worst in the 33-year history of Washington's Metro system, claimed the lives of nine people and left more than 80 injured.

Among those lost were Ana Fernandez of Hyattsville and Cameron Williams of Takoma Park from my State of Maryland. My heart and my thoughts, as I know all the Members' thoughts, are with the loved ones as well as all of those suffering the sudden loss caused by this tragedy.

Those include the family and friends of train operator, Jeanice McMillan, and passengers, Lavonda King, Mary Doolittle, Veronica Dubose, Dennis Hawkins and Ann Wherley and her husband, Major General David F. Wherley, Jr. Let me also extend my gratitude to the first responders and medical professionals whose work at the scene was so critical in preventing further tragedies.

While the cause of this accident is unknown at this time, we do know this: The safety of our citizens is our highest priority, and we must take every precaution to make sure this loss of life does not occur again.

In the very near future, I will be joining with my colleagues from the region in introducing the final measure required to authorize $3 billion in dedicated Federal and local funding for Metro. Millions and millions of tourists from throughout this Nation ride on this system as well as tens of thousands of the employees who work for this country.

We received formal notice from the Governors of Maryland and Virginia and the Mayor of the District of Columbia that the jurisdictions had amended the WMATA Compact to enable such funding just last week, and I hope we can move quickly to pass this legislation critical to meeting Metro's capital and maintenance needs. We don't know that that was the cause, but certainly it is a consideration.

Hundreds of thousands of people rely on Washington's Metro system every day, from the Federal employees who keep our Government running to the visitors from every corner of the country who come to our Nation's Capital. Let it be our tribute to those we mourn today to ensure America's subway is safe for all who use it.

I know my colleagues join me in expressing our sympathy and prayers to all those who were struck by tragedy the other night.

''WE ARE OUT OF MONEY''

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

Mr. KIRK. Madam Speaker, our Government will attempt to borrow $104 billion just this week, a world record. As Congress accelerates spending, Treasury has borrowed $560 billion in January, $707 billion in February, $750 billion in March, $665 billion in April, and $773 billion in May.

To cover increased borrowing, the Fed is now electronically printing money to cover our debts. Their records show they have printed $152.7 billion to cover our mounting debts.

We are quickly running out of other people's money. Printing dollars electronically will accelerate inflation next year.

Remember, inflation is the enemy of senior citizens on a fixed income. President Obama was right when he said, ''We are out of money.'' Our policies here in the Congress should reflect that sober assessment.

CARBON OFFSETS WILL BENEFIT POLLUTERS

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

Mr. KUCINICH. Science tells us we must begin to reduce global greenhouse gas emissions in the next 5 to 10 years. But according to an analysis by offsets expert and Stanford law professor Michael Wara, it is possible that we could see no reduction of CO_2 emissions until the year 2040 because of offsets and unlimited banking of allowances in the new energy and environment bill.

The bill allows 2 billion tons of carbon dioxide a year, roughly equivalent to 30 percent of all U.S. greenhouse gas emissions. Supporters of the bill point out that coal use will increase by 2020 because electric utilities will continue to use dirty coal, the prime source of pollution.

With 2 billion tons of offsets per year, we are told that electric utilities will reduce carbon emissions at places other than their generating plants so they really don't have to actually decrease their emissions, and coal-fired CO_2 emissions will increase through 2025. No wonder there are 26 active coal plant applications. Increased CO_2 emissions will be our gift to the next generation? Apparently the planet is not melting. With this bill, it is just getting better—for polluters.

□ 1015

REFORM HEALTH CARE THE RIGHT WAY

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

Mr. FLEMING. Madam Speaker, from today, the ABC network will be known as the ''All Barack Channel'' due to unprecedented propaganda for the President's health plan.

Democrats and Republicans agree that our health care system needs reforming, and we essentially agree on how, with one very important exception: a government-run plan is not the solution.

Our current Medicare system is a microcosm of what the proposed public plan would look like. Medicare is propped up by the privately insured as it is, and is still on a course for bankruptcy within 10 years.

Our President says he can make a government-run system lower cost. Then why hasn't anybody been able to do that with Medicare in 50 years? Creating a public option like Medicare will progressively increase private insurance costs due to cost shifting and eventually drive private insurers out of business. Besides the damage it would do to the private sector, the government does not have the money to pay the $1.6 trillion price tag.

As a physician, I say we need to reform, bring down costs, and increase access to private insurance. We do not

need the government in the exam room.

ENERGY: WALL STREET'S NEXT BUBBLE

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

Mr. DEFAZIO. Madam Speaker, Europeans have had a market-based cap-and-trade system on greenhouse gas emissions for 4 years, and it has failed. The last recorded year, $60 billion in trades, that is added costs, and higher greenhouse gas emissions.

Now the House of Representatives wants to bring that European system here to the United States of America, despite its failures. Why? Well, the market-based approach is only a failure if your objective is meaningful and predictable real reductions in greenhouse gas emissions. Perhaps something else is afoot.

Europe already has a carbon offset futures derivatives market, complete with credit default swap insurance. Is it AIG and mortgages all over again but now with carbon? We are going to bring that here to the United States. Wall Street is tingling with excitement. A trillion dollars speculative market.

Listen to this: Carbon will be the world's biggest commodity market, and it could become the biggest market overall, Louis Redshaw at Barclays. Oh, Wall Street loves this so much. A brand new Wall Street bubble on something as essential as energy. Deja vu all over again.

CONGRATULATING CAROLINE COUNTY

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

Mr. WITTMAN. Madam Speaker, I rise today to express my sincere congratulations to Caroline County, Virginia, recipient of the 2009 All-American City Award for its outstanding civic accomplishments. This recognition is well deserved, and rightly honors Caroline County, which has long been dedicated to meeting the needs of its community.

Established by the National Civic League in 1949, the All-American City Award recognizes localities for community projects involving grassroots civic engagement and cooperation between public, private, and nonprofit sectors that best illustrate community-based problem solving. Each year, the National Civic League honors 10 communities throughout the country for effectively addressing the most critical challenges facing America's communities.

Caroline County submitted three community-based projects, including the Dawn Rehabilitation Project, the Caroline Library, and the Caroline Dental Program. These projects blend public, private, and civic resources to address specific challenges of the community.

I am proud to see our citizens and local government work in concert to meet community needs. Caroline County was the only city or county from Virginia in a field of 32 finalists from across the country. The Caroline County delegation traveled to Tampa, Florida, to present the challenges and solutions for its community to a panel of national experts, and I am proud to recognize Caroline County as a wonderful and unique community of Virginia's First Congressional District for receiving the 2009 All-American City Award.

AMERICAN CLEAN ENERGY AND SECURITY ACT

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

Mr. POLIS. Madam Speaker, I rise today in strong support of the American Clean Energy and Security Act. We are on the verge of an historic step that we have a responsibility and an opportunity to take for the health of our environment, our economy, and our Nation.

Opponents simply don't comprehend the magnitude of the problem of global warming or the opportunities that come with the solution. The U.S. is currently losing clean energy jobs and market share to Germany, China, and Korea. U.S. consumers continue to send $400 billion a year to places like the Middle East and Venezuela every time we fill up our gas tanks.

Madam Speaker, we have a responsibility to enact swift and strong climate change legislation. It is absolutely false to suggest that this legislation will cost Americans. It will cost us more if we don't act.

With the consumer protections and increases in efficiencies that this bill puts in place, American families will save hundreds of dollars each over the next decade. Saving consumers money is hardly a tax. Saving businesses money is hardly a tax. Allowing American technology to stagnate while we pollute and pay to address that pollution, that is a tax that the American people are tired of paying and have paid for far too long.

The Democratic plan declares energy independence and puts America on a path to economic recovery.

TAXING AMERICAN FAMILIES IS NOT THE ANSWER

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

Mr. WILSON of South Carolina. Madam Speaker, House Democrats plan to vote on their national energy tax legislation this week. It defies common sense when the American people are faced with losing jobs and families are making hard decisions about how to weather this tough economy. The Democrats' priority is to impose a new tax. This cap-and-tax proposal will lead to job losses, higher gas prices, and increased electricity rates on American families with $3,128 of new taxes for each family each year. Moreover, it is also unnecessary when there are positive alternatives to promote clean energy technology.

An all-of-the-above energy policy would achieve the goals of a cleaner environment while promoting oil and natural gas exploration in America, invest in innovative new technologies and encouraging conservation and smarter energy use. Above all, it would be no new tax on American families nor would it punish small businesses. Taxing American families is not the answer to our energy needs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

GEOGRAPHIC DISPARITIES

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

Mr. WALZ. Madam Speaker, reforming Medicare formulas so that they reward quality and value is one of the changes that must be part of any discussion on health care reform.

The Congressional Budget Office recognizes the problem of a simple fee-for-service payment system regardless of the quality of care our patients receive. That means we pay doctors for doing more tests and ineffective treatments.

In my home district of southern Minnesota, the Mayo Clinic is a model of providing high quality care at low prices. But because of the way Medicare payments are figured today, the Mayo Clinic is penalized for that. We must reward those that save money and at the same time provide the highest quality of care. This can be done by creating an index within the Medicare physician fee formula to simply measure quality.

I urge my colleagues to support the inclusion of this sort of provision in the final health care reform package.

AVOID EUROPEAN ENERGY MODEL

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

Mr. TIAHRT. Madam Speaker, this administration and the Democrat Congress are pushing us towards European socialism through more government control. This week it is the energy economy. We are scheduled to consider the Waxman-Markey cap-and-tax scheme that will cap our growth and tax all of us.

In 2005, the Europeans implemented the emissions trading scheme, or ETS. ETS has increased household energy

costs by 16 percent and industrial energy costs by 32 percent in just 4 years with no measurable effect on greenhouse gases.

The Heritage Foundation projects the Waxman-Markey impact on America will be a 74 percent increase in gasoline prices, a 90 percent increase in electricity prices, and at least 850,000 jobs lost every year. The energy bill for the average American household will go up over $3,000 per year. That is exactly what the authors want. President Obama recently stated that the only way a cap-and-tax scheme will work is for higher energy costs. They have to ''skyrocket.''

I urge my colleagues to reject this bill that is all economic pain and no environmental gain and, instead, join me in supporting the American Energy Act that promotes and develops domestic energy sources, encourages conservation, and advances renewable technologies while pursuing America's competitive edge.

COMMENDING BRIGADIER GENERAL JAMES P. COMBS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, today I come to the floor to honor an individual who has sacrificed over 42 years of his life for this great Nation.

Brigadier General James P. Combs has proudly and gallantly served his country on foreign soil in the countries of Vietnam, Afghanistan, and Iraq. He was appointed Commander of our Joint Forces Training Base in Los Alamitos, California, on November 1, 2005. General Combs retired from Federal service on October 1, 2007, at which time Governor Schwarzenegger assigned him in a State active duty position to remain as the base commander.

On July 4, 2009, in just a little over a week, General Combs will retire from the United States Armed Forces. And on behalf of those who have had the honor to serve with him and a grateful Nation, I commend him on his numerous accomplishments, his outstanding leadership, and his incredible military career.

Brigadier General James P. Combs will always remain a soldier's soldier and a true American hero.

CAP THE TAXACRATS AND TRADE THEM FOR OFFSHORE RIGS

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

Mr. POE of Texas. Madam Speaker, this country has lost nearly 3 million jobs just this year. That's over a million more than the 2 million men, women, and children, including illegals living within the fourth largest city in the United States, namely, Houston, Texas.

We are still buying oil from dictators who don't like us because the enviro-elites are dead set on their none-of-the-above energy plan. No oil, no gasoline, no oil shale, no clean coal, no nuclear, no drilling, and that means no natural gas. Just what do they expect to use to power the Nation's cities and industry?

The taxacrats' plan is simple: tax energy consumption. And because of these new taxes and higher energy costs, even more jobs are at risk.

According to the National Black Chamber of Commerce, the national energy tax will cost another 2.5 million jobs in America. America cannot afford any more of this change. The cap-and-trade bill will cost jobs, raise taxes, raise the cost of energy, and, according to the Congressional Budget Office, won't even significantly help the climate.

The bill is bad for everybody except the enviro-elites who get more government control over the rest of us. What we need to do is cap the taxacrats and trade them for some offshore rigs in the Gulf of Mexico.

And that's just the way it is.

COMMENDING TULAROSA HIGH SCHOOL

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

Mr. TEAGUE. Madam Speaker, I want to congratulate Tularosa High School in Tularosa, New Mexico, for receiving a bronze medal in U.S. News and World Report's annual report of the best high schools in America.

This award shows that Tularosa High School is serving all of its students well regardless of their backgrounds. Also, this means that the school is performing well on a broad range of indicators, not just one or two, and that the students learning there are getting the training that they need to do well in college. Tularosa High School not only performed well against its peers in New Mexico, but competed admirably with schools across the United States.

Schools like Tularosa High School achieve such great distinctions because of the hard work and dedication of the teachers, staff, and administration. Their students also deserve to be commended for fully taking advantage of all of the opportunities provided to them at Tularosa High School. It takes a team of hardworking folks to make this type of progress.

I am honored to have schools like Tularosa High School in my district. I commend their achievement and wish them luck in replicating it again.

□ 1030

IRANIAN ELECTIONS: WHERE'S THE PROOF?

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

Mr. STEARNS. Good morning, Madam Speaker.

My colleagues, it is vital that the elected officials in the United States express their solidarity with those who peacefully advocate for freedom in Iran.

It is clear that the votes in the Iranian elections were manipulated. An analysis by the London-based Chatham House, a British think tank, found that the turnout in two provinces exceeded 100 percent, along with other fraudulent activities. How could they count 40 million votes in 4 hours, many of them paper votes?

Let's see a list of registered voters and voter turnout by province and how these elections compare with earlier Iranian elections. These are crucial questions and considerations in determining the validity of these elections.

I agree with the President that the disputed elections are a matter for the Iranians to resolve themselves. However, as a leader of the Free World, the President should have stepped up earlier in support of the pro-democracy demonstrators and in condemning the attacks on them. And he should ask, Where is the proof? Where is the proof in the Iranian elections?

RECOGNIZING OUTGOING OFFICIALS OF THE EIGHTH DISTRICT OF ILLINOIS

(Ms. BEAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BEAN. Madam Speaker, I rise to recognize the outstanding contributions of the outgoing village presidents and mayors from the Eighth District of Illinois.

In April, following municipal elections and retirements, many of our local leaders left office, including Bill Gentes from Round Lake, Scott Gifford from Deer Park, Keith Hunt from Hawthorn Woods, Dick Hyde from Waukegan, Tom Hyde from Island Lake, Cindy Irwin from Fox Lake, Dorothy Larson from Antioch, Catherine Mechert from Bartlett, Ted Mueller from Hainesville, Rita Mullins from Palatine, Tim Perry from Grayslake, Virginia Povidas from Lakemoor, Salvatore Saccomanno from Wauconda, and John Tolomei from Lake Zurich. Their long-standing service embodies what leadership is all about.

Our mayors often serve as the voice of our local communities and are the closest contact for many residents on government issues. I thank them all for actively representing their cities and in their dealings with my office on Federal issues. I have enjoyed working with each and every one of them and wish them the best of success. They have assisted our office in better serving our communities and all Illinois families.

GUANTANAMO BAY

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

Mr. MORAN of Virginia. Madam Speaker, for weeks this body has been subjected to uninformed, false demagoguery with regard to President Obama's effort to close the prison at Guantanamo Bay.

I want to share some actual facts with regard to the people at Guantanamo Bay. There were 772 sent between the years 2001 and 2003. They are clearly not the worst of the worst. According to the Department of Defense's own Combatant Status Review Tribunal, only 8 percent of detainees were characterized as fighters, 92 percent were not fighters.

Of all the foreign nationals at Guantanamo Bay, only 5 percent were captured by United States forces, 2 percent by coalition forces, but 93 percent were turned in primarily by Pakistani forces in return for ransom, oftentimes for as much as $5,000. And from DoD records, a significant majority of the detainees are not even accused of committing a single hostile act.

Madam Speaker, it is time to put aside the rhetoric and start informing our constituents. We are a better Nation than the demagoguery we've been subjected to over Guantanamo Bay.

FINANCIAL EMERGENCY FACING U.S. POSTAL SERVICE

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

Mr. TOWNS. Madam Speaker, I would like to talk about the financial emergency facing the postal service. We must act now to correct this problem.

The postal service lost nearly $2 billion in the second quarter and expects to lose more than $6.5 billion in 2009, despite cutting billions in costs. It faces an unprecedented decline in mail volume due to the recession and the diversion of mail to electronic communication.

Uniquely, the postal service is required to pay over $5 billion annually into the Retiree Health Benefits Trust Fund, which is overfunded compared to similar companies. An inflexible law requires the postal service to shell out billions of dollars to prefund retiree benefits, regardless of economic or financial conditions.

The postal service expects a cash shortfall of $1.5 billion at the end of the fiscal year and might not be able to meet its financial obligations. This situation is a threat to postal employees and customers. We must act now to address the financial emergency at the postal service and continue to work on its long-term challenges as well.

HEALTH CARE REFORM

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

Ms. WATSON. Madam Speaker, we urgently need to fix health care for American families, for American businesses, and for our fiscal future.

President Barack Obama and his Congress want to reduce your cost, offer you the choice of doctors and plans, and guarantee affordable quality health care for all. Cost less and cover more. Your choice: you have it, you like it, then you keep it. Security and peace of mind. Quality patient-centered care.

We need a uniquely American solution that builds on the best of what works to foster competition among private plans and provide patients with quality choices. We must ensure that every child in America is covered. We must invest in prevention and wellness. We must ensure that doctors and nurses get the information they need.

Never again will your coverage be denied, and never again will we have to make a life or a job decision based on coverage.

Never let your family suffer financial catastrophe or bankruptcy because of high medical costs.

DEMOCRATS' BROKEN PROMISES

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

Mr. BOEHNER. Madam Speaker and my colleagues, 3 years ago the Democrat leadership, in their document ''A New Direction,'' made these promises: ''Every person in America has a right to have his or her voice heard. No Member of Congress should be silenced on the House floor.''

Secondly: ''Respectful of both the wishes of the Founders and the expectations of the American people, we offer the following principles to restore democracy in the people's House, guaranteeing that the voices of all people are heard.''

And, thirdly, one of those principles was this: ''Bills should generally come to the floor under a procedure that allows for an open, full, and fair debate, consisting of a full amendment process that grants the minority its right to offer alternatives, including a substitute.''

Madam Speaker, today, and over the last few months, the majority is breaking its promise. Why? Because Democrats here in Congress just can't spend taxpayer money fast enough. It is bad for taxpayers who are already paying too much, and it's even worse for future generations who will inherit the Democrats' mountain of unsustainable debt.

Americans want Democrats to stop the spending and start keeping their promises, like helping to create more jobs in America. Where are the jobs that the administration and Democrats in Congress promised? After we passed the stimulus bill, where are the jobs? We haven't seen them yet. The American people deserve better, and Republicans will continue to demand it.

Madam Speaker, in my hand is the most dangerous credit card in the history of the world, it is also the most expensive: it is a voting card for Members of Congress. This voting card this year has been used to rack up trillions of dollars worth of additional debt, additional debt that our kids and our grandkids will be burdened under and will be imprisoned by.

Listen, we've got important work to do here on the floor, such as the Defense Authorization bill that we are about to take up. Republicans have been working with Democrats on this bill to get it done in a bipartisan way. And I think we also have a responsibility to protect taxpayers from Washington's out-of-control spending. We take that seriously as well, and we will never yield in our effort to protect taxpayers and future generations.

MOTION TO ADJOURN

Mr. BOEHNER. Madam Speaker, I move that the House do now adjourn.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 96, nays 308, not voting 29, as follows:

[Roll No. 424]

YEAS—96

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Blackburn
Boehner
Bonner
Broun (GA)
Burton (IN)
Calvert
Camp
Cantor
Cao
Capito
Carter
Chaffetz
Chandler
Clay
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Duncan
Fallin
Flake
Fleming
Forbes
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Harper
Hastings (WA)
Hensarling
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (CA)
Lummis
Lungren, Daniel E.
McCaul
McKeon
McMorris Rodgers
Miller, Gary
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Radanovich
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Thompson (PA)
Thornberry
Tiahrt
Turner
Wamp
Whitfield
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NAYS—308

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
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Boren
Boswell
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Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Childers
Clarke
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Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
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Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Edwards (MD)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Franks (AZ)
Fudge
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
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Hinchey
Hinojosa
Hirono
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Hoekstra
Holden
Holt
Honda
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jordan (OH)
Kagen
Kanjorski
Kaptur
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Kilpatrick (MI)
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King (NY)
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Klein (FL)
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Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
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Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
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McHugh
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
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Pingree (ME)
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Poe (TX)
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Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
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Slaughter
Smith (NJ)
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Welch
Westmoreland
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Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—29

Abercrombie
Berman
Bishop (UT)
Brady (TX)
Campbell
Cardoza
Conyers
Dicks
Doyle
Edwards (TX)
Ellsworth
Gerlach
Hoyer
Kennedy
Lewis (GA)
Marchant
McHenry
Meek (FL)
Rangel
Ruppersberger
Sarbanes
Shadegg
Shea-Porter
Shuler
Shuster
Simpson
Stupak
Sullivan
Waxman

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Messrs. CUMMINGS, LUJÁN, BRALEY of Iowa, FARR, ELLISON, BUTTERFIELD, DENT, LUETKEMEYER, COSTELLO, TAYLOR, BRIGHT, BERRY, JOHNSON of Georgia, ADLER of New Jersey, COURTNEY, SERRANO and Ms. JACKSON-LEE of Texas changed their vote from ''yea'' to ''nay.''

Messrs. DUNCAN, SCALISE, and GOODLATTE changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

DISABLED MILITARY RETIREE RELIEF ACT OF 2009

Mr. SKELTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2990) to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2990

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 ''Disabled Military Retiree Relief Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—COMPENSATION AND BENEFITS FOR MEMBERS OF THE ARMED FORCES AND MILITARY RETIREES

Subtitle A—Bonuses and Special and Incentive Pays

Sec. 101. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 102. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 103. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 104. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 105. One-year extension of authorities relating to payment of other title 37 bonuses and special pay.
Sec. 106. One-year extension of authorities relating to payment of referral bonuses.
Sec. 107. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.

Subtitle B—Retired Pay Benefits

Sec. 111. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 112. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.

Subtitle C—Concurrent Receipt of Military Retired Pay and Veterans' Disability Compensation

Sec. 121. One-year expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.

TITLE II—FEDERAL EMPLOYEE BENEFITS

Subtitle A—General Provisions

Sec. 201. Credit for unused sick leave.
Sec. 202. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the civil service retirement system.
Sec. 203. Computation of certain annuities based on part-time service.
Sec. 204. Authority to deposit refunds under FERS.
Sec. 205. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

Sec. 211. Short title.
Sec. 212. Extension of Locality Pay.
Sec. 213. Adjustment of special rates.
Sec. 214. Transition schedule for locality-based comparability payments.
Sec. 215. Savings provision.
Sec. 216. Application to other eligible employees.
Sec. 217. Election of additional basic pay for annuity computation by employees.
Sec. 218. Regulations.
Sec. 219. Effective dates.

TITLE III—DEEPWATER OIL AND GAS RESEARCH AND DEVELOPMENT FUNDING SOURCE REPEAL

Sec. 301. Repeal.

TITLE I—COMPENSATION AND BENEFITS FOR MEMBERS OF THE ARMED FORCES AND MILITARY RETIREES

Subtitle A—Bonuses and Special and Incentive Pays

SEC. 101. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 102. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 103. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 104. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 105. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.

The following sections of chapter 5 of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 106. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 107. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) in paragraph (5), as so redesignated, by striking ''paragraph (3)(B)'' and inserting ''paragraph (4)(B)'';

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting ''SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—''; and

(2) by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

''(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(B) In this paragraph, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

''(i) the father or mother or one or more siblings—

''(I) served in the Armed Forces; and

''(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

''(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.''.

Subtitle B—Retired Pay Benefits

SEC. 111. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION OF RETIRED PAY.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking ''Unless'' and inserting ''(a) GRADE ON TRANSFER.—Unless''; and

(2) by adding at the end the following new subsection:

''(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(c) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 112. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

''(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

''(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

''(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

''(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—

''(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

''(B) failed to complete the minimum years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.''.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and''.

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under section 12731(f) of this title''; and

(2) in paragraph (2)(A), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under such section''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

''§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

''12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.''.

(e) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

Subtitle C—Concurrent Receipt of Military Retired Pay and Veterans' Disability Compensation

SEC. 121. ONE-YEAR EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

''(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

''(1) PAYMENT OF BOTH REQUIRED.—

''(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

''(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

''(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

''(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

''(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

''(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2010, and ending on September 30, 2010, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

''(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means the following:

''(A) In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs.

''(B) In the case of a member or former member receiving retired pay under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 or computed under section 12732 of this title, a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (and, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2010, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent

''(ii) January 1, 2011, rated 80 percent or 70 percent.

''(iii) January 1, 2012, rated 60 percent or 50 percent.

''(C) In the case of a member or former member receiving retired pay under chapter 61 regardless of years of service, a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (and, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2013, rated 40 percent or 30 percent.

''(ii) January 1, 2014, any rating.

''(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause shall apply only if the termination date specified in subparagraph (D) of paragraph (1) occurs during or after the calendar year specified in the clause, except that, eligibility may not extend beyond the termination date.''.

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

''(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

''(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(2) RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—

''(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title with fewer

than 20 years of creditable service otherwise creditable under section 1405 or computed under section 12732 of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

''(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title, or with less than 20 years of service computed under section 12732 of this title, at the time of the retirement of the member if the termination date in paragraph (1)(D) of such subsection has occurred.''.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking ''the second sentence of''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 1414. Concurrent receipt of retired pay and veterans' disability compensation''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

''1414. Concurrent receipt of retired pay and veterans' disability compensation.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

TITLE II—FEDERAL EMPLOYEE BENEFITS

Subtitle A—General Provisions

SEC. 201. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 202. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking ''October 1, 1990'' each place it appears and inserting ''March 1, 1991''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 203. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3) In the administration of paragraph (1)—

''(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

''(B) subparagraph (B) of such paragraph—

''(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

''(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 204. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

''(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

''(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking ''8411(f);'' and inserting ''8411(f) or 8422(i);''.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: ''Deposits made by an employee, Member, or survivor also shall be credited to the Fund.''.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

''§ 8422. Deductions from pay; contributions for other service; deposits''.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

''8422. Deductions from pay; contributions for other service; deposits.''.

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking ''based.'' and inserting ''based, until the employee or Member is reemployed in the service subject to this chapter.''.

SEC. 205. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, ''qualifying District of Columbia service'' means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2009'' or the ''Non-Foreign AREA Act of 2009''.

SEC. 212. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by adding after subparagraph (B) the following:

''(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

''(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and'';

(D) in clause (iv) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting '', except for members covered by subparagraph (C)'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2010; and

''(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 214 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 214 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. 213. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 214 of this subtitle, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 218 of this subtitle.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 214 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 214. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 215. SAVINGS PROVISION.

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

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the

Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the ''Rest of the United States'', the President's Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 214 of this subtitle, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 214 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 214 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 216. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 212 of this subtitle), and section 214 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 212 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 216(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 214.

(B) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 217 of this subtitle.

SEC. 217. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section 214 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would

have received during that period for the applicable pay area if the limitation under section 214 of this subtitle did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 218. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 213;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 214 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 219. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 212 and the provisions of section 214 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

TITLE III—DEEPWATER OIL AND GAS RESEARCH AND DEVELOPMENT FUNDING SOURCE REPEAL

SEC. 301. REPEAL.

Effective October 1, 2010, section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) by striking subsections (a), (b), (c), and (f);

(2) by redesignating subsections (d) and (e) as subsections (a) and (b), respectively;

(3) in subsection (a), as so redesignated, by striking ''obligated from the Fund under subsection (a)(1)'' and inserting ''available under this section''; and

(4) in subsection (b), as so redesignated, by striking ''In addition to other amounts that are made available to carry out this section, there'' and inserting ''There''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on then resolution under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 2990, the Disabled Military Retiree Relief Act of 2009. The disabled veterans tax has, for decades, prevented retirees from receiving the full benefits they have earned in military retired pay and veterans disability compensation.

The one group of retirees that have endured great hardship but have been among the last to be embraced by reform is the disabled retiree with less than 20 years of service.

This group of retirees has been ignored by even the most reform-minded advocate until the Democratic Congress acted to include them in the Combat-Related Special Compensation program when the National Defense Authorization Act for Fiscal Year 2008 was adopted. And yet this group of retirees has perhaps the most compelling story to tell.

Many of these servicemembers were on track to serve a full military career but were blocked from serving 20 years because of their disabilities. It's this group of retirees that were disabled at younger ages and often with young families. As a result, they are often the most financially stressed.

The President took a definitive step forward in support of disabled retirees with less than 20 years of service when he proposed legislation in his budget request for fiscal year 2010. The President's proposal would phase in full concurrent receipt of military retired pay and VA disability compensation for these deserving veterans over 5 years.

We share the President's view that our veterans and their families, and particularly disabled retirees with less than 20 years, have made tremendous sacrifices for our country, but this bill moves us closer to fulfilling the President's plans and the commitment of Congress to give disabled veterans full access to the benefits they deserve.

While H.R. 2990 is an important step, we must recognize that it is an incremental step that reaches only the most severely disabled over the first year of the President's phased implementation plan. Congress has been working to find a way to permanently eliminate the disabled veterans tax for many years, but finding this entitlement program is an immensely difficult task. I'm grateful to all of my House colleagues who have worked to find the budget offsets needed to provide this temporary fix for our veterans. As we pursue this legislation, we will continue to do all we can to honor our country's debt to our veterans and their families.

I would note that H.R. 2990 also includes a number of valuable changes that enhance the Federal civilian retirement benefits. In addition, the bill extends expiring authorities concerning a wide variety of bonuses and special pays that are critical to military recruiting and retention.

H.R. 2990 is a good bill. It's an important bill that supports the President's initiative regarding disabled retirees and fulfills the longstanding commitment of Congress to provide for the welfare of disabled veterans.

There still remains much to be done to find a permanent solution, and this bill provides the framework for our future action. Our veterans have never quit on America, and you can be certain that we will never quit on our veterans. I urge my colleagues to support the Disabled Military Retiree Relief Act of 2009.

I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to support H.R. 2990, the Disabled Military Retiree Relief Act of 2009. This bill has a number of good provisions dealing with military and civilian personnel, which I appreciate as a 31-year Army National Guard veteran representing Parris Island, the Marine Corps Air Station at Beaufort, the Beaufort Naval Hospital, and Fort Jackson.

I want to focus on one section of the bill that would provide concurrent receipt of Department of Defense disability pay and Veterans Administration disability pay to a small number of people discharged from the services with less than 20 years' service because of injuries sustained while in the service.

This section, which is but a ghost of the proposal submitted by President Obama, is a small but important step in expanding the population eligible for full concurrent receipt. I'm glad some progress is being made.

What troubles and disappoints me most, however, is that this bill, which will be attached to the National Defense Authorization Act for 2010, could have done so much more had the Democratic leadership of the House made elimination of concurrent receipt and elimination of the widow's tax a priority from the beginning of this Congress.

Instead, we were unable to even debate my amendment at the full committee markup of the Defense Authorization dealing with concurrent receipt, the elimination of the Survivor Benefit Plan and Dependency and Indemnity Compensation offset is a widow's tax, the extension of health care to early retiring Reserve component members, and the use of the misnamed Reserve Fund in the budget resolution.

I would note that since the introduction of the amendment, the Democratic leadership has found a way to fund H.R. 2990, using resources and dollars outside the House Armed Services Committee jurisdiction to provide for just 9 months of very limited concurrent receipt for disabled military retirees.

While that is a step forward to eliminating some of the injustice inflicted on disabled retirees, it does nothing to cure the injustice still being suffered by most persons losing their rightly earned benefits because of the remaining concurrent receipt prohibitions.

Had the House leadership seen eliminating these injustices as a priority, they could have allocated a small percentage—less than 1 percent—necessary in the $15 trillion they provided for government spending in 2010 to 2014. Or, they could have used the Reserve Fund authority as proposed in my amendment.

□ 1115

Instead we must settle for a small pittance for a small group of retirees. I hope that since the authority for this limited concurrent receipt is for only 9 months, that the Democratic leadership makes resolving all the concurrent receipt and SBP–DIC offset injustices a real, not a symbolic, priority next year. As a Nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedoms. I know firsthand of the courage of our troops. My late father-in-law Julian Dusenbury, a dedicated Marine, was awarded the Navy Cross for leading the capture of the Japanese headquarters of Shuri Castle in Okinawa. He was shot by a sniper, resulting in his being in a wheelchair for the rest of his life. He was grateful to have served America.

With that, Madam Speaker, I yield as much time as he may consume to the gentleman from Georgia, Dr. BROUN.

MOTION TO ADJOURN

Mr. BROUN of Georgia. Madam Speaker, I move that the House do now adjourn.

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

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

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 73, nays 316, not voting 44, as follows:

[Roll No. 425]

YEAS—73

Aderholt
Akin
Alexander
Austria
Barrett (SC)
Bartlett
Barton (TX)
Blackburn
Boehner
Broun (GA)
Burton (IN)
Calvert
Camp
Capito
Carter
Chaffetz
Childers
Clay
Coffman (CO)
Cole
Deal (GA)
Fallin
Flake
Fleming
Gallegly
Garrett (NJ)
Goodlatte
Granger
Harper
Hastings (WA)
Hensarling
Inglis
Issa
Jenkins
Johnson, Sam
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
McKeon
McMorris Rodgers
Miller, Gary
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Radanovich
Roe (TN)
Rogers (AL)
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Teague
Thompson (PA)
Thornberry
Tiahrt
Turner
Wamp
Young (AK)
Young (FL)

NAYS—316

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Cantor
Cao
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Ortiz
Pallone
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Tiberi
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu

NOT VOTING—44

Bachus
Berman
Boucher
Brady (TX)
Burgess
Campbell
Cardoza
Clarke
Conyers
Costa
Delahunt
Doyle
Edwards (TX)
Frank (MA)
Gingrey (GA)
Gohmert
Grijalva
Harman
Higgins
Hoyer
Johnson (IL)
Kennedy
Lewis (GA)
Lucas
Maloney
Marchant
Matsui
McCaul
McHenry
Miller (NC)
Moore (WI)
Moran (VA)
Murphy (CT)
Olver
Pascrell
Sarbanes
Shea-Porter
Stupak
Sullivan
Thompson (MS)
Tierney
Watson
Waxman
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1140

Messrs. BUYER, BONNER, BOYD, POMEROY, Mrs. BIGGERT, Messrs. PETERSON, CANTOR, DICKS, WESTMORELAND, and Ms. HIRONO changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HARMAN. Madam Speaker, on rollcall No. 425, I was attending a classified briefing. Had I been present, I would have voted "nay."

DISABLED MILITARY RETIREE RELIEF ACT OF 2009

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Missouri has 16 minutes remaining; the gentleman from South Carolina has 16¼ minutes remaining.

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

This is a very, very important bill, particularly important to disabled American veterans. I notice we have had two adjournment motions already. I hope we can take this bill up because those young and young women deserve it.

Special thanks to the Speaker, Leader HOYER, Chairman TOWNS, Chairman SPRATT, Chairman RAHALL, Chairman GORDON, Chairman WAXMAN, Chairman MARKEY, Mr. LYNCH, SUSAN DAVIS, and Mr. EDWARDS for all the help that they have given us on this very complicated, very important matter for our disabled veterans.

At this time, Madam Speaker, I yield 2 minutes to my friend and colleague, the distinguished chairman of the Committee on Oversight and Government Reform, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I thank the gentleman from Missouri for yielding.

Madam Speaker, as Chair of the Oversight and Government Reform Committee, I rise in support of H.R. 2990. I am pleased the legislation we are considering today will assist the men and women of our Armed Forces by permitting disabled military retirees to receive both their disability compensation and their retired pay concurrently.

Let me pause and thank Chairman SKELTON for working closely with the Oversight Committee on title II of this legislation. Title II makes several positive changes to the retirement system for Federal employees. These changes will enhance the system's efficiency and effectiveness as a recruiting and management tool when we need to be attracting the best and the brightest to the Federal workforce.

Most of title II's provisions were included in H.R. 1804, a bill I sponsored that passed the House by a unanimous voice vote on April 1. After passing the House, the retirement provisions were added to the landmark tobacco legislation that President Obama signed into law this week. Unfortunately, they were removed for procedural reasons in the Senate version of the tobacco bill that President Obama signed.

I am delighted we have the opportunity to consider these measures again today. Title II includes provisions to eliminate inconsistency in the way part-time service, breaks in service, and unused sick leave are considered in calculating retirement benefits. These provisions will help employees and managers plan for a wave of upcoming retirements and encourage highly talented individuals to return to government service.

I thank the staff of both committees. I thank Chairman SKELTON for his support. And I urge all of my colleagues to vote for this very important legislation. And I hope that the other side stops calling for adjournments because this bill is very, very important and we need to move it forward.

Mr. WILSON of South Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

□ 1145

Mr. HALL of Texas. Madam Speaker, I stand here to speak on this bill. I have some misgivings about it. But I intend to vote for this bill. I can't vote against this bill because it benefits people that have served this country and that have suffered for this country. And I have never, in the 28 years I have been here, voted for a bill that affected adversely any veteran or any person that stood up for this country, and I admire and respect Mr. SKELTON, the author of this bill. I disagree with the way he has funded it and want to point that out.

I would also point out that I have a letter addressed to Mr. SKELTON. He has not had the time to receive it because this bill was introduced yesterday, and it is on the floor today. That is a little hasty. But this is an important bill, and it is a bill that needs to be passed. But I'm torn today as I rise to speak on H.R. 2990. On the one hand, I support the revisions in the bill, retired pay benefits for Reserve members and compensation and benefits for servicemembers. But where I'm torn is how the chairman, my good friend, Mr. SKELTON, chose to pay for the compensation and benefits provided under the bill.

I will first point out that this is a bill for the veterans, and this is a bill for those that probably without this bill would not have the assistance that they need, that they deserve and that they are entitled to.

I would also say that as a veteran of World War II, and probably one of about four or five on this floor still here, five or six over in the Senate, there are not very many of us left, but I take no backseat to anybody in supporting veterans. I have a veterans' hospital that my predecessor, Sam Rayburn, provided and benefited. And I have had the pleasure of walking in a mass of walkathons to preserve that hospital, from Bonham, Texas, where Mr. Rayburn lived, to Dallas, to protest cuts in it, as anybody here would. Anybody on this floor has to support the purpose of this bill, which is for those that are suffering.

The major desire of those that have served in any war is that no other generation would have to fight such a war and that we remove the causes of war. And probably the greatest duty of a Member of Congress is to prevent a war. And how do you prevent a war? You prevent a war by removing the causes of it. And energy itself, or the lack of it, has been the cause of most wars that I know anything about. Japan didn't hate this country. Japan loved this country. But our country had cut off their access to oil. They had 13 months' national existence. We had to know that Japan would break out somewhere. That was a war over energy, not the hatred of the United States of America. Twelve or fourteen years ago, George Bush, Senior, sent 450,000 of our troops over to Kuwait. That was not a battle for the emir of Kuwait. We don't care anything at all about the emir of Kuwait. That was to keep a bad guy, Saddam Hussein, from getting his foot on half the known mineral reserves and energy of that area over there. That was a war for energy.

So I have a bill that I passed. I passed it as a Democrat once, it failed, it didn't get through. I passed it as a Republican with Democratic and Republican support. It passed this body. The chairman, IKE SKELTON, voted for it at the time. And that bill is now underway. And I want to say a few words about that bill because I think you're entitled to know, and I'm very hopeful that the other body will look closely at this. And I'm going to be working toward that. I haven't had the time or the opportunity to work toward it, and neither did I have the incentive to do anything to kill this bill.

I urge everybody within the sound of my voice to vote for this bill and to commend IKE SKELTON for his leadership and his devotion to the men and women that fight for this country and care for this country.

I think unfortunately regarding this bill, he chose to redirect the funds which by law, Public Law 109–58, a law that passed the House 275–156, a law that Chairman SKELTON voted for, are reserved for the Ultra-Deepwater and Unconventional Onshore Natural Gas and Other Petroleum Research and Development Program, also known as section 999.

Now the hard, cold facts about it that brought that bill into being was that we can get energy up from the coastal waters. We can get it up to around 80 or 90, 900 feet. And this bill, without the technology, could not get it to the surface where we could benefit from it. But we knew that the energy was there. And we knew that technology was there. And the bill I introduced is not an energy bill nor a technology bill. It puts the two together. And it pays universities, and there are 26 universities in this country, and I'm going to mention some of those in a few minutes, that stepped forward, that are working within this bill and have put 3 years work into it.

I just think that we need to remember section 999. It has achieved a lot since its enactment. It passed, and it passed the bill. It was in the bill that

we passed, what, a year and a half ago, a consortium that administers the program has grown to achieve over 140 entities in 28 States, including 26 universities. Those 26 universities, I'm not going to recite all those universities, they are available and people know where they are and which they are, but I do want to point out just some of the universities: MIT—this is a list of them here—MIT; Florida International University; Louisiana State University; Massachusetts Institute of Technology; Mississippi State University. It goes on down: Rice University; Texas A&M; Texas Tech; Universities of Kansas, Oklahoma, Texas, Tulsa, Utah, Alaska-Fairbanks, Houston, Michigan, South Carolina, Southern California, West Virginia, and West Virginia State. Those are just some of the many institutions that are working within the confines of the bill that we passed.

The consortium has awarded dozens of projects. These are underway. If you divert this money from this bill to support the bill that Mr. SKELTON has, these are the things that you're knocking out, an effort to find energy for 100 years that this country needs, that would prevent us from having to pay foreign agents, Arab nations that we don't trust and don't trust us, those millions and trillions of dollars could stay here in this country. And the consortium has awarded dozens of projects, including 43 research projects currently underway, with a total project value of nearly $60 million.

Also, Madam Speaker, the value of the projects over and above the amount of annual funding for the projects, $37,500,000 was achieved because industry believes in the value of the program and has invested substantially in it, a testament to the work that the program has achieved to date. These projects were selected on a competitive basis from over 180 proposals totaling nearly $415 million. This program is underway and the projects awarded by the consortium include components that benefit dozens of universities throughout the country. In fact, the research and development projects undertaken through the program have included the participation of nearly 1,500 energy researchers from coast to coast. These are not the majors. These are little people. These are for little people. These are for the American people. These are to prevent a war in the future by providing the energy of today.

Nearly 80 percent of the awards made through the section 999 program have gone to universities, nonprofit organizations, national laboratories, and State institutions.

Program awards have created high-tech and innovative domestic jobs. The National Energy Technology Laboratory has estimated that the awards would create 1,300 job years from research alone. All the while, Madam Speaker, the research projects are aiding the development of cleaner, safer, and more environmentally responsible domestic energy sources, and yes, hundreds of years of energy that is there, we can bring to the top now that we couldn't before.

We get the technology. It doesn't cost the taxpayers anything. We pay for the energy we get by the technology that gives us the ability to bring it up, ability we didn't have—we couldn't get the energy. With that technology, we can get that energy, and that is the thing that really breaks my heart to see us kill a program that is underway and is working. It is hundreds of years of energy.

I want to just point out one other thing. Section 999 does just the type of research that the Secretary of Energy, the Honorable Steven Chu, feels that the Federal Government should be supporting, as he stated in a hearing earlier this year as he testified before the House Science and Technology Committee.

So this is a bill that is a wonderful bill. For the purpose of the bill, I support it. I'm going to vote for it. I urge everybody else to vote for it. But I urge you to work and look forward and find out for yourself the funds that are being utilized to take its place, already underway successfully and producing for us, not to throw it aside. There are surely other areas that we can find. And I will join Mr. SKELTON in that, as this thing goes to conference, if it goes to conference, or as it works its way through the other body.

I thank you, and I thank Chairman SKELTON.

Mr. SKELTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from South Carolina, my friend, my colleague, the gentleman who is the chairman of the Committee on the Budget, Mr. SPRATT.

Mr. SPRATT. Madam Speaker, I commend the gentleman for bringing the bill to the floor and I rise in strong support of the Disabled Military Retiree Relief Act of 2009.

This bill accomplishes several important things. It enhances the benefits of Federal civil service retirees. It extends the bonuses available to our military recruiters to ensure that they have the tools needed for recruitment and retention. But most importantly, this bill restores the benefits earned by a group of veterans who are particularly deserving. The group I speak of is comprised of veterans who were medically retired with a disability and less than 20 years of service. These disabled veterans tend to be younger, and as a result, they tend to be less well off financially.

Reducing their earned benefits by offsetting the receipt of one benefit against the other, retirement pay against VA disability benefits, does not strike them as fair. And we can understand why.

We first recognized their cause in the Defense Authorization Act for Fiscal Year 2008, when the Congress, Democratic Congress, fought to include them in the Combat Related Special Compensation program. Now President Obama has asked us to take the cause one step further. He has asked us to provide concurrent receipt, phased in over a period of 5 years, for those veterans who are medically retired with a disability rating and for whom no longevity requirement applies. This bill moves to fund the first year of that proposal.

This legislation will go a long way towards showing these veterans that they have not been forgotten, their service has not been forgotten nor has their disability which they incurred in service. Specifically, this bill will repeal the offset, which has prevented medically retired veterans from concurrently receiving their retirement pay and their VA disability compensation at the same time.

Despite its high importance, please bear in mind that this is a 1-year solution. And there is a reason for that. We have a rule here called the PAYGO, pay-as-you-go rule, which basically says when you enhance or expand eligibility for an entitlement program, you have to pay for it so that it will not worsen the deficit.

In order to provide the offsets to keep from worsening the deficit as we undertook this very just adjustment of the veterans benefit program, we have had to look across the spectrum for different items. You just heard some of them read off by Mr. HALL a few minutes ago. We will have to, next year, do the same thing to continue this benefit. And to expand the benefit we will have to look for even more. So it is not easy. It is not easy by any means. But it is worthy of these veterans who have done a yeoman service for their country, who have sustained wounds that they will bear for the rest of their life, and which have disability benefits which should not be offset.

So this is a significant step forward, but it is a step that we have not yet completed. It is a step in the right direction, but we still have a way to go. And next year we will have to revisit this again in order to renew this benefit and in order to expand it for another year. Nevertheless, this is a well-worked piece of legislation for a veterans group that dearly deserves the benefits that it provides.

I urge support for the bill.

Mr. WILSON of South Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, I yield 3 minutes to my friend, my dear colleague, the chairwoman of the Armed Services Subcommittee on Military Personnel, the gentlelady from California (Mrs. DAVIS).

□ 1200

Mrs. DAVIS of California. Madam Speaker, I rise in support of H.R. 2990, the Disabled Military Retiree Relief Act of 2009.

I would like to echo the comments of Chairman SKELTON on the merits of this bill and to congratulate him for bringing this important measure to the floor.

The process of identifying and coordinating the spending offsets was a long, hard struggle which demonstrates the resolve of the chairman and the Armed Services Committee as a whole to end the disabled veterans tax.

The disabled veterans tax has been an economic burden on our military retirees for far too long. This is especially true for the severely disabled military retirees that were denied to serve for a full 20-year career, and this bill provides immediate protection for the most severely disabled with ratings of 190 percent.

Madam Speaker, this is not a perfect solution. The chairman and I and all of our colleagues on the Armed Services Committee want a full and permanent fix, but the task to find the needed offsets from entitlement accounts was a very difficult one. But no one, no one should doubt our resolve to bring full benefits to our disabled retirees.

I want to assure other groups with issues that face the same daunting challenge to find entitlement funding offsets, that we have not forgotten your causes. Today we have focused on disabled retirees, but we are fully aware that more needs to be done to (1) fix the SBP/DIC offset; (2) enhance reserve retirement benefits; (3) protect health care benefits; and (4) eliminate the disabled veteran's disability tax for those disabled retirees who are not addressed by H.R. 2990.

We will continue to search for the necessary offsets to resolve each and every one of these programs as soon as possible.

Madam Speaker, Democrats have much to be proud about in our efforts to eliminate the veterans disability tax. We are again taking a leadership role in providing the benefits that our disabled military retirees deserve. H.R. 2990 is a good bill that keeps faith with our veterans.

I urge my colleagues to support the Disabled Military Retiree Relief Act of 2009.

Mr. WILSON of South Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, this bill is a tribute to excellent Armed Services Committee staff work, and I wish to acknowledge the fact that so many, supporting both Democrats and Republicans, did yeomen's work on this: Erin Conaton, Bob Simmons, Debra Wada, Mike Higgins, John Chapla, Jeanette James, and Eryn Robinson did a masterful job in gluing a very complicated and difficult bill together, and I want to publicly thank them.

At this time, I want to yield 1 minute to my friend and colleague, the gentleman from Georgia, who is also a member of the Armed Services Committee, Mr. MARSHALL.

Mr. MARSHALL. Madam Speaker, I want to thank the chairman, the staff, and other Members for the work that has been done in order to provide this relief to the disabled veterans tax. I would like to encourage all Members and all veterans to call the failure or the inability of those who are entitled to concurrent receipt of retirement benefits and disability benefits to call this the disabled veterans tax, a term that was coined about 6 years ago. More and more veterans are using that term. And as we use at that term and get this thing labeled the way it should be, as a disabled veterans tax, I am convinced that over the years we will find the offsets that are needed in order to completely eliminate this unfair tax on disabled veterans.

Again, Mr. Chairman, I thank you. Without your due diligence here and an awful lot of work by staff, we wouldn't be able to make the inroads that we have made this time around. An awful lot of credit goes to you.

Mr. SKELTON. I thank the gentleman from Georgia.

At this time I yield to my colleague, my friend, the gentleman from Massachusetts (Mr. LYNCH) 2 minutes, who is also the chairman of the Subcommittee on Federal Workforce, Postal Service and the District of Columbia on the Committee on Oversight and Government Reform.

Mr. LYNCH. Madam Speaker, I would like to thank Chairman TOWNS and Chairman SKELTON for their leadership on this bill, H.R. 2990, and I am pleased to be a cosponsor of this bill. There is a saying which is true, that we can never fully repay our men and women in uniform for what they have given to our Nation. We can never fully repay them for their sacrifice and their service. But I am happy to say that Chairman SKELTON is trying his best, along with Chairman TOWNS and the ranking member, to do just that.

As chairman of the Subcommittee on the Federal Workforce, Postal Service and the District of Columbia, I am delighted that key civil service retirement provisions are also approved by this Chamber included in the measure being considered today.

Federal employee and postal unions, as well as employee retiree and management groups, all support these provisions. These provisions will improve the Federal Employee Retirement System by providing workers with retirement credit for unused sick leave. Additionally, the civil service retirement annuity calculations problem for those employees who wish to phase down to part-time work at the end of their Federal careers will also be rectified. The Office of Personnel Management has long supported this fix as a way to retain the skilled and knowledgeable employees who are nearing the end of their careers at a time of a more mature Federal workforce. The government, as an employer, must take the lead in addressing these workplace realities.

This bill will also provide retirement credit for hundreds of D.C. Government employees who now serve as Federal employees. I would like to make it clear that these retirement provisions are paid for by treating Federal workers in Hawaii, Alaska, Puerto Rico, Guam, the U.S. Virgin Islands and the Northern Mariana Islands the same as all other Federal employees, and I look forward to working with the respective delegates of those areas on this issue.

Mr. WILSON of South Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, at this time I yield 1 minute to my friend, my colleague, the gentleman from Georgia (Mr. SCOTT) who is the vice chairman of the Foreign Affairs Subcommittee on Terrorism and Nonproliferation and International Trade.

Mr. SCOTT of Georgia. I thank Chairman SKELTON for giving me this opportunity to speak on behalf of this very important and timely bill. I also want to commend President Obama and Speaker PELOSI for the leadership they have provided.

This is my 8th year in Congress, and for each of these 8 years I have worked hard on this bill of concurrent receipts. I can't think of a more important bill that we could offer at this time as we approach the Fourth of July when this Nation celebrates its independence and freedom. At the forefront of that, the reason we are able to celebrate this independence and freedom is because of the soldiers and our veterans. And we have long felt that it is not fair nor right if our soldiers are injured and disabled, and if they have to leave service, why should they have to choose between a retirement pay and disability.

What we are saying with this measure is the right thing to do, is to make sure our soldiers have both. I urge a unanimous vote for this. Every Member of this Chamber should vote ''yes'' on this important bill.

Mr. WILSON of South Carolina. Madam Speaker, in conclusion, again I would like to commend the chairman for H.R. 2990. This is a step forward, but I am confident that all of us, that we can work together for more.

I yield back the balance of my time.

Mr. SKELTON. Madam Speaker, I have no more requests for time on our side and I wish to thank the gentleman from South Carolina (Mr. WILSON) for his excellent cooperation and hard work to make this bill a reality. We are most appreciative. Again, I thank all of those who worked on this very complicated piece of legislation, and other kudos to the Armed Services staff on both sides of the aisle. It is very important. It is very important for our veterans, particularly those disabled veterans who have had less than 20 years of service. It treats them as they should be treated.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in support of H.R. 2990 to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes. I want to thank my good friend from Missouri, the Chairman of the Armed Services Committee Mr. SKELTON, and

all the cosponsors of this important legislation. I want to thank you especially for including in this bill, provisions to extend locality pay to federal employees in Alaska, Hawaii, and the Territories.

Mr. Speaker, federal employees in American Samoa are not getting fair treatment. To date, American Samoa is the only non-foreign area in which federal employees do not receive a cost-of-living allowance. Notwithstanding that by law, federal employees in the U.S. Territory of American Samoa are eligible to receive COLA payments, under OPM regulations American Samoa is not listed as a COLA-designated area. Given that American Samoa faces many of the same issues driving higher prices for goods, services, and travel that face other territories in similar situations, it seems discriminatory that the Office of Personnel Management (OPM) has chosen not to provide COLA to federal employees in American Samoa.

Further exacerbating the problem is the fact that ''post differential'' compensation is paid to federal employees who are working in American Samoa who have come in from other areas of the country. And so the only non-foreign area federal employees who do not receive any additional compensation are those federal employees from American Samoa, working in American Samoa.

All current and future employees in the non-foreign areas who are eligible to receive a COLA, whether or not they actually do receive it, are covered by this legislation and would therefore receive locality pay under this bill. Under this measure, federal employees in American Samoa will receive 12.9 percent locality pay received by the rest of the US.

Locality pay will be extended to GS employees, administrative law judges, members of the Senior Executive Service, senior level and senior technical (SL/ST) employees, administratively determined employees, GS employees that do not receive COLA, and employees in agencies with unique personnel systems such as the Transportation Security Administration, DoD, the Federal Aviation Administration, the Department of Veterans Affairs, and those agencies covered by the Financial Institution, Reform, Recovery and Enforcement Act.

This is a very important legislation for all federal employees and especially my constituents in the U.S. Territory of American Samoa, and I urge my colleagues to pass H.R. 2990.

Mr. ABERCROMBIE. Madam Speaker, I rise today in support of H.R. 2990, the Disabled Military Retiree Relief Act of 2009. This important legislation will finally address the issue of concurrent receipt, as well as other significant issues that plague public employees. One key issue affecting federal employees in Hawaii is the long-awaited transition from a Cost of Living Allowance (COLA) to locality pay, as is currently used on the mainland United States.

Equitable retirement pay for federal employees outside the contiguous 48 states is a concern shared by the approximately 50,000 civil servants living in Alaska, Hawaii and the U.S. territories. The current cost of living adjustment (COLA) provided to federal employees outside the continental United States has created a retirement inequity between them and their mainland counterparts. If federal service in non-contiguous areas is seen as a detriment to future financial security, our government will have an increasingly difficult time attracting and retaining the very best personnel. Further, federal workers should not have to resort to completing their final years of service on the mainland just to earn adequate retirement pay.

I think this bill is an important step in addressing the inequality between those serving in the continental United States and those in more remote locations, such as Alaska, Hawaii and the territories. Federal employees throughout the nation are making an equal contribution to the health, well-being and security of our nation. Regardless of where they live, they deserve equal treatment and should not be penalized in their retirement for choosing to contribute to the local communities outside the 48 contiguous states.

I believe that all federal employees will be better off under this bill than under the COLA system because their entire pay will now be counted toward their retirement benefits. Moreover, with COLA rates scheduled to decrease for many locations this year, and territories such as American Samoa receiving none, now is the time to act.

Please join me in supporting H.R. 2990 and ensuring retirement equity for all federal employees regardless of their location.

Mr. RAHALL. Madam Speaker, whenever an opportunity arises for the Congress to step forward and act to ensure that our veterans receive the full benefits they have earned, this Member is at the front of the line.

So when I was made aware of the need for monies to offset the cost of H.R. 2990, the Disabled Military Relief Act, I was proud to find the funds within the jurisdiction of the Natural Resources Committee which I chair.

Most Americans, I believe, see it as deeply unfair and certainly counter to American values that disabled veterans would be penalized with cuts in benefits when they also receive retirement pay. That policy does not reflect the thanks of a grateful nation. That is a practice that must be stopped.

Toward that end, I have been glad to support the use of $50 million in receipts from the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Program to help in the short-term provide our veterans with full access to the benefits they so rightly deserve. While this legislation represents a temporary one-year fix, I look forward to the opportunity to support a permanent solution.

There are those who may decry the use of those funds to pay for veterans benefits and who will complain that this offset is too costly to the oil and gas industry.

In response I point out an Associated Press article from earlier this month, which reported that the oil and gas industry has accelerated its spending on lobbying during this year faster than any other industry. In fact, Big Oil spent $44.5 million lobbying Congress and federal agencies in just the first three months of this year.

Madam Speaker, if those lucrative, multinational firms would simply call off their highly paid, smartly dressed lobbyists for three-and-a-half-month, this offset would be entirely covered. In essence, this amounts to a choice between three-and-a-half months of pay of deep-pocketed lobbyists and the debt we owe our veterans.

Madam Speaker, I stand with America's veterans.

Mr. PIERLUISI. Madam Speaker, I rise to express my concern with Subtitle B of Title II of H.R. 2990, entitled ''Non-Foreign Area Retirement Equity Assurance.'' This Subtitle would transition federal employees in certain non-foreign areas, including Puerto Rico, from non-foreign cost-of-living allowances (''COLAs'') to locality pay. The legislation is no doubt the result of a well-meaning effort to create uniformity in how various areas of the contiguous and non-foreign areas of the United States are treated. However, because the legislation would significantly change the system governing pay and benefits for affected federal employees, a full vetting of this issue—including the holding of a hearing—is necessary before the House can prudently consider the legislation.

More than 41,000 white-collar federal civilian employees are stationed in the following ''non-foreign'' areas outside the contiguous United States: Alaska, Hawaii, Guam, the Commonwealth of Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. These employees receive non-foreign COLAs, in addition to their regular pay, to compensate them for the higher living costs they face in the non-foreign areas.

Replacing non-foreign COLAs with locality pay would represent a significant change to the manner in which pay, retirement, and other benefits are calculated. First, non-foreign COLAs and locality pay are calculated according to two different measurements. Non-foreign COLAs are based on cost-of-living differences between the affected areas and Washington, DC. By contrast, locality pay is based on cost-of-labor differences between federal and nonfederal workers in the same geographic area. Second, a non-foreign COLA is not added to an employee's basic rate of pay when calculating retirement and other benefits. Locality pay, by contrast, is counted toward those benefits. Third, COLA payments may not be taxed at the federal level; locality pay is federally taxed.

Because these differences between non-foreign COLAs and locality pay would have a substantial impact on the manner in which a federal employee's pay and other benefits are calculated, it is imperative that Congress carefully examine this legislation. In particular, concerns have been raised that the legislation may not sufficiently address the varying labor markets in the territories, which could result in decreased locality pay levels or reduced locality pay rates being applied in the territories. At this time, I am not in a position to fully assess the merits of these claims. However, this is precisely why a hearing by the committee of jurisdiction is necessary. The House Committee on Oversight and Government Reform and its Federal Workforce Subcommittee are well-positioned to address the concerns that have been expressed. However, by considering this legislation under suspension of the rules and outside the House's normal procedures, the House has taken away this important opportunity.

Too much is at stake for the Congress to act in such a hasty manner. I urge my colleagues to reconsider the House's approach to this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the bill, H.R. 2990.

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. WILSON of South Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 202

In the Senate of the United States, June 24, 2009.

Resolved, That a summons shall be issued which commands Samuel B. Kent to file with the Secretary of the Senate an answer to the articles of impeachment no later than July 2, 2009, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than July 7, 2009.

SEC. 5. The Secretary shall notify counsel for Samuel B. Kent of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

The message also announced that the Senate has agreed to the following resolution:

S. RES. 203

In the Senate of the United States, June 24, 2009.

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members and a chairman and vice chairman respectively to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6. The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account ''Miscellaneous Items'' upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

SEC. 7. The Committee appointed pursuant to section one of this resolution shall terminate no later than 45 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge Samuel B. Kent of this resolution.

MOTION TO ADJOURN

Mr. WILSON of South Carolina. Madam Speaker, I move that the House do now adjourn.

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

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

Mr. WILSON of South Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 26, nays 361, not voting 46, as follows:

[Roll No. 426]

YEAS—26

Bartlett
Boehner
Bright
Carter
Chaffetz
Clay
Coffman (CO)
Garrett (NJ)
Gohmert
Gordon (TN)
Hastings (WA)
Hensarling
Hinchey
Johnson (IL)
Johnson, Sam
King (IA)
Kingston
Pitts
Sensenbrenner
Simpson
Souder
Thompson (PA)
Tiahrt
Whitfield
Wilson (SC)
Young (AK)

NAYS—361

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
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
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)

Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Titus
Tonko
Towns
Tsongas
Upton
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—46

Bachus
Berry
Campbell
Cao
Capuano
Cole
Conyers
Davis (IL)
Dingell
Doyle
Engel
Fleming
Frank (MA)
Gingrey (GA)
Halvorson
Higgins
Hoyer
Kennedy
Lewis (GA)
Matheson
McCotter
McHenry
Meeks (NY)
Moran (VA)
Murphy, Tim
Paul
Pence
Posey
Price (GA)
Rangel
Rogers (AL)
Ross
Rush
Sánchez, Linda T.
Schrader
Schwartz
Sessions
Shea-Porter
Speier
Stark
Stupak
Sullivan
Tierney
Turner
Van Hollen
Watson

□ 1235

Mr. RYAN of Wisconsin, Mrs. MCMORRIS RODGERS, Messrs. GARY G. MILLER of California, BROUN of Georgia, Mrs. KIRKPATRICK of Arizona, Ms. HARMAN, Mrs. BLACKBURN, Messrs. INSLEE, BISHOP of Utah, RADANOVICH, MCHUGH, Mrs. SCHMIDT, Mrs. BACHMANN, Messrs. NEUGEBAUER, LAMBORN, BURTON of Indiana, and SCHOCK changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. POSEY. Madam Speaker, on rollcall No. 426, I was unavoidably detained while questioning a witness in committee. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 573 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 573

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 5 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; (2) the amendments printed in part B of the report of the Committee on Rules; (3) not to exceed four of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (4) not to exceed one of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Campbell of California or his designee. Each such amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B, C, or D of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 2892, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

MOTION TO ADJOURN

Mr. TIBERI. Madam Speaker, I move that the House do now adjourn.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 25, nays 366, not voting 42, as follows:

[Roll No. 427]

YEAS—25

Bartlett
Barton (TX)
Bright
Carter
Chaffetz
Clay
Coffman (CO)
Connolly (VA)
Garrett (NJ)
Gingrey (GA)
Gohmert
Hastings (WA)
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□ 1302

Ms. VELÁZQUEZ and Messrs. FRANK of Massachusetts and LARSON of Connecticut changed their votes from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Thank you, Madam Speaker.

For purposes of debate only, I yield the customary 30 minutes to my friend from California (Mr. DREIER). All time yielded is for the purpose of debate only.

I yield myself as much time as I may consume.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 573.

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

There was no objection.

Mr. PERLMUTTER. Madam Speaker, today the House will debate and vote on the Homeland Security Appropriations Act for fiscal year 2010.

My friend Chairman DAVID PRICE and Ranking Member HAROLD ROGERS have crafted a strong bill which invests in robust border security, attentive and agile emergency management capabilities, helpful to State and local partners, and secures our transportation system. This bill reflects Congress' commitment to protect our Nation from the threats it faces with a bottom line $2.6 billion increase in Department of Homeland Security funding over last year.

In the area of border security and immigration enforcement, this bill increases funding for Customs and Border Protection by more than $146 million. This increase will allow the Border Patrol to better address violence and drug smuggling along our southern border, which has become a very serious concern in recent years. For emergency preparedness and response, this bill fully funds the versatile State Homeland Security Grant program, a program for which I have long advocated. This critical program allows for States to address the security threats most pressing to them. After all, the biggest threats to Colorado may not be the same as the biggest threats to New York or California.

This bill also restores funding to the Assistance for Firefighters Grant program to $800 million. I have presented dozens of Federal grant checks to fire departments across my district during my tenure in Congress; and I can say from experience, FIRE and SAFER Grants mean better training for our firefighters, better equipment and more firefighters on our streets, and safety for our citizens.

On another topic, I have said for years now that our computer networks are essential parts of our Nation's infrastructure; and as such, they need more focus for security. So I am pleased to see this bill increases funding for DHS's National Cybersecurity Division by $68 million over last year.

In the field of transportation security, this bill takes a large step forward. We increased funding for aviation security by $511 million over last year, investing a great deal in screening and detection technology for explosives. More important, in my opinion, we more than doubled funding for surface transportation security. This commitment is an essential step to preventing attacks on our rail and mass transit systems which have been the target of attacks in places such as London, Madrid and Mumbai.

Although we increase funding for many activities under DHS, this bill also tightens the belt. The bill terminates 16 programs, many of which have been unsuccessful in meeting their mission. In addition, the bill cuts nearly $800 million from various programs. In short, this bill puts the taxpayer dollars in the components of DHS which provide real results and real security.

Looking beyond the funding levels of this bill, we must also recognize that DHS is a department which relies heavily on a well-trained workforce. This bill provides the resources the Department of Homeland Security personnel, as well as our State and local partners, need to meet their objectives. I urge my colleagues to support this rule.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I want to begin by expressing my appreciation to my very good friend, a new member of the Rules Committee, the gentleman from Colorado (Mr. PERLMUTTER) for yielding me the customary 30 minutes.

I yield myself as much time as I may consume.

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

Mr. DREIER. Madam Speaker, I am going to begin by doing something that I don't believe I have ever done when managing a rule here in the House. Traditionally when Mr. BOEHNER, our Republican leader, gets up or my Rules Committee colleagues, Messrs. DIAZ-BALART and SESSIONS or Ms. FOXX, would stand up here, we rise to basically make the case for Members of the minority. We're Republicans. We make the Republican case about how important it is for us to ensure the rights of the minority, something that James Madison talked about very eloquently 220 years ago.

Today I rise on behalf of all of my colleagues; and I rise, especially today, for Democrats because it's unprecedented that we would be in the circumstance that we are today. Now I've seen an awful lot in this institution in the years that I've been privileged to serve here. I've observed the way this House is run. In most instances, under both Democrats and Republicans, I have been very proud of the work product that has emerged. But in many of those instances, I have been less than proud of the way the greatest deliberative body known to man—or what has been described as such by people like the distinguished Chair of the Committee on Appropriations, Mr. OBEY, is no longer the greatest deliberative body known to man, or at least we're slipping away from that—because we're undermining the deliberative process.

Usually when we get off-track, which has happened under both Republicans

and Democrats, and put our short-term goals ahead of the long-term interest of the institution, it is not a good thing. It is, we often believe, noble for us to put our short-term goals there because we have an important priority. When my friends in the majority asked the Nation to give them control of this House, they correctly criticized me personally and others within the Republican leadership because we said that we limited their voices in amendment and debate. It didn't happen often, but it did happen. And I will say that without the ability to offer improvements to legislation and ideas, Members of this body could not do the job that they are charged with doing; and that is, pursuing the hopes, dreams and aspirations of their constituents. We all represent a little less than three-quarters of a million people; and we have a responsibility, Democrats and Republicans alike, to do just that. That's why I say again, Madam Speaker, I rise in support of the effort to ensure that my Democratic colleagues are not shut out of this process.

Now as you know very well, Madam Speaker, when our California colleague, Speaker PELOSI, took the gavel, she promised that they would do better than I did as chairman of the Rules Committee, and better than our Republican leadership had done in the past. Unfortunately this rule before us really illustrates just how far we have fallen from those great words that were put forward by Speaker PELOSI.

With this rule, it's very difficult for me to know exactly where to begin with criticism; but let's start with the very nature of the rule itself. We all know that the House has allowed less debate and fewer amendments in its consideration of bills over the last few years. The one great exception to that has been the appropriations process. Why? Because we all know article I, section 9 of the Constitution places the responsibility to spend the people's money in our hands as Members of Congress. We've always taken this responsibility very seriously in a bipartisan way. And we've always—under both Democrats and Republicans—allowed Democrats and Republicans to engage in a free-flowing and rigorous debate.

Everyone is very, very concerned about what happened last week. My Democratic colleagues are concerned with the number of votes that were held and the outrage that we demonstrated. We Republicans are horrified that we began down that route. Unfortunately, last week's act was just the warm-up to what we're seeing today. Today we are beginning what can only be described as the main event. This is because today's rule will become the model for every appropriations bill that we consider in the future. It is very likely that this rule, Madam Speaker, will become the model for every bill that we consider in this Congress.

Rather than any Member, Republican or Democrat, being able to offer any germane amendment on behalf of their constituents and the Nation, this resolution from the Rules Committee, under the direction of Chairman OBEY and Speaker PELOSI, limits what ideas can be debated on this floor; and as I said, it limits the ideas proposed by my Democratic colleagues. So anyone who wants to say that I'm standing here, Madam Speaker, just whining on behalf of the minority, it is preposterous. Democrats sat in line before the Rules Committee until nearly 11 o'clock last night; and Democrats have been shut out of this process. So unfortunately I, representing the minority, am the only one who can stand here on behalf of our Democratic colleagues. It means, unfortunately, that our constituents—and I say this to my colleagues—our constituents in Democratic districts and Republican districts alike are unfortunately being held hostage by the chairman of the Appropriations Committee. If he's having a bad day, the American people will have no recourse. That means that our constituents' concerns about spending will go unheeded, and we all know that that's what this is about. If you doubt it, look no further than last week's funding bill for this institution alone. We fought for several amendments that could bring about a reduction in the 16.2 percent increase in spending for the Legislative Branch appropriations bill. We had some large cuts, but we had the most modest cut imaginable. The gentleman from Georgia (Mr. BROUN) offered an amendment in the Rules Committee to allow for a one-half of 1 percent reduction in the 16.2 percent increase that we put into place. While the American people are struggling to make ends meet, while people are trying to keep their jobs, their homes, we in this institution allowed for a 16.2 percent increase; and we simply said in the appropriations process that maybe we should debate on the floor whether or not we would have a one-half of 1 percent cut. Unfortunately that was completely denied.

I also want to take a moment to discuss some of the more creative aspects of this rule, as were read by the Reading Clerk. For the first time ever, the rule allows the Chair to impose 2-minute voting. Now previously 2-minute voting was something that was done with a bipartisan agreement. Democrats and Republicans came together and said, We have got so many votes here, rather than having Members sit around with 5-minute voting, we would agree to 2-minute voting. Now I will say that ignoring this process that has existed in the past, including the provision that allows the Chair to actually impose 2-minute voting, we ignore the stress that 2-minute voting places on the nonpartisan professionals who tally our votes. It increases the opportunity for error.

I would commend to my colleagues the report of the Select Committee to Investigate the Voting Irregularities of August 2, 2007; and on page 10 under The Events Surrounding Roll Call Number 814, it makes very clear that one of the factors involved in this was the fact that there were 11 2-minute votes held leading up to that. I know full well, as I look at the wonderfully dedicated and hardworking rostrum staff, what a litany of 2-minute votes is imposed on them.

□ 1315

And we want to make sure that what happened on August 2 of 2007 never happens again. And allowing the Chair to impose 2-minute voting does create the potential for that.

I also have to say, Madam Speaker, that I'm very concerned about the fact that this rule does create a scenario that puts people in an awkward position. I have a number of very, very close friends with whom I have been privileged to serve here. One of those is my colleague from North Carolina (Mr. PRICE), who works closely with Mr. ROGERS in a bipartisan way dealing with the issue of our Nation's homeland security.

I have already said, Madam Speaker, that I am very troubled with amendment No. 68 that was put forward, and I don't mean to get too far down into the weeds here, but we have another unprecedented action put into place here. Amendment No. 68 simply said, page 93, line 13, ''strike 'the.' '' This is the amendment that was submitted to the Rules Committee. This amendment was submitted, and a revised version of it was submitted; and now, Madam Speaker, the revised version makes in order seven amendments, one of which actually required waivers to allow it to proceed. Now, this has not been done before and it's unfortunate. It was really sort of a bait and switch. We saw this amendment that said ''strike 'the,' '' and then it's revised all of a sudden with seven amendments being made in order. Unfortunately, this is not the kind of transparency that we were promised when the new majority came to power.

There are other elements to the rule that I don't want to discuss, but suffice it to say that each and every provision of this rule, Madam Speaker, is designed to restrict and limit the rights of Democrats and Republicans to debate and improve this bill, as has always been done in the 220-year history of this great institution.

Now, why is any of this important? Because, Madam Speaker, process is substance. In committee there were many amendments defeated even though they would have gone a long way to improving the bill and reducing problems like illegal immigration, an issue that Mr. ROGERS has worked very closely on. One of those is the E-Verify program that my California colleague (Mr. CALVERT) has worked on. He made an attempt to offer that amendment. It was defeated. And Mr. KINGSTON similarly offered an amendment to require government contractors to use E-Verify to deal with our Nation's border security. His amendment was also defeated. I supported both of those

amendments up in the Rules Committee.

Now we won't get the opportunity to debate the kinds of things that Mr. ROGERS, Mr. CALVERT, and Mr. KINGSTON wanted us to be able to address. I personally believe that, while I support E-Verify, I believe that the bill that I have worked on, H.R. 98, which would establish a smart counterfeit-proof Social Security card, is the best way to end the magnet that draws people into the country illegally. But I do think that E-Verify is a very important step in the direction of dealing with our security.

Under the traditional process, Madam Speaker, as you know very well, we could address all of these issues. All of these issues from both Democrats and Republicans could have been considered, but, unfortunately, it ain't going to happen.

One of the most senior Members of this institution once said, ''We have gotten so far from the regular order that I fear that the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy.' The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world.''

Now, that Member was DAVID OBEY. He said that in the fall of 2000. While he was concerned about how the House was handling an appropriations conference report, those were the words of Chairman OBEY at that time. His words have never been truer than they are right now. The problem is that now the shoe is on the other foot. Today Chairman OBEY is the one who is circumventing regular order.

What we have here is, Madam Speaker, what tragically is becoming the new normal. And it's all being done in the name of dramatically increasing spending because we have seen over the last 2 years an 85 percent increase in nondefense spending, an 85 percent increase in nondefense spending. And now we're denied any opportunity to bring about the kinds of reductions that we need to utilize.

Madam Speaker, I know that we have schedules to keep. That's the argument that is regularly propounded by the Chair of the Rules Committee and others in the Democratic leadership. We understand the exigencies of that schedule. But throwing aside the quaint notion of democracy and debate is something that I believe would lead, as Republican leader JOHN BOEHNER said earlier today, Thomas Jefferson to be spinning in his grave. It would lead James Madison to be horrified, the notion of casting aside democracy and debate because we have to maintain our schedules.

And I will say again on this scheduling notion, Madam Speaker, last week, rather than 127 amendments, we would have had, I believe, 30 amendments, and before we had gotten to consideration of the legislative branch bill, I am sure that hours and hours and hours ahead of that we would have been completed with the work of the Commerce-Justice-Science Appropriations bill.

I urge my colleagues on the other side of the aisle to stand up for the rights of Democratic Members of this institution who are being denied this. Reject this rule. Let's come back with what has been the case for 220 years under both political parties, that being an open process.

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

Mr. PERLMUTTER. Madam Speaker, I would like to inquire of my friend how many speakers he has on his side.

Mr. DREIER. Will the gentleman yield?

Mr. PERLMUTTER. Certainly.

Mr. DREIER. I thank my friend for yielding. Well, I would first inquire of my friend if he has any speakers before I respond.

Mr. PERLMUTTER. I do not.

Mr. DREIER. Let me just say at this juncture we do have several speakers, and I would ask my friend if he might want to yield some of his time because I know we have several speakers who would gladly utilize the time.

I will say to my friend that it does seem to me rather unfortunate that, with the exception of our very brave and courageous friend from Colorado, there is no one on the majority side who wants to stand up and defend the notion of denying Democrats——

Mr. PERLMUTTER. Reclaiming my time, I thank my friend from California for commending me.

But what I want to talk about, and I will be brief and then reserve the balance of my time, is I appreciate some of the comments that the gentleman has made about the need for debate and speech and the opportunity for each of us to have a say as to the legislation that proceeds from this Chamber. But on the other hand, this country, the people of this country are demanding that we act, that we not completely just shut down and sit on our hands, twiddle our thumbs and say, woe is me, but it is time to act both on appropriations bills as well as other bills.

And I'd say to my friend, and I know that it was a way to protest what was happening on the floor, but the delay that was exhibited last week simply frustrates the will of the electorate to change the direction of this Nation. And I would also remind my friend that, Madam Speaker, the pressure that is placed on our staff at the rostrum by changing votes time and time again simply really is the problem and really redoubles the effort that they have to put forward.

So I appreciate his comments about the pressure that's placed on the staff by 2-minute voting. I would remind my friend the same kind of pressure, if not a lot more, is placed on the staff by changing votes for, in my opinion, only reasons of delay.

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

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

I will be happy to yield to my friend if he wants to engage on this issue at all.

First, to his last point, as he talked about the challenge that our wonderful rostrum staff before us, who are so dedicated and hard working, have to deal with with repeated votes. So the answer to that is to allow the Chair to impose on this institution 2-minute voting? I know this is all inside baseball stuff, but all one needs to do is go back and look at that report on the August 2, 2007, vote, which I have right here and look at page 10, and the issue of 2-minute votes is raised.

Mr. PERLMUTTER. Will my friend yield?

Mr. DREIER. I am happy to yield to my friend.

Mr. PERLMUTTER. To that point by my friend, on page 10, I have read the report since last night; so I thank you for pointing it out to me. And what page 10 says, and really what has led to this moment, I'd say to my friend, is the fact that at the close of the legislative day of Thursday, August 2, the House had been in session for 51 hours that week and 65 hours the week before. There really is no causal relation, I'd say to my friend, to where it talks about 2-minute votes.

Mr. DREIER. Reclaiming my time, Madam Speaker, let me just say that, again, if you look at the middle paragraph on page 10, the issue of 2-minute voting is raised, and I think common sense would say with the argument just put forward by my friend from Colorado about the challenge of votes, the notion of going from 5-minute to 2-minute votes does not improve the situation that they face.

To my friend's first point, Madam Speaker, I would like to say the following: the American people did send us here to act. They're expecting action. They want us to act. The American people are hurting. I come from Los Angeles, California. We have a 12½ percent unemployment rate in the City of Los Angeles. I represent suburban Los Angeles and part of the Inland Empire, and I will say that we are dealing with very serious economic challenges. People are losing their businesses, people are losing their homes, and people are obviously losing their jobs. They want us to get our economy back on track. And one of the things that they were promised was that if we passed the economic stimulus bill, the unemployment would not exceed 8 percent. Right now we all know that the unemployment rate, as was said by President Obama, is now 9.4 percent; and based on reports we have received in the last few days, it reportedly is probably going to go higher. I hope and pray that that is not the case.

But one of the things that we've found is that over the last couple of years, an 85 percent increase in nondefense spending has not provided what the American people want, and that is some security when it comes to their jobs, getting their jobs back, saving their businesses, and saving their homes. That's the action they want us to take. And the process we are in the midst of right now denies us any opportunity, Democrats or Republicans, the chance to bring about meaningful cuts in expenditures.

At this point, Madam Speaker, I would like to yield 4 minutes to the distinguished ranking member of the Subcommittee on Homeland Security from the Appropriations Committee, my very, very good friend and classmate (Mr. ROGERS).

□ 1330

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

Madam Speaker, I am sorely disappointed at the rule that has been proposed for the consideration of this Homeland Security Appropriations bill, one of the most important of the bills that the Congress will face. Our constituents are entitled to have us speak for them. That is the reason that they selected us. And yet now we are being denied the opportunity to register the thoughts and opinions of the constituents that we represent.

There were some 70 amendments proffered to be offered on the floor on this bill. Only 14 will be allowed. Never in my experience, and I have been here 28 years, on the Appropriations Committee 26 of those years, have I ever seen a rule this restrictive on allowing members of the committee, as well as the Members of the body, to express their views.

This is a muzzle of the minority. You are muzzling the people that we represent. You say, well, there are so many amendments, it would take us forever, and it would slow down our process of spending. That is what this is all about. The majority is attempting to muzzle the minority to speed up the process of spending, borrowing, and taxing. I regret that. I think it is sad for the institution, not to mention our constituents and the Members of this body.

Well, those 70 amendments we could go through in no time flat. Last year, well, for the 2008 appropriations for this department, there were 178 amendments offered. We didn't shut down the process and deny those people the chance to offer their amendment and to say their piece about what their constituents thought about the bill. We simply went through them, 2 days. After a certain period of time, we were able to work out unanimous consent agreements amongst the Members of the body to reduce the time allotted to each amendment. Or we substituted a colloquy with the other offerer of the amendment instead of offering the amendment, and that satisfied them. They had their day in court, so to speak. Other amendments were not offered. This is nothing new. This is the practice of this honored institution to allow Members to offer their thoughts and opinions and amendments.

If it takes time, that is what democracy is all about. It may not be pretty. The making of sausage is not pretty. But that is what we are in the process and the business of doing. You are shutting down the Members of this body who have legitimate, in-order amendments, almost in toto. And I resent that. The ranking member of the subcommittee was denied the opportunity to offer his own amendment, a legitimate, in-order amendment.

That has never happened, to my knowledge, before. You are making history, but in a sad, sad way. Give us the chance to speak for our constituents, the people that want to know why you are shutting off their voice in this great deliberative body. Give us an open rule, as we have always had it. We have never had a restrictive rule like this on appropriations bills. Give us a chance to be heard.

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

Mr. PERLMUTTER. I continue to reserve the balance of my time.

Mr. DREIER. Madam Speaker, at this time, I'm happy to yield 1 minute to the son of a 20-year veteran of the House Rules Committee, the gentleman from Bowling Green, Ohio (Mr. LATTA).

Mr. LATTA. I appreciate the gentleman for yielding.

Madam Speaker, last night we brought, in my opinion, a very important amendment before the Rules Committee dealing with what I called the Homeland Security Administration run amok with their bureaucrats. And what this would do is, this amendment would prevent the Homeland Security Administration from being able to utilize the dollars under the bill to say that over 36 million Americans that have a certain type of pocketknife, I don't care if it is from a hunter or a fisherman or a farmer or a person that works in a factory or a police officer or a firefighter, and make these illegal. And it is sad that we have to do it this way, that instead of bringing them here to the floor that we have to go through the Rules Committee. But I think that the amendment that we offered last night, along with my colleague from Idaho (Mr. MINNICK), that it is an important thing to save jobs in this country. I think he said in his district alone it would be over some 200 hundred jobs. Nationally you are looking at over 4,000 individuals in a time when we are losing jobs in this country; 4,000 jobs could be affected, and ancillary jobs by over 20,000 jobs. So I really stress that this is an important amendment. I appreciate the gentleman for yielding.

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

Mr. PERLMUTTER. I continue to reserve.

Mr. DREIER. I yield 1 minute to my very good friend from Athens, Georgia, who had an amendment that he would have been allowed to debate if we had an open rule, and unfortunately, he is not (Mr. BROUN of Georgia).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I rise today in strong opposition to this rule. I submitted six amendments to this bill. And I am outraged that the Democrats have denied my rights to debate and receive a vote on any of them today. And actually they not only denied my right, but they are denying Americans the ability for us to present amendments that will stop this outrageous spending.

One of my amendments would have added funding to the 287(g) program, which provides State law enforcement with the training and subsequent authorization to identify a process and then, when appropriate, detain immigration offenders that they encounter during their regular job as law enforcement. I had many amendments. But the Democrats denied my constituents, denied the American people, the ability to have my voice and others' heard.

They are stealing our grandchildren's future with this outrageous spending. We have got to stop it. The American people need to stand up and say ''no'' to this steamroller of socialism that is being brought by the Democratic majority and their leadership.

Mr. PERLMUTTER. I still reserve my time. I would ask my friend how many speakers he has.

Mr. DREIER. Madam Speaker, let me say that there were a number of Members who were expected to be joining us, I would say to my friend, and the fact is that they were anticipating a debate taking place on the rule. And very, very courageously, my friend has been the only Member on the Democratic side to stand up, and I am the one standing here defending the rights of Democrats I'm happy to say. So the gentleman might want to talk for a couple of minutes while I wait for some of my colleagues who thought the debate might be taking place later if he wants to.

Mr. PERLMUTTER. I would say my friend from California can speak on his own behalf and take up a few minutes if he likes, but I'm going to reserve the balance of my time.

Mr. DREIER. Madam Speaker, well, I guess then that I will close the debate. I thought we were expecting some other people.

The SPEAKER pro tempore. The gentleman has 5½ minutes remaining.

Mr. DREIER. Madam Speaker, this debate is all about spending. The American people are hurting. Jobs are being lost. Businesses are being lost. Homes are being lost. And the American people are expecting us to put into place policies that will get the economy back on track.

We were promised by President Obama that if we passed the $787 billion, really $1 trillion, stimulus bill

that the unemployment rate would not exceed 8 percent. Today the unemployment rate is at 9.4 percent, and tragically it appears to be getting worse. And what is our answer? Well, it is to continue a pattern that has been going on for 2 years now. In nondefense spending, we have had an 85 percent increase in Federal spending, an 85 percent increase.

And what is it we have said? We believe, Madam Speaker, that we can responsibly put into place spending cuts. We have made attempts. My friend, Mr. BROUN, whom I mentioned earlier, wanted to offer a one-half of 1 percent spending cut in the 16.2 percent increase that was put into place for our spending for the legislative branch last week, and he was denied his chance to bring about that modest cut.

As we look at the appropriations process now, bringing about reductions in spending is not an option. They are simply increases in spending time and time again.

Now what is being utilized to make sure that we can continue to increase spending? Well, unfortunately, Madam Speaker, what is being done is we are shutting out the opportunity for both Democrats and Republicans to have a right to offer amendments. Now I will say, having been here for more than a couple of years, one of the most exhilarating experiences that one can have as a Member of Congress is to stand up under an open rule, especially during the appropriations process, ask that they strike the last word, and be recognized for 5 minutes to engage in what can really be a free-flowing debate. We have two members of the Rules Committee who have never served in this institution before, and they have never experienced the opportunity for that free-flowing debate on any legislation. And an open rule has not been an option so far.

But Madam Speaker, I never thought that I would see the day when we would, on the sacrosanct article 1, section 9 power in the Constitution dealing with spending, prevent Democrats and Republicans from having an opportunity to engage in that. I think about my colleagues who want to regularly engage in debate, Democrats like DENNIS KUCINICH and MARCY KAPTUR. I may not agree with them often, but I believe they should be able to participate in the process. We have Republicans like DEVIN NUNES, JEFF FLAKE and others who want to be able to stand up. Mr. BROUN, who just spoke, Mr. ROGERS, Mr. CALVERT and others want to have a chance to stand up. And guess what, Madam Speaker? They unfortunately are denied that in this process.

Justice Felix Frankfurter in 1943 made the following statement. He said, The history of liberty is largely due to the history of procedural safeguards.

Now, Madam Speaker, I believe that the Federal Government is too big and spends too much, as our Leader BOEHNER regularly says. And I believe that we should have a right to bring about those reductions so that we can get our economy back on track to ensure that Americans aren't going to lose their jobs, their businesses and their homes. And we are denied that chance today.

But I want to say to my Democratic colleagues and my Republican colleagues, Madam Speaker, we have an opportunity. And it is before us right now. All we need to do is vote ''no'' on the previous question, and what will happen? We will be continuing the 220-year tradition of appropriations under an open amendment process. If we can defeat the previous question, I, Madam Speaker, will offer an amendment that will allow us to do exactly what Chairwoman Obey in the year 2000 said needed to be done. We need to allow for a free-flowing, open debate so that deliberative democracy can, in fact, once again flourish. So I urge my colleagues to vote against the previous question and allow us to have the opportunity to offer an open rule.

And with that, I yield back the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I do want to compliment my friend from California on his debate, his comments, his remarks and his complaints. Some of them are legitimate. But what we are here today to deal with is the security of the United States of America. He is complaining about an 85 percent increase in spending when my friend knows full well that spending came about because of tax cuts, the prosecution of two wars, the collapse of a banking system and an emergency in the United States of America to get us back on track and to change the direction of this Nation.

Now what we are dealing with in this bill, and the reason we need to bring it on the floor and act, not delay, not delay like we saw last week, with Members circling the well, changing their votes time and time again or presenting amendments where they add $1 million, subtract $1 million, just to have an amendment. We are here, Madam Speaker, because this is one of our most important responsibilities, and that is to protect this country from terrorist attacks, foreign and domestic, and to ensure that our borders are secure. That is the purpose of the Homeland Security Appropriations bill.

The bill at $42.6 billion is slightly above last year's level. But it helps with Coast Guard, with border violence, with maritime safety, environmental protection, and assistance for the TSA as people come and go through our airports, as well as cybersecurity.

□ 1345

There are funds in the bill for FEMA, for flood map modernization, and for rebuilding of the gulf coast. This is a sensible investment. This is a sensible rule, and I would ask, Madam Speaker, that because this bill invests in a stronger domestic security both at our borders, throughout our transportation systems and our communities, I urge a ''yes'' vote on the previous question and on the rule.

Mr. DREIER. Madam Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 573 OFFERED BY MR. DREIER OF CALIFORNIA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by the Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the

control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. PERLMUTTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on the adoption of H. Res. 573, if ordered, and suspending the rules and passing H.R. 2990.

The vote was taken by electronic device, and there were—yeas 238, nays 174, not voting 21, as follows:

[Roll No. 428]

YEAS—238

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Broun (GA)
Brown, Corrine
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
Delahunt
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
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Minnick
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)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sires
Skelton
Slaughter
Smith (WA)
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Yarmuth

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
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)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
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)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Boustany
Bright
Campbell
Himes
Issa
Kennedy
Kissell
Lewis (GA)
Markey (CO)
McHenry
Miller (NC)
Schauer
Shea-Porter
Sherman
Snyder
Souder
Speier
Stupak
Sullivan
Watson
Wu

□ 1410

Messrs. FLEMING and TERRY changed their vote from ''yea'' to ''nay.''

Messrs. BLUMENAUER, CARNEY, and MEEKS of New York changed their vote from ''nay to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. BROUN of Georgia. Madam Speaker, I move to reconsider the vote.

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

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

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 238, not voting 23, as follows:

[Roll No. 429]

AYES—172

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert

Camp
Cantor
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)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (MA)
McCarthy (CA)
McCaul
McClintock
McCotter
McHugh
McKeon
McMorris Rodgers
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)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—238

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
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)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Fudge
Gerlach
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.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Marshall
Massa
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
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
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
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—23

Abercrombie
Berkley
Bright
Campbell
Davis (TN)
Doyle
Ellison
Frank (MA)
Giffords
Himes
Kennedy
Kissell
Lewis (GA)
Markey (CO)
Matheson
McHenry
Mica
Paul
Rangel
Shea-Porter
Snyder
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1418

Mr. HINOJOSA changed his vote from ''aye'' to ''no.''

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 184, not voting 10, as follows:

[Roll No. 430]

YEAS—239

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
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
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
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
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
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
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
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)
Heller
Hensarling
Herger
Hill
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
Lucas
Luetkemeyer
Lummis

Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
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)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Boswell
Campbell
Doyle
Kennedy
Lewis (GA)
McHenry
Shea-Porter
Snyder
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1426

So the resolution was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. WESTMORELAND. Madam Speaker, I move to reconsider the vote.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 169, nays 251, not voting 13, as follows:

[Roll No. 431]

YEAS—169

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cohen
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
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
Scalise
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
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 (FL)

NAYS—251

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cao
Capps
Capuano
Cardoza
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
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
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
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
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
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
Young (AK)

NOT VOTING—13

Burgess
Campbell
Carnahan
Conyers
Kennedy
Lewis (GA)
Luján
McHenry
Ryan (WI)
Shea-Porter
Snyder
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining on this vote.

□ 1433

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

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

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

The form of my resolution is as follows:

Whereas on January 20, 2009, Barack Obama was inaugurated as President of the United States, and the outstanding public debt of the United States stood at $10.627 trillion;

Whereas on January 20, 2009, in the President's Inaugural Address, he stated, ''[T]hose of us who manage the public's dollars will be held to account, to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government.'';

Whereas on February 17, 2009, the President signed into public law H.R. 1, the American Recovery and Reinvestment Act of 2009;

Whereas the American Recovery and Reinvestment Act of 2009 included $575 billion of new spending and $212 billion of revenue reductions for a total deficit impact of $787 billion;

Whereas the borrowing necessary to finance the American Recovery and Reinvestment Act of 2009 will cost an additional $300 billion;

Whereas on February 26, 2009, the President unveiled his budget blueprint for FY 2010;

Whereas the President's budget for FY 2010 proposes the eleven highest annual deficits in U.S. history;

Whereas the President's budget for FY 2010 proposes to increase the national debt to $23.1 trillion by FY 2019, more than doubling it from current levels;

Whereas on March 11, 2009, the President signed into public law H.R. 1105, the Omnibus Appropriations Act, 2009;

Whereas the Omnibus Appropriations Act, 2009 constitutes nine of the twelve appropriations bills for FY 2009 which had not been enacted before the start of the fiscal year;

Whereas the Omnibus Appropriations Act, 2009 spends $19.1 billion more than the request of President Bush;

Whereas the Omnibus Appropriations Act, 2009 spends $19.0 billion more than simply extending the continuing resolution for FY 2009;

Whereas on April 1, 2009, the House considered H. Con. Res. 85, Congressional Democrats' budget proposal for FY 2010;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes the six highest annual deficits in U.S. history;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes to increase the national debt to $17.1 trillion over five years, $5.3 trillion more than compared to the level on January 20, 2009;

Whereas Congressional Republicans produced an alternative budget proposal for FY 2010 which spends $4.8 trillion less than the Congressional Democrats' budget over 10 years;

Whereas the Republican Study Committee proposed an alternative budget proposal for FY 2010 which improves the budget outlook in every single year, balances the budget by FY 2019, and cuts the national debt by more than $6 trillion compared to the President's budget;

Whereas on April 20, 2009, attempting to respond to public criticism, the President convened the first cabinet meeting of his Administration and challenged his cabinet to cut a collective $100 million in the next 90 days;

Whereas the challenge to cut a collective $100 million represents just 1/40,000 of the Federal budget;

Whereas on June 16, 2009, total outstanding Troubled Asset Relief Program, or TARP, funds to banks stood at $197.6 billion;

Whereas on June 16, 2009, total outstanding TARP funds to AIG stood at $69.8 billion;

Whereas on June 16, 2009, total outstanding TARP funds to domestic automotive manufacturers and their finance units stood at $80 billion;

Whereas on June 19, 2009, the outstanding public debt of the United States was $11.409 trillion;

Whereas on June 19, 2009, each citizen's share of the outstanding public debt of the United States came to $37,236.88;

Whereas according to a New York Times/CBS News survey, three-fifths of Americans (60 percent) do not think the President has developed a clear plan for dealing with the current budget deficit;

Whereas the best means to develop a clear plan for dealing with runaway Federal spending is a real commitment to fiscal restraint and an open and transparent appropriations process in the House of Representatives;

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled ''Democratic Declaration: Honest Leadership and Open Government,'' page 2 states, ''Our goal is to restore accountability, honesty and openness at all levels of government.'';

Whereas according to a document by Congressional Democrats entitled ''A New Direction for America,'' page 29 states, ''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.'';

Whereas on November 21, 2006, The San Francisco Chronicle reported, ''Speaker Pelosi pledged to restore 'minority rights'—including the right of Republicans to offer amendments to bills on the floor . . . The principles of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.' '' (The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, ''[We] promised the American people that we would have the most honest and open government and we will.'';

Whereas on December 17, 2006, The Washington Post reported, ''After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era—'where you debated ideas and listened to each others arguments.' '' (The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, ''We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House.'' (CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, ''If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.'';

Whereas since January 2007, there has been a failure to commit to an open and transparent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains $64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be preprinted in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each $1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each $3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Federal spending in a positive and responsible manner; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a pre-printing requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

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

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

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

MOTION TO ADJOURN

Mr. PRICE of Georgia. Madam Speaker, I move that the House do now adjourn.

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

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

RECORDED VOTE

Mr. PRICE of Georgia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by a 5-minute vote on the motion to suspend the rules on H.R. 2990.

The vote was taken by electronic device, and there were—ayes 31, noes 393, not voting 9, as follows:

[Roll No. 432]

AYES—31

Bartlett
Barton (TX)
Blackburn
Boehner
Broun (GA)
Carter
Chaffetz
Coffman (CO)
Connolly (VA)
Garrett (NJ)
Gingrey (GA)
Gohmert
Hastings (WA)
Hensarling
Issa
Johnson (IL)
Johnson, Sam
King (IA)
Kingston
Marchant
Miller, Gary
Olson
Price (GA)
Sensenbrenner
Sessions
Shadegg
Souder
Tiahrt
Westmoreland
Woolsey
Young (AK)

NOES—393

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
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
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)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—9

Campbell
Conyers
Kennedy
Larsen (WA)
Lewis (GA)
Obey
Shea-Porter
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1510

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

DISABLED MILITARY RETIREE RELIEF ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2990, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the bill, H.R. 2990.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 433]

YEAS—404

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
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)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
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 (FL)

NOT VOTING—29

Aderholt
Arcuri
Bachus
Boucher
Campbell
Conaway
Conyers
Ehlers
Fallin
Johnson, E. B.
Kennedy
Kingston
Kirk
Lewis (GA)
Linder
Markey (MA)
McIntyre
Miller, George
Neal (MA)
Obey
Rahall
Rooney
Shea-Porter
Smith (TX)
Stupak
Sullivan
Tierney
Velázquez
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1518

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McINTYRE. Madam Speaker, during rollcall vote No. 433 on June 24, 2009, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. ROONEY. Madam Speaker, on rollcall No. 433, I was in a meeting and unavoidably detained. Had I been present, I would have vote "yea."

Mr. CONAWAY. Madam Speaker, on rollcall No. 433, I was in a meeting of constituents and unavoidably detained. Had I been present, I would have voted "yea."

Mr. RAHALL. Madam Speaker, on rollcall No. 433, had I been present, I would have voted "yea."

MOTION TO ADJOURN

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

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

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

RECORDED VOTE

Mr. KING of Iowa. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 36, noes 381, not voting 16, as follows:

[Roll No. 434]

AYES—36

Bartlett
Barton (TX)
Blackburn
Boehner
Broun (GA)
Carter
Chaffetz
Connolly (VA)
Garrett (NJ)
Gingrey (GA)
Gohmert
Granger
Hastings (WA)
Hensarling
Issa
Johnson (IL)
Johnson, Sam
King (IA)
Kingston
Lewis (CA)
Manzullo
Marchant
Massa
Olson
Price (GA)
Richardson
Sensenbrenner
Sessions
Shadegg
Souder
Spratt
Stearns
Thornberry
Tiahrt
Westmoreland
Young (AK)

NOES—381

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
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
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
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
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
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (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
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—16

Campbell
Conyers
Davis (IL)
Hinojosa
Kennedy
Lewis (GA)
Linder
McDermott
Minnick
Obey
Payne
Rush
Shea-Porter
Stark
Stupak
Sullivan

□ 1535

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. PRICE of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2892, and that I may include tabular material on the same bill.

The SPEAKER pro tempore (Mrs. DAVIS of California). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 573 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2892.

□ 1536

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, with Ms. DEGETTE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from North Carolina (Mr. PRICE) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Madam Chair, I am pleased to present the fiscal year 2010 Homeland Security Appropriations bill, as reported by the Homeland Security Appropriations Subcommittee. It is the product of extensive information gathering and analysis, with 15 hearings touching every Department of Homeland Security component. The bill provides the resources and the direction that the Department needs for the coming fiscal year.

This bill also reflects our subcommittee's tradition of bipartisan cooperation initiated by its first chairman and now ranking member, HAL ROGERS. I want to thank the distinguished ranking member for his advice and help on making this a better bill, and to his staff, too, for working so closely and constructively with us. We agree on most of this bill, if not every item, and I believe this is a bill that every Member in this body can get behind.

In total, the bill contains $42.625 billion in discretionary appropriations for the Department of Homeland Security. This is $2.6 billion, or 6.5 percent, above the comparable fiscal year 2009 amount, and about 1 percent below the administration request, excluding Coast Guard overseas contingency operations. This level reflects our share of the $10 billion cut made in the budget resolution to the administration's overall request.

Homeland security requires identification and response to all threats, whether man-made or natural. This ''all-hazards'' approach is the hallmark of our subcommittee, an approach we are happy to see President Obama and Secretary Napolitano embrace. The persistent threat of pandemic flu is an unmistakable reminder of why we must prepare for all hazards, as is the annual and predictable onslaught of natural disasters, from hurricanes and floods to wildfires and ice storms. Accordingly, this bill will enable our government to better protect the American people against all major threats.

Appropriately for the start of hurricane season, the bill maintains a robust $844 million for FEMA management and administration, and $2 billion for disaster relief. In addition, the bill and report specifically place FEMA at the forefront of disaster response management, thereby avoiding confusion when working with our State and local partners.

State and local emergency managers and first responders are equal partners in disaster preparedness and response, and I am pleased that the administration's budget request recognizes this important partnership. This bill strengthens our commitment to our State and local partners by providing $3.96 billion for grant and training programs, including: $330 million for Emergency Management Performance Grants, our one true all-hazards grant program; $950 million for State homeland security grants; $887 million for the Urban Area Security Initiative, which targets the highest risks of terrorism; and $800 million for firefighter assistance grants.

Within that $800 million for firefighter assistance grants, $420 million is for SAFER staffing grants, or personnel grants, and $380 million is for basic equipment and training grants. The additional funding for SAFER is part of a targeted and temporary effort to stem the tide of layoffs and ensure our communities are protected by an adequate number of firefighters.

In addition to the increased funding, the supplemental appropriations bill just passed allows the waiver of certain restrictions and broadens the use of SAFER to allow the grants to be used for the hiring, rehiring and retention of firefighters for fiscal years 2009 and 2010.

Madam Chairman, one could make an argument for increasing nearly any account in this bill; but since we can't spend the whole Federal Treasury on homeland security, we must base our priorities on risk. The subcommittee has done this with respect to the identification and removal of illegal aliens who have committed crimes; in other words, illegal aliens who have proven their capacity to do harm in our communities.

The bill continues the tradition of recent bills by targeting $1.5 billion of Immigration and Customs Enforcement appropriations for this priority, an effort that the President and Secretary Napolitano wholeheartedly support.

Part of this funding furthers development of the Secure Communities program, which offers a productive approach for Federal immigration agents to work closely with State and local law enforcement while distinguishing the traditional Federal role of enforcing immigration law from the local role of prosecuting criminal violations. We have heard from many law enforcement and community groups about the importance of keeping a bright line between immigration enforcement and local community policing, and the Secure Communities program does just that.

Taking on the international drug cartels along our southwest border is another major priority we support in this bill. The bill enhances funding for CBP and ICE to combat illegal narcotics smuggling from Mexico and the cartels' trafficking in weapons and bulk currency. The bill supports a realistic and strategic approach to southwest border infrastructure and maintains a historically robust Border Patrol force.

Other specific priorities we have funded included: $800 million for explosive detection systems at airports and $122.8 million for air cargo security to meet the 100 percent screening requirement for air cargo in the hold of passenger planes by August of 2010; $804 million to continue developing systems to screen inbound land- and sea-based cargo for weapons or nuclear materials, which includes $162 million to strengthen overseas operations to monitor and target cargo; $241.5 million for the Coast Guard to support overseas contingencies in the Persian Gulf and off the coast of Somalia; $382 million for cybersecurity, to help protect vulnerable computer infrastructure from the escalating sophistication and intensity of cyberattacks; and $10 million above the administration's request to expand the Alternatives to Detention program nationwide. Alternatives to Detention is a cost-effective alternative for low-risk individuals such as asylum seekers, families, and the elderly.

The bill includes several policy items requested by the administration. It clarifies fee authorities for temporary protected status petitions and visa fraud investigations; it extends the E-Verify program for 2 years; and it continues a longstanding provision related to imported prescription drugs.

As it did last year, this bill contains Member-requested and Presidential earmarks. Each Member's project has

been vetted by DHS and deemed eligible, if part of a grant program, or consistent with the Department's mission otherwise.

□ 1545

We did have to reduce earmarks by 5 percent below last year's level.

This is a good bill, one I hope every Member will support.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I yield myself such time as I may consume.

Let me start, Madam Chairman, by commending the chairman on putting together a thoughtful bill. I also want to sincerely thank him for listening to our concerns on this side and for continuing this subcommittee's traditions of bipartisanship, professionalism and, where possible, accommodating the minority's interests.

However, I must also express my grave concern over an issue that casts a long and sad shadow over this important bill. The fact that we are not here today debating this bill under an open rule breaks with long-cherished traditions concerning appropriations bills.

I, for one, am outraged that today's debate on the critical issue of homeland security has been arbitrarily constrained. Such dictatorial tactics are contrary to the very purposes of this Chamber and our legislative process. To add insult to injury, the majority also denies the ability of a hard-working member of our subcommittee, the gentleman from California, and even the ranking member of this subcommittee, to offer amendments on E-Verify. Both amendments were clearly in order, and both amendments pertain to a critical issue that is germane to this bill. To deny us the ability to offer such legitimate amendments is a complete travesty.

Now, as to the FY10 bill, Chairman PRICE has already discussed many of the details, so I will refrain from repeating them. But I think it is important to note that with this bill before us today, the chairman has significantly improved the hand that we were dealt by the administration, a hand that included an extremely late and bureaucracy-laden budget request with huge increases for policy and administrative offices at headquarters at the expense of operations, and also a somewhat tightened 302(b) allocation that is nearly a half billion dollars below the budget estimate. These conditions present a somewhat mixed picture about how this new administration and the current House leadership are prioritizing security nearly 8 years after 9/11.

Indeed, I find it incredibly ironic and disappointing that just 2 weeks ago President Obama released a 77-page strategy on stopping the Mexican drug cartels that professes the need to enhance our intelligence and drug interdiction capabilities, yet his FY10 budget only marginally increases Homeland's intelligence office and Border Patrol and actually proposes cuts to Customs and Border Patrol's operational assets and Coast Guard personnel. This is a prime example of where the President's rhetoric doesn't match reality.

Given the current threat environment, now is not the time to short-change our investment in security and leave our front-line personnel in the lurch wanting for the tools required to fulfill their mission.

Now, having said all that, I do think the chairman has endeavored to make up for these deficiencies by somewhat scaling back on the administration's plans for more bureaucrats, making some prudent enhancements to operations and producing a pretty good bill for FY10. That's not to say it is absolutely perfect. There are some areas where I would have changed and am concerned about.

One of the concerns I have is the bill's funding levels for operational and surveillance assets. While the chairman has made some enhancements to operations, more could and should be done to equip our operators in the field. With a drug war raging in Mexico and the drug supply lines bustling from South America, we must not only step up operations along the southwest border, but also increase our interdiction efforts in the source and transit zones.

Second, I would be remiss, Madam Chairman, if I didn't clarify my position on a piece of language contained in the report accompanying today's bill. On page 49, the report says ''that ICE must have no higher immigration enforcement priority,'' referring to the identification and removal of criminal aliens. Now, I know the issue of criminal aliens is near and dear to Chairman PRICE's heart, as it is mine. Over the past 2 years, I have supported his efforts in this regard with one major caveat, that an emphasis upon criminal aliens will not come at the expense of other critical immigration and enforcement functions. Every time I hear someone on the other side of the aisle profess that ICE should have no higher immigration enforcement priority than criminal aliens, I must remind them that not one of the 9/11 hijackers could be classified as so-called ''criminal aliens'' and that all of the 9/11 terrorists exploited the legal immigration system. So immigration enforcement matters to our homeland security, and we must not lose sight of that fact.

Now, in addition to these concerns, I think it is imperative that the homeland security implications of closing the Guantanamo Bay facility be thoroughly addressed. So I am thankful that through a bipartisan effort during our committee markup we adopted my amendment to require the Department to conduct a thorough threat assessment for each and every Guantanamo detainee, to add their names as well to the no-fly lists, and prevent the possibility of immigration benefits being used as a loophole that could lead to the release of these detainees into the United States.

This is a deadly serious issue. We need to know the threat posed by a possible transfer of these terrorists to both our hometowns and to susceptible inmate populations in our prisons across our country. And this need to know is exacerbated by the fact that the President is moving forward with detainee transfers and resettlements as we speak, ignoring Congress' bipartisan, bicameral calls for better planning and risk analysis. The adoption of that amendment is a prime example of how this body can work together in the name of responsible oversight and security, and I believe it's an absolutely vital addition to the bill.

Madam Chairman, it is my hope that we can continue to address these issues and further improve what I believe to be a well-crafted bill. While I have made it clear that it is my intention to support this bill, I will also continue to voice my suggestions for how it can be strengthened.

In closing, let me again voice my disappointment and indignation with the majority's decision to close down a full and open debate on today's bill. This misguided decision by the Democrat leadership clouds what should be a thorough discussion of the safety and security of our Nation.

I look forward to working with the chairman of the subcommittee and the committee as we continue to move the bill through the 2010 process, a process that I hope can salvage some vestige of the long-standing and cherished traditions of open and fair debate.

Madam Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield myself 1 minute, to be followed by 4 minutes for a colloquy. But before we go any further in this debate today, I do want to pay tribute to our staff by name. These staff members have worked day and night for weeks now up to the committee markup, and now up to this floor consideration.

Our chief clerk, Stephanie Gupta, Shalanda Young, Jeff Ashford, Jim Holm, Will Painter, Adam Wilson, Matt Behnke; and from my staff, Paul Cox, who spends full time on Homeland Security matters. On the minority side, the able minority clerk, Ben Nicholson, as well as Allison Dieters. We need to again and again thank these staff members, these true professionals, for the way they back up our work.

And now, Madam Chairman, I would like to yield 4 minutes to the gentleman from Colorado (Mr. POLIS) for purposes of a colloquy.

Mr. POLIS. I thank and congratulate Chairman PRICE for his hard work on this legislation. My colleague, Congresswoman ROYBAL-ALLARD, and I would like to engage the chairman in a colloquy for the purpose of highlighting the funding for alternatives to detention in H.R. 2892.

Over the last decade, the United States has spent billions of dollars in the detention of hundreds of thousands of mostly noncriminal immigrants and

asylum seekers. There are, however, viable alternatives to our current detention system, and they are generally more affordable and humane than detention itself.

It is not surprising that Immigration and Customs Enforcement, ICE, has also recognized the need for alternatives to detention, such as the Intensive Supervision Appearance Program (ISAP) and the Enhanced Supervision and Reporting Program, which includes electronic monitoring. The Homeland Security Appropriations Act for fiscal year 2010 funds these smarter and less expensive means of enforcing our immigration laws, allocating $74 million to expand alternatives to detention programs nationally.

I yield to Congresswoman ROYBAL-ALLARD.

Ms. ROYBAL-ALLARD. Mr. POLIS, I share your concerns about the financial cost of detention, and I am also distressed by the impact our current policies have on families and communities.

Every year, hundreds of thousands of noncriminal immigrants are held in detention. Many of these immigrants are detained for months or years in one of several hundred detention facilities in the country. They often face significant challenges like inadequate access to medical care, legal assistance, and other necessary resources. Separated from their families and communities, they may languish in isolation and fall into depression. In some cases, entire families are held in prison-like conditions. I believe we can do better and have introduced legislation to address many of these concerns.

I commend Chairman PRICE for recognizing the importance of funding alternatives to detention, a major step towards reforming our detention system.

Mr. POLIS. I yield to Chairman PRICE.

Mr. PRICE of North Carolina. I want to thank Representative POLIS and Representative ROYBAL-ALLARD, a fine, hardworking member of our subcommittee, for the work they've done on this issue, for highlighting the financial cost and the human impact of ICE'S current detention policy. I, too, believe we can do better.

While the average cost of detention is about $100 per person per day, alternative programs such as telephone reporting, unannounced home visits, local office reporting, and electronic monitoring cost, on average, less than $20 per person per day and are very successful. According to a recent ICE analysis of the program, the Intensive Supervision Appearance Program currently has a 99 percent total appearance rate for all immigration hearings, a 95 percent appearance rate at final removal hearings, and a 91 percent compliance rate with removal orders.

This program has been successful at pilot sites in Colorado, California, Maryland, Kansas, Florida and Pennsylvania; so, therefore, I sought funding to expand it. Our bill increases the budget for alternatives to detention programs by 16 percent above the President's request.

Mr. POLIS. I thank the chairman for highlighting more cost-effective and humane alternatives to detention and for recognizing the financial and human costs of our current detention system. I want to applaud his leadership as well as that of my colleague, Representative ROYBAL-ALLARD from California, on this important issue.

Mr. PRICE of North Carolina. Madam Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I yield 3 minutes to a very hardworking member of our subcommittee, the gentleman from California (Mr. CALVERT).

Mr. CALVERT. I would like to thank Chairman PRICE and Ranking Member ROGERS for crafting a very thoughtful bill for fiscal year 2010, the Homeland Security Appropriations bill. And I appreciate the recognition of the Air and Marine Operations Center, which is located in my congressional district. AMOC has been foremost in aviation-oriented law enforcement operations and coordinates our operations in the United States. It plays an integral role in protecting us from attack from drug and gun smuggling across our borders.

However, I was disappointed that the extension of E-Verify was reduced from the President's request of 3 years to 2 years. The House overwhelmingly passed a 5-year reauthorization last year, and I think many people would support a permanent reauthorization of E-Verify.

During full committee markup of the bill I offered an amendment but was repeatedly told that a reauthorization of E-Verify would be part of a comprehensive immigration reform bill, which simply makes no sense. A reauthorization of a voluntary program that has existed for 13 years should not be part of an immigration reform debate. Perhaps my friends on the other side of the aisle are confusing reauthorization with mandatory participation in E-Verify, which I support, of course.

However, the thousands of businesses that use E-Verify to comply with existing Federal law and the two States that have made it mandatory deserve assurance that the program will continue to be available.

□ 1600

Furthermore, I would like to clear up some misconceptions about the E-Verify program, which seem to be endlessly repeated.

E-Verify is 99.6 accurate. That's right, only .4 percent of tentative nonconfirmations are an error in the data. E-Verify is free to employers. It does not cost anything other than the minutes it takes to sign up for the program to use the system.

My friends on the other side of the aisle repeatedly state that 10 percent of naturalized citizens receive a tentative non-confirmation. I would like to deliver some good news: That statistic is now down to 6.1 percent. So that means 93.9 percent of naturalized citizens are immediately cleared to work. Of the 6.1 percent that received the tentative non-confirmation, they only need to call a toll-free number to rectify their information.

Other than my disagreement with the length of the reauthorization, I was also disappointed that an amendment I offered in the Rules Committee was ruled out of order. My amendment would have allowed Members to vote on whether the executive order requiring Federal contractors to use E-Verify should not be delayed again. The executive order has been delayed three times for dubious reasons.

Secretary Napolitano has signaled her support for E-Verify, and the people running E-Verify have declared they are ready with the Federal contractor requirement. When it comes to doing business with the Federal Government, which is funded by the American taxpayer, the use of E-Verify should be mandatory.

In closing, I would like to reiterate my support for the bill, but with strong reservations about the majority's actions that has severely restricted amendments and has shut down a once open process.

Mr. PRICE of North Carolina. Madam Chairman, I yield 2 minutes to another fine member of our subcommittee, Mrs. LOWEY.

Mrs. LOWEY. Madam Chair, I would like to thank the gentleman from North Carolina for writing a strong bill that provides much-needed funding for critical initiatives, several of which I would like to mention.

Emergency communication gaps remain for many first responders. The bill includes $50 million for interoperability grants, $45 million for the Office of Emergency Communications, and $80 million for Command, Control, and Interoperability research and development. These important programs will benefit first responders in all of our communities.

The bill also includes $887 million for the Urban Area Security Initiative, nearly $50 million more than FY09. This is the only program designed to exclusively assist high-risk urban areas such as New York, and I thank the chairman for substantially increasing its funding.

However, I would be remiss if I did not mention the Securing the Cities Initiative, which is not funded in the bill. This program seeks to prevent the smuggling of illicit nuclear material into Manhattan. The threat of a radiological attack and New York's status as the number one terror target remains, and I hope the bill signed into law includes money for securing the cities. I know there are concerns due to the length of the project and unspent

funds, but I do believe we must do everything we can to prevent what President Obama has called the most immediate and extreme threat to global security.

This is still a good bill, and I thank the gentleman from North Carolina for everything he has done to ensure that our first responders, particularly those in high-risk areas, are prepared for future emergencies.

Mr. ROGERS of Kentucky. Madam Chairman, I yield 3 minutes for the purpose of a colloquy to the gentleman from Washington State, Mr. HASTINGS.

Mr. HASTINGS of Washington. Madam Chairman, I thank my friend from Kentucky for yielding, and I rise to engage in colloquy with Chairman PRICE.

Mr. Chairman, as you quickly know we are quickly approaching the August 2009 deadline to screen 100 percent of the cargo transported on passenger airplanes. I commend you and Ranking Member ROGERS for your work to provide adequate funding to help TSA meet the important requirements without slowing commerce.

The cargo screening requirement has already gone into effect at the Seattle-Tacoma International Airport in the Northwest and other major west coast airports. Cherry growers in my district, who transport half of the cherries they export on passenger aircraft, will only be able to ship their fruit in a timely manner this season because TSA has committed to bringing in resources from other parts of the country. This will not be possible once the 100 percent requirement goes into effect nationwide.

As you know, Madam Chairman, perishable items like cherries can be harmed by screening equipment and even delayed in getting to market. Canine teams have been identified as the most workable way to screen cherries and other perishable items. I was pleased to work with Ms. JACKSON-LEE of Texas and Mr. ROGERS of Alabama to offer an amendment to the TSA authorization bill earlier this month to increase the number of canine teams used for air-cargo screening by no less than 100 teams. This amendment passed the House by a voice vote.

Now, while the TSA authorization bill has yet to be signed into law, Mr. Chairman, is it your intention that TSA utilize funds provided in this bill to train additional canine teams? And I yield.

Mr. PRICE of North Carolina. I thank the gentleman, and I certainly recognize the important role that canine teams play in screening perishable items like fruits and vegetables. It's my intention that TSA use a portion of these funds to train additional canine teams for air-cargo screening.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Chairman, I would like to thank you for this clarification and again, for the ranking member, Mr. ROGERS, and for your attention to this important issue. I look forward to continuing to work with you to ensure that the 100 percent air-cargo screening requirement is met 100 percent without unnecessarily harming cherry growers.

Mr. PRICE of North Carolina. Madam Chairman, I yield 3 minutes for the purpose of a colloquy to the gentleman from Illinois (Mr. HARE).

Mr. HARE. I rise for the purpose of entering into a colloquy with the chairman of the subcommittee.

Mr. Chairman, I welcome a colloquy with my distinguished colleague. Mr. Chairman, as you know, my district is home to many levee districts along the Mississippi River.

On February 25, 2009, the Federal Emergency Management Agency issued a new policy on rehabilitation assistance for levees. Under this new policy, levee districts are prohibited from receiving FEMA assistance for flood cleanups, debris removal and dewatering. Instead, the burden for funding critical flood control activities is being shifted away from FEMA to the Corps of Engineers even though, as I understand it, the Corps does not have the authorization or the funding to reimburse the levee districts for these activities.

My community, Mr. Chairman, is concerned that this policy leaves levees and the river communities they protect vulnerable during peak flooding seasons while many are still recovering from last summer's floods. In fact, the Illinois Emergency Management Agency recently reported that a drainage district in southern Illinois was denied reimbursement for debris removal as the direct result of this new policy.

Mr. Chairman, I have contacted FEMA to urge them to reverse the policy and continue assisting levee districts with these costs to avoid further gaps in disaster assistance.

Mr. Chairman, I understand that FEMA and the Corps are working on this issue, but if there is no resolution by the time this bill heads to conference, I may need the assistance of the chairman to resolve this matter.

Mr. PRICE of North Carolina. Well, I thank the gentleman from Illinois for recognizing this important issue. The FEMA policy on levee assistance was intended to clarify the roles and responsibilities of Federal agencies in providing critical flood recovery work.

I understand that the gentleman and the other members of the Illinois delegation have concerns that the policy may not be accurate in its accounting of Federal responsibility and may have the unintended consequence of leaving gaps in assistance for local communities in levee districts. As the gentleman mentioned, FEMA and the Army Corps are reevaluating the policy to ensure there are no gaps in disaster assistance.

I would like to stress this is only a policy, not a rule, so FEMA could easily make adjustments to this document. If changes are necessary, FEMA should do so in consultation with the Army Corps to ensure accurateness. This issue is also being evaluated with the House Transportation and Infrastructure Committee, the authorizing committee of jurisdiction.

I will monitor the issue as our bill progresses. I will work with the gentleman, the Transportation and Infrastructure Committee, and the Energy and Water Appropriations Subcommittee as we go forward.

Mr. HARE. I thank the chairman, and I thank you again for your attention to this matter. This is a matter of great importance to my district and I look forward to working with you.

Mr. PRICE of North Carolina. I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman.

I rise for the purpose of entering into a colloquy with the chairman of the subcommittee to highlight a serious concern with regard to FEMA's subcontracting practices.

Mr. PRICE of North Carolina. I welcome a colloquy with my distinguished colleague.

Mr. GARRETT of New Jersey. Thank you.

Chairman Price, I have constituents back in my district in the State of New Jersey who have highlighted a current FEMA solicitation for risk map production. What it does, it seems to shut out the small and the medium, the small medium-sized businesses. Back after Hurricane Katrina, FEMA was, rightly so, criticized for issuing sole-source contracts to three very large companies. Unfortunately, that pattern seems to be repeating itself.

I agree that updating the Nation's flood map is critical to managing and reducing the Nation's flood risk, but operating the program under a fair and an open competition, I think, will produce the best results for the district, the State and the country as well.

I yield.

Mr. PRICE of North Carolina. I thank the gentleman from New Jersey for highlighting this issue. I agree that the flood-map program is an instrumental tool in reducing the loss of life and property from floods. This subcommittee will work with the gentleman to review the recent contract solicitation.

I am committed to ensuring that DHS invests acquisition dollars in projects that are well planned, competitively awarded, well managed and closely overseen.

Mr. GARRETT of New Jersey. I appreciate the chairman's comments on that. As I said a moment ago, this is not just about the Fifth District or even the State of New Jersey, which has had a number of flooding problems in the past, but this is an important issue for fairness all across the country

to address the issue of flooding across the country as well.

Mr. PRICE of North Carolina. Madam Chairman, I would like to recognize our colleague, Mr. CUELLAR, for 2 minutes.

Mr. CUELLAR. Thank you, Mr. Chairman.

Madam Chairman, I rise in strong support of this bill and Chairman PRICE's manager's amendment, which includes an amendment that I coauthored with my friend, Mr. MARTIN HEINRICH, to reduce government waste, abuse, and inefficiency.

This simple amendment, commonsense amendment, ensures that no taxpayer dollars will be used to purchase first-class tickets for the employees of agencies funded by this bill, except in special circumstances, as allowed by law.

Madam Chairman, it goes without saying that the Federal Government should never use taxpayer dollars for extravagant luxuries and excessive spending. To say that these are difficult economic times is an understatement. There has never been a more important moment for the Federal Government to demonstrate that it is a careful steward of taxpayers' dollars and that it would not engage in frivolous and wasteful excesses.

Just as every American household has gathered around the kitchen table, finding ways to cut costs and reduce waste, the Federal Government has the responsibility to do the same. Fiscal responsibility should be a primary objective of every Member. And as a member of the fiscally responsible Blue Dog Coalition, I will continue to work with my colleagues to address the increasing national debt that we have.

However, it is important that we tackle every cost-saving opportunity, large or small, to meet that goal. I am pleased that Chairman PRICE included this amendment in his manager's amendment. I would also like to thank my colleague from New Mexico, Mr. HEINRICH, for working with me on this issue, and for his dedication on cost-saving issues.

I don't see Mr. HEINRICH here, so I would conclude my remarks.

Mr. PRICE of North Carolina. I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, could I inquire of the time remaining.

The CHAIR. The gentleman from Kentucky has 14 minutes remaining and the gentleman from North Carolina also has 14 minutes remaining.

Mr. ROGERS of Kentucky. I yield 4 minutes to one of our hardest-working members of our committee and subcommittee, the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Thank you, Mr. Chairman. I want to thank Mr. PRICE of North Carolina.

Our Subcommittee on Homeland Security is, I think, a terrific example of how the Congress ought to operate. I am one of the most dedicated fiscal conservatives in the House. Our subcommittee is made up of people of very strong beliefs on both sides of the aisle, but we don't work in that committee with regard to party. We don't even mention party labels. I have done my best to really erase that term from my language and focus on what's fiscally conservative and fiscally liberal.

But this committee really has to work on what is good for the Nation. We have to work together in a way, I think, that has—I hope the leadership of the Congress would use the work of this subcommittee, the work of all the subcommittees on Appropriations, as a model.

It's important, I think, for this Congress in this time of record debt and deficit to do what's right for the country, do what's right for the kids and our grandchildren, and focus on ways to be fiscally responsible. At a time of record debt and deficit, at a time when the national debt is now approaching $11 trillion, at a time when the deficit is at record levels, at a time when the new President has laid out a budget and foresees record debt and deficit as far as the eye can see, we in the Congress have a special responsibility to be guardians of the Treasury, do everything in our power to control spending and avoid unnecessary increases in spending.

And the Homeland Security bill in front of the Congress today is one that was again put together by our subcommittee, Mr. ROGERS, working with Chairman PRICE. Everybody in the subcommittee participated. I am very grateful to you, Chairman PRICE, for working so closely with all of us and putting this bill together.

□ 1615

Without the increase for bioshield, the funding level for Homeland Security is about what—actually, below the level of inflation. At a time when we are under attack from foreign terrorists who are going to use any means at their disposal to sneak into the United States to kill Americans, it's important that we do everything in our power to protect this Nation.

Homeland security is one of those areas where there are no parties' labels, where we have an obligation to work together, and we've done so on this subcommittee. We have profound concerns and differences on the overall spending levels of the appropriations bills as a whole, of the omnibus spending bill that we passed earlier this year, of the spendulus bill that was passed earlier year, of the tremendous unprecedented increases in spending we have seen in this Congress, but on this subcommittee we've all worked together.

I'm particularly pleased to follow my friend from Texas, Mr. CUELLAR. All of us in the Texas delegation have worked together so well in securing our southern border. HENRY CUELLAR and I were elected together, and CIRO RODRIGUEZ, who serves on the subcommittee with me, who represents the Del Rio area.

HENRY and CIRO and I were elected to the Texas legislature in 1986. That friendship that we formed from 1986 has served us well today. And we've worked together in establishing a program called Operation Streamline, a zero-tolerance program where we are enforcing in Texas existing law, with largely existing resources, to arrest and prosecute essentially everybody that crosses the border illegally between Del Rio and Zapata County, with a result that the crime rate has plummeted. In Laredo, they have seen about a 60 percent drop in the crime rate; in Del Rio, over 70 percent drop in the crime rate; and the lowest level of illegal crossings since they began to keep statistics.

This is a piece of good news the Nation needs to hear, that our border is far more secure in Texas because we're enforcing existing law, applying common sense, and working together in a partnership between State and local authorities and the Federal authorities.

We have, in Texas, I think, demonstrated that Texas, we always keep Texas first in our minds regardless of party. And I want to thank the chairman and our ranking member for putting together a bill that focuses on national security and includes the interests of all Members from all parts of the country.

Mr. PRICE of North Carolina. Madam Chairman, I would like to yield 2 minutes to one of our outstanding new Members from Florida, Ms. KOSMAS.

Ms. KOSMAS. I rise today in support of the 2010 Homeland Security Appropriations Act, a bill that will improve the safety and security of our cities, ports, borders, and air travel.

This bill also provides important funding for our first responders on the front lines of emergencies through State and local grants, including the Metropolitan Medical Response System. I would like to thank Chairman PRICE and Ranking Member ROGERS for including my amendment to increase funding by $4 million for this vital program in the manager's amendment.

Increasing funding over fiscal year 2009 will help ensure that high-threat, highly populated communities such as the Orlando metropolitan area will be better prepared to respond when faced with emergencies, whether it be a terrorist attack, an epidemic disease outbreak, or a natural disaster.

The MMRS program assists 124 highly populated jurisdictions across the country in their efforts to coordinate among law enforcement, fire, EMS, public health, and emergency management agencies. It allows these jurisdictions to develop response plans, conduct training and exercises, and acquire personal protective equipment to respond most effectively to emergency situations.

I believe, and I think we all believe, that preparedness is the key to mitigating disasters, and this additional funding will ensure that our local

emergency responders will be better able to protect their citizens and to reduce damages.

Mr. ROGERS of Kentucky. Madam Chairman, I yield such time as he may consume to a hardworking Member of this Congress, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I do thank the gentleman from Kentucky for yielding me this time. I want to say, first of all, and express my appreciation to Chairman PRICE and to Ranking Member ROGERS. They certainly are two of the hardest working Members we have in this Congress and two men whom I admire the most and for whom I have the greatest respect.

I want to say that, overall, I think these leaders have produced a very good bill, particularly in regard to aviation security. That's something in which I have a great interest because I did chair the Aviation Subcommittee for 6 years, and I know they have greatly increased the security at the airports and so forth.

In fact, I will be offering an amendment a little bit later that does freeze the appropriation for the Air Marshal Service, which I do feel, as one high-ranking TSA official told me 2 days ago, is sort of gilding the lily. And I think it's a very unnecessary, useless part of the Federal Government and of this bill.

But, overall, I think it's a very fine bill. And I particularly want to thank Chairman PRICE and Ranking Member ROGERS for the work that they're doing in regard to cybersecurity, because from everything that I have read over these last few years, that is going to be one of the areas that is going to be the most troublesome to this country in the years ahead.

And so, Madam Chair, I will simply say that I want to express my appreciation to Chairman PRICE and Ranking Member ROGERS, and particularly the staff that has worked so hard on this legislation.

Mr. PRICE of North Carolina. Madam Chairman, I yield 2 minutes to the gentlewoman from Arizona (Mrs. KIRKPATRICK).

Mrs. KIRKPATRICK of Arizona. Madam Chairman, I rise to engage Chairman PRICE of the Homeland Security Subcommittee in a colloquy.

Mr. PRICE of North Carolina. I am pleased to enter into a colloquy with my distinguished colleague from Arizona.

Mrs. KIRKPATRICK of Arizona. Madam Chairman, Mr. Chairman, over the past several years we in the Southwest have witnessed a dramatic rise in illegal activity along our border. The new leadership at the Department of Homeland Security is committed to cracking down on this problem, and Federal law enforcement on the ground is doing an excellent job of putting the new plan into action.

One organization with a pivotal role in our border efforts is Customs and Border Protection, CBP, Air and Marine, which provides critical air support to CBP officers and Border Patrol agents. This air support is an unrivaled resource in our fight to keep our borders safe.

Unfortunately, I have repeatedly heard frustration from agents in my district that air resources are in short supply and are often not available to agents on the ground.

Mr. Chairman, it is important that we work to resolve this issue, whether by better management of existing resources or by increasing those resources. Therefore, as this bill heads toward conference, I ask your support in making sure these important questions are addressed and answered.

Mr. PRICE of North Carolina. I appreciate the gentlewoman's strong commitment to securing our Nation's borders and her hard work on this issue as a Member from a border State and a member of the authorizing committee on Homeland Security.

I assure her I will work with her to provide information about how it meets requests for air support on the border, as well as any program changes or resources required to optimize CBP Air and Marine effectiveness at the border.

Mrs. KIRKPATRICK of Arizona. Reclaiming my time, I wish to thank the distinguished chairman and his staff for working with me on this important issue.

Mr. ROGERS of Kentucky. Madam Chairman, I would like to recognize now for such time as he may consume the ranking Republican on the full Committee on Appropriations, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Thank you very much for yielding me the time. I really rise for a couple of reasons to speak generally about this bill.

First is to say that the two people who are providing the leadership for this bill are as fine of members of the Appropriations Committee as there are. Chairman PRICE is one of those people who digs into issues, does his homework. He treats people in a fair and balanced way. Beyond that, he's a fabulous person to be associated with in the Appropriations Committee.

HAL ROGERS, on the other hand—let's see, what can I say about HAL ROGERS? A wonderful Member from Kentucky, who also in this arena knows as much about this subject as anybody that I know.

One of the things that's disconcerting to me about this bill, for it is one that perhaps addresses the most important area of responsibility we have, that is, protecting our homeland. Combine this bill with our national security measure and that is our national defense and America's ability to protect freedom in the world. But, indeed, it's interesting to note that at a subcommittee meeting recently, I spent some time dealing with another bill, an area that the public isn't always so supportive of, namely, the foreign assistance or foreign aid bill.

And it came to my attention in this process and exchange that the foreign aid bill that will be coming to the floor very soon is approximately $10 billion more than our Homeland Security bill. Think about that.

We're in a condition where people, to say the least, here at home are pressed to the wall, all kinds of concerns besides the economy, concern about our security here at home. And they don't always stand up intently to say we've got to be sending our money overseas in the form of foreign aid. In this arena, the Homeland Security bill has almost $10 billion less in it than the foreign aid bill. Now, it's a very interesting commentary, to say the least.

Beyond that, let me mention to both the chairman and the ranking member, California, of course, has lots of border. Later on, I will have an amendment relative to border security. But, indeed, I know many of the Members who are listening to this discussion today are worried about their own borders in their home territory.

If we cannot advance technologically and by way of funding our ability to protect our homeland and be dead serious about it, projecting over a 10-year period, then we're making a very big mistake in this House.

The work that's done by our chairman and our ranking member has produced a very fine product. They really have balanced, within the limited means that they have, the priorities that I think I would apply myself. But, indeed, I want the Members to know that there is still a lot of work to do.

And, one more time, congratulations to both HAL ROGERS and to our chairman.

Mr. PRICE of North Carolina. Madam Chairman, I would like to yield 2 minutes to a distinguished subcommittee member from the authorizing committee, our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I offer my appreciation to the appropriators, Mr. PRICE and Mr. ROGERS, and would ask that as we make our way through this process that we continue to collaborate and work on issues that will move forward the whole issue of security and safety.

Quickly, I would hope that as we move through conference we'd have an opportunity to ensure that the Office of Risk Management is, in fact, the lead office that analyzes the issue of risk, risk-based assessment as it relates to security.

But, Mr. Chairman, Chairman PRICE, I would like to speak to you specifically about the Transportation Security Authorization bill, which just about a week or so ago was passed with a reemphasis or a new emphasis on the security of surface transportation.

We know that just a few days ago we had an enormous tragedy here in Washington, D.C. That question may have fallen upon the issue of safety, but it could have been an issue of security, an issue dealing with terrorism. And we

know, as it relates to the Department of Transportation safety inspectors for rail, pipeline, and highway, there are over a thousand of them; but as it relates to security, transportation security, a mere 175.

Of course, you know I had an amendment that would have simply moved $4 million in order to ensure that we would have an increase in safety or security inspectors under the Transportation Security Administration pursuant to the legislation that was passed by this House.

I would like to continue to work with the appropriators as this bill moves toward conference and moves toward the Senate. And I would ask the chairman, I would like to yield to him, that we have a focus on the authorizing language that says that we need to do more with respect to security for surface transportation, rail, buses, trains, and other resources, and work with him to ensure that we would have dollars to increase the number of transit security inspectors.

I yield to the gentleman.

□ 1615

Mr. PRICE of North Carolina. I thank my colleague for her good work on this issue and her very effective pointing out of our unmet needs in the area of surface transportation security. I do, indeed, pledge to work with her as we move toward conference to see what kind of resources we can identify.

Ms. JACKSON-LEE of Texas. I thank the chairman.

Mr. ROGERS of Kentucky. I yield 2 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Madam Chair, last night we were in Rules on, I believe, a very important amendment that Mr. MINNICK and I offered. It was really to save jobs; and it was also really to put a hold on what was happening with Homeland Security and also what was going on with the folks at Customs, trying to put forward a regulation, a rule that's going to put Americans out of work.

At the same time it's also not only going to put Americans out of work, but we're looking at 35 million Americans that have a certain type of knife. I do not believe that a rule should be done that Congress in 1958 defined what a certain type of knife was. So last night of course we were there, and we shouldn't have been there. We should have been here on an open rule and with an amendment on the floor and not in the Rules Committee because this is important.

Again, as I said, this is going to cost jobs, jobs at the Buck Knife Company up in the northwest part of the United States—hundreds of jobs. It's estimated that over 4,000 individuals in this country could be affected just in the knife industry alone. Not only those 4,000 individuals there, but there is about 20,000 other ancillary jobs out there. That's why it's so important we should be talking about this. But unfortunately, again, where we were last night, we weren't doing what we should have been doing. We should have had the amendment here on the floor because I believe it's absolutely important that we make sure the House is headed in the right direction, the way it should be going; and that's through the process that we should be in, the normal process, not the process that we're in today.

But I thank the gentleman for yielding because I think that the debate that we're in is very, very vital to this country.

Mr. PRICE of North Carolina. Madam Chair, may I inquire how much time we have remaining?

The CHAIR. The gentleman from North Carolina has 8½ minutes remaining. The gentleman from Kentucky has 3½ minutes remaining.

Mr. PRICE of North Carolina. We have no further speakers on the floor at this point. There may be one on the way.

I would like to reserve the balance of my time.

Mr. ROGERS of Kentucky. I yield myself the balance of my time.

You know, since 9/11 I think we've come a long way in securing the country. It's been 8 long years. Laborious tasks have been undertaken. First, the formation of the Department of Homeland Security, attempting to merge some 22 different agencies of the government into a single agency under the umbrella of the Department of Homeland Security. And yes, we've made progress—I think substantial progress—in aviation security and the protection of goods coming into the country by container box. We've made substantial gains across the board in securing our American homeland. But we're still a long way from being where we need to be.

It seems like it's been terribly slow in many of the areas that we need to work on. But you know, it's amazing to me. I was just reading a book about World War II and just how quickly the Nation responded to the attack on Pearl Harbor, 1941. In just 4 years, Madam Chair, half the time since 9/11, the Nation geared up and produced 6,500 ships. It produced some 300,000 airplanes, hundreds of thousands of tanks and rifles, ammunition, warships, liberty ships, transport ships, thousands upon thousands of howitzers and weapons of war in just 4 short years. And we've had double that time since 9/11 to gear up for the protection of the country from the newest threat in the globe.

And yes, I am disappointed at times about the progress that we lack. But I've got to say that we've got some very brave people in all these agencies that now make up the Department of Homeland Security, that take their responsibilities deadly serious. They work hard; they don't get much thanks from anyone for the good work that they do; and we should take a moment the next time we go through an airport and thank that TSA worker or that Coast Guard worker or that FEMA helper in our home districts. I recently had the great opportunity to thank the FEMA response to a terrible flood in my district over Mother's Day weekend. But we need to thank these people because they don't get much of that, and they are doing a great service in defending us on our home turf.

With that, Madam Chair, I yield back the balance of my time.

Mr. PRICE of North Carolina. I want to thank our distinguished former chairman and ranking member for those remarks. He is a student of history, as he's just demonstrated. He came to this subcommittee as its founding chairman with a great deal of understanding of just how big this challenge was after 9/11, bringing these 22 agencies together, but also with an instinct for how to put it all together and make this department work. We've made great strides. I agree with him also on the work yet to be done, of course, but over these 7 years we can look back on considerable progress.

Mr. ROGERS talked about the careers of civil servants and others, the Border Patrol agents, Coast Guard men and women, the people who staff these agencies every day. One of the benefits of the process we had this year, holding more broad-gauged hearings before we had a budget and before we had the agency heads in place, was for us to get a closer look at some of these career people and the good work they've done. We took a broader look at agency operations and gained some appreciation for what is being achieved and a better fix on some of the things that we need to improve.

I hope and believe that our bill reflects that experience. It has been put together in a cooperative fashion. We look forward to taking it on from the House today and, by the start of the new fiscal year, being ready to put the program we envision in place. We're delighted to work with the new Secretary and the President's appointees at the agencies who are now assuming their roles. This bill today, I'm confident, is a very positive step in the process of putting this department's program together in cooperation with the new administration for the benefit of all Americans.

Mr. TIAHRT. Madam Chair, I rise today to express my concern regarding the provisions of this bill relating to the National Bio- and Agro-defense Facility, NBAF. The threats facing this country are numerous and varied. With the intention of closing the research facility at Plum Island, NY, it is imperative that a new research facility be constructed as quickly as possible.

This is one of the many reasons why officials at the Department of Homeland Security selected Manhattan, Kansas, as the site for the new NBAF research center. Kansas State University is already home to a Biosafety Level 3, BSL 3, research facility, which means that right this minute the Plum Island facility could be relocated, with minimal disruptions in its critical research.

Construction is ready to begin on the new BSL 4 NBAF facility. State and local funding is already in place to assist in the development of the facility. The only thing lacking is action by those in Washington.

This bill, however, ignores not only the requests made by myself and other Members representing the great State of Kansas, but

also the decision of the Department of Homeland Security. By not funding NBAF, this bill leaves our nation and its food supply vulnerable to dangerous diseases, including Rift Valley Fever and African Swine Fever. Furthermore, it allows live cultures of these and other dangerous diseases to remain in facilities at Plum Island that DHS defined as, ''reaching the end of its life cycle.''

In refusing to fund construction on the new NBAF site in Manhattan, the Committee raised concerns over the risk of diseases, particularly Foot-and-Mouth Disease, FMD, being released into the heart of livestock country. On that issue let me point out that DHS was aware of this risk when Manhattan, Kansas, was selected as the new site, and is already taking steps to address these concerns by an anticipated threat assessment which should be released shortly.

I sincerely hope that as this bill works its way towards the Conference Committee that funding for construction of the new NBAF facility can be included. I have spoken with the Chairman and Ranking Member, and have their assurances that once these concerns are addressed, they will take steps to fund this critical program. I look forward to working with my colleagues on the Committee to ensure that our nation remains protected from dangerous diseases.

Ms. ROYBAL-ALLARD. Madam Chair, I rise today in strong support of the fiscal year 2010 Homeland Security Appropriations bill.

One of our government's foremost duties is to protect the American people.

Fulfilling that critical mission falls to the men and women of the Department of Homeland Security and, as Members of Congress, we have an obligation to provide them with the resources they need to meet the challenge of defending our nation.

Ably led by Chairman DAVID PRICE and Ranking Member HAL ROGERS, the Homeland Security Subcommittee has crafted legislation that does just that. It allocates more than $42 billion to equip our Border Patrol officers, baggage screeners, customs agents and Coast Guard captains to successfully combat the threats America faces.

Like President Obama, we understand that even in a tough fiscal environment, with so many pressing priorities competing for the same scarce tax dollars, the Department deserves funding that reflects the scale of its responsibilities.

Of course, our success in meeting America's security challenges depends on more than the size of the Department's annual appropriation. Just as important is the strength of its planning and the effectiveness of its leadership.

Accordingly, the bill provides a sound blueprint for responsibly managing an organization that encompasses more than 200,000 employees at 22 different agencies. Drawing on the expertise of GAO, the DHS Inspector General and stakeholders both in government and private industry, the legislation successfully matches resources and risks, ensuring a balanced approach to protecting our most sensitive infrastructure. For example, in the wake of the London and Madrid bombings, it will ensure that our vulnerable transit systems are no longer neglected by providing $103 million for surface transportation security.

Just as importantly, the bill also takes meaningful steps to address the injustices inherent in our broken immigration system.

Under the previous administration, instead of pursuing violent felons, Immigration and Customs Enforcement, ICE, elected to fill its arbitrary quotas by seeking out working immigrants who posed no threat to their communities. Since 2002, the deportation of noncriminals has increased by 400 percent while criminal deportations are up only 60 percent. This bill sensibly shifts ICE's primary enforcement target from families to felons.

In addition, the bill responds to reports of asylum seekers denied medical attention and children subjected to lonely nights in border jails by imposing stronger oversight on detention centers and expanding alternatives to incarceration for vulnerable immigrants.

These provisions are vitally important and they point to perhaps the bill's greatest strength: the recognition that we can protect the American people without violating their rights or compromising our ideals.

I thank the Chairman and his staff once again for their excellent work on this crucial legislation and urge its swift passage.

Mr. VAN HOLLEN. Madam Chair, I rise in support of the Homeland Security Appropriations Act of 2010. This bipartisan legislation funds the homeland security priorities of the country and strengthens our commitment to our state and local homeland security partners.

To help address the unique security needs of our high-risk urban areas, such as the Washington Capitol Region, the bill requests $887 million for Urban Area Security Initiative grants. These grants fund the security services and equipment needs of the nation's highest-threat, high-density areas and helps to ensure that our state and local leaders have the resources they need to protect these areas from terrorist attack.

In addition to appropriating funding to secure our passenger rail and air and sea ports, the bill provides funding for interoperable communications and for the nation's emergency operation centers. For our firefighters and other first responders, the bill adds $800 million for assistance grants for training and equipment. These funds will also be used to stem the tide of layoffs that are weakening our fire services and putting the public's safety at increased risk.

The House considers this bill just two days after the Washington Capitol Area experienced one of the worst passenger rail tragedies in our nation's history. We owe a debt of gratitude to the first responders who arrived from across the region to provide aid and comfort to the victims of this tragedy.

By funding these and other important programs, the Homeland Security Appropriations Act of 2010, helps make our country more secure in times like these. I encourage my colleagues to join me in support of this vital piece of legislation.

Mr. PRICE of North Carolina. Madam Chair, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment shall be in order except the amendments printed in part A and B of House Report 111–183, not to exceed four of the amendments printed in part C of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, and not to exceed one of the amendments printed in part D of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee. Each amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. An amendment printed in part B, C, or D of the report may be offered only at the appropriate point in the reading.

After consideration of the bill for amendment, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

The Clerk will read.

The Clerk read as follows:

H.R. 2892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $147,427,000: *Provided*, That not to exceed $60,000 shall be for official reception and representation expenses, of which $20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC.

PART A AMENDMENT NO. 1 OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 1 offered by Mr. PRICE of North Carolina:

Page 2, line 9, after the dollar amount, insert ''(reduced by $17,000,000)''

Page 2, line 18, after the dollar amount, insert ''(increased by $5,900,000)''.

Page 5, line 20, after the dollar amount, insert ''(increased by $4,900,000)''.

Page 39, line 21, after the dollar amount insert ''(increased by $7,000,000)''.

Page 40, line 10, after the dollar amount insert ''(increased by $3,000,000)''.

Page 40, line 14, after the dollar amount insert ''increased by $3,000,000)''

Page 40, line 20, after the dollar amount, insert ''(increased by $4,000,000)''.

Page 44, line 25, after the dollar amount insert ''(increased by $10,000,000)''.

Page 45, line 1, after the dollar amount insert ''(increased by $10,000,000)''.

At the end of the bill (before the short title), insert the following:

SEC.__. None of the funds made available under this Act may be used to close or transfer the operations of the Florida Long Term

Recovery Office of the Federal Emergency Management Administration located in Orlando, Florida.

SEC.__. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC.__. No funds appropriated by this Act may be used to impose any negative personnel action against any Department of Homeland Security employee who engages with the public in the course of the employee's duties, for the use of surgical masks, N95 respirators, gloves, or hand sanitizer.

The CHAIR. Pursuant to House Resolution 573, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Madam Chair, I yield myself as much time as I may consume.

My amendment, I believe, is noncontroversial. It includes a number of amendments put forth by other Members that we believe would be good additions to the bill, including: First, additional funding for the Firefighter grant program that draws on proposals from Representatives ALTMIRE, PASCRELL, AUSTRIA, PETER KING and BIGGERT; additional funding for nonprofit security grants, from Representatives COHEN and WEINER; additional funding for the Metropolitan Medical Response System, from Representative KOSMAS; additional funding to implement the Western Hemisphere Travel Initiative, from Representative MITCHELL; ensuring that DHS employees who interact with the public can use personal protective equipment without negative personnel action, from Representative LYNCH; a prohibition on funds in this bill being used for first-class travel, with certain exceptions, from Representative CUELLAR; and a prohibition of funds in this bill from being used to close or transfer operations of a FEMA recovery office, coming from Representative HASTINGS.

All increases are appropriately offset elsewhere in the bill. While the bill includes earmarks in it, which have been properly disclosed according to House procedures, this amendment does not contain any congressional earmarks. I ask Members to support this amendment.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chair, I rise to claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Madam Chair, it saddens me that the longstanding cherished traditions of debate within this Chamber have come to this—a so-called manager's amendment that is more about limiting the time on today's debate and placating the interests of Democrats than truly improving this bill. So I rise in opposition to this amendment, not on the substance of the amendment itself, mind you, but on the flawed and misguided procedure under which it is being offered. We seldom do manager's amendments on appropriations bills on the floor; and when on the rare occasion that we have, it's been a true manager's amendment, one that is noncontroversial and bipartisan. This amendment meets the interests of nine Democrats, and the minority was never consulted on the substance and construction of this amendment—never.

Furthermore, this amendment includes a provision that would be subject to a point of order during a normal debate to make this provision in order, then included in this flawed amendment. And finally, denying other Members the right to offer their amendments that were clearly germane and in order, including one of this ranking member. It's beyond the pale.

The majority also denies the ability of a hardworking member of our subcommittee, and myself as well, an opportunity to offer an amendment on E-Verify, the way that employers in this country can be sure that an applicant for work is not an illegal alien. Both amendments were clearly in order. Both amendments pertain to a critical issue that's germane to this bill. To deny us the ability to offer such legitimate amendments is a complete travesty, especially in light of this amendment before us.

So it is clearly not a manager's amendment, in my view. Instead, it's a vehicle for the majority to further ramrod this bill off the floor through what is perhaps the most closed and arbitrarily constrained debate I have seen in my 28 years or so in Congress.

□ 1645

I am very troubled by the road the majority is heading down with actions such as this, actions that muddle what should be an open debate on one of the most critical bills that this body will consider this year. Today should be about our homeland security, not partisan politics.

I urge Members to reject this flawed procedure and oppose this misnamed manager's amendment.

Madam Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I would like to yield 1 minute to one of the sponsors of one of these amendments that has been included in this chairman's amendment, Representative ALTMIRE, who has been working very hard on the firefighter grant program.

Mr. ALTMIRE. I thank the chairman for yielding.

I want to highlight the one provision which I worked hard to put into this manager's amendment. I can think of few that are more deserving and in need of support under this Homeland Security bill than our Nation's first responders. In particular, volunteer firefighters represent all walks of life and are part of the fabric of nearly every community in this country.

The most important source of Federal assistance for our local firefighters is the Assistance to Firefighters Grant Program that has provided for so many fire companies over the years. Volunteer firefighters make every sacrifice for our communities and are always on call; so it's the very least we can do to make certain that they're as safe and well protected as possible.

That's why I add the language to this bill to shift $10 million in funding over to the firefighter grants program. This funding will help hundreds of fire companies across the Nation make the necessary equipment and vehicle upgrades that are so critically needed.

I thank the chairman for including in the bill my language to increase funding for our Nation's volunteer firefighters, and I ask my colleagues to support it.

Mr. ROGERS of Kentucky. Madam Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I would like to yield 1 minute to the gentleman from Tennessee (Mr. COHEN), who likewise is the initiator of one of our amendments.

Mr. COHEN. Madam Chairman, this amendment, which I appreciate being incorporated into the manager's amendment and was also sought in a similar fashion by Mr. WEINER of New York, would include language to increase funding to the Urban Areas Security Initiative Nonprofit Security Grant program. The Urban Areas Security Initiative Nonprofit Security Grant program is an important program that helps fund support for the not-for-profits that could be subject to attack. Nonprofit organizations often are like hospitals, which are vital to our communities' ongoing security and safety, especially if there is an attack that can spread terror and havoc on a community if they are attacked. And if you have research facilities attacked, there are other concerns in the community. The nonprofit entities can include hospitals and historic landmarks.

In my community of Memphis, which I hope has an opportunity to share, there's the Med, there's St. Jude Children's Research Hospital, and other great hospitals. New York has many too; and that's why Mr. WEINER, I think, was interested in this. And the terror that could be spread by attacking a museum or a library and sending panic through the community could be very disastrous to the well-being of the people in that community and in the Nation.

So hopefully the increase in this funding will help our cities secure their funds and secure their facilities. I would like to thank the chairman for the addition of the funding and the support for the additional $3 million for the Urban Areas program. I would like to thank Mr. PRICE and the committee for their work in including it in the manager's amendment.

Mr. PRICE of North Carolina. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I object to this amendment on procedural grounds. It's not a bipartisan amendment as manager's amendments are supposed to be, so I urge a ''no'' vote.

Mr. LYNCH. Madam Chair, I thank the gentleman from North Carolina for his work on this bill. I also thank the Chairman for incorporating my amendment into the manager's amendment and for giving me time to speak.

My amendment to H.R. 2892, the Department of Homeland Security Appropriations Act would afford D.H.S. workers the right to voluntarily don and access personal protective equipment (PPE), including surgical masks, the N–95 respirator, gloves and hand sanitizer without fear of reprisal.

Given the reluctance on the part of D.H.S. to address the voluntary use of personal protective equipment amidst the H1N1 flu outbreak, as Chair of the Federal Workforce Subcommittee, it has fallen on my shoulders to ensure the health and safety of Federal employees—especially frontline Federal workers at D.H.S. who are tasked with the tremendous job of keeping the American public safe.

In my opinion it is unconscionable that our workers have been repeatedly denied the use of these protective items—and even threatened with disciplinary action for attempting to protect themselves from a communicable disease that has resulted in the World Health Organization, WHO, declaring its highest pandemic alert possible—Phase Six. Further, it is alarming that D.H.S. has been unable—or unwilling—to issue and to distribute comprehensive, written guidance on the voluntary usage of PPE to its own employees during a public health emergency.

Federal workers such as Transportation Security Officers, TSOS, U.S. Customs and Border Patrol Officers and Border Patrol Agents, and ICE Agents who work in high risk areas and come in contact with thousands of individuals per shift deserve better. C.B.P. Officers working at the Laredo, Texas port of entry and the Otay Mesa port of entry in San Diego, CA, can screen over 5,000 individuals per shift and have been routinely threatened for asking to wear masks. The nineteen-month-old baby of an ICE agent in Miami, Florida, who works at the Krome Immigration Service Processing Center which has six confirmed H1N1 flu cases, has been diagnosed with the H1N1 virus. I simply cannot fathom why these workers are not being supported, but I am committed to ensuring that common-sense policies are implemented at D.H.S.

It is essential that Federal agencies implement adequate and uniform worker protection policies for the employees who protect the Nation as part of their daily duties. These are the very employees who will be called upon to respond in the event of an emergency. Without such policies, not only is the health of front line employees being put at risk, but the health of their families and the general welfare of the public is also placed at risk. In short, the Federal Government cannot ably respond to emergencies if the very personnel needed as part of that response are themselves compromised.

I thank Chairmen PRICE and THOMPSON for their support of this amendment.

Mr. ROGERS of Kentucky. Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ROGERS of Kentucky. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

PART B AMENDMENT NO. 5 OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. LEWIS of California:

Page 2, line 9, after the dollar amount, insert ''(reduced by $6,000,000)''.

Page 2, line 18, after the dollar amount, insert ''(reduced by $14,000,000)''.

Page 3, line 7, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 3, lines 14 and 16, after each dollar amount, insert ''(reduced by $18,000,000)''.

Page 5, line 20, after the first dollar amount, insert ''(increased by $34,000,000)''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from California (Mr. LEWIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Madam Chairman, as I proceed with this amendment, I want to one more time associate myself first with the remarks of my ranking member regarding the manager's amendment but, in turn, express my deep respect and appreciation for the two gentlemen handling this bill. Chairman PRICE and my colleague from Kentucky have worked very professionally together and I think this House would be served well if we extend it to all of our subcommittees.

The amendment which I have at the desk is a relatively simple amendment. I rise to restore some balance to what otherwise is a thoughtful and very constructive bill.

My amendment takes a small fraction of funding, increases recommended for administrative expenses, and adds 200 new Border Patrol agents out of that transfer of funding, agents that will serve on the front lines of the bloody drug war raging in Mexico and produce increased security across our borders from entry by way of smugglers and people who are coming here for other sorts of contraband activities.

My amendment seeks to increase the resources for those who are charged to keep our Nation safe and secure as well as ensnare money and illegal weapons flowing southbound; resources that will fulfill the promises repeatedly made by President Obama to both the American people and the courageous Mexican Government in their fight against the cartels.

In fact, it was just 2 weeks ago that the President unveiled a new strategy on securing the southwest border and fighting the cartels, a strategy that calls for sustained enhancements to border security and counternarcotics activities.

The President's budget request calls for only 44 new agents. That's right, only 44 new agents. Contrast that with the 2,500 additional agents this Congress funded just last year; 44 new agents in this bill, 2,500 additional agents last year. How can we support such a flattening of this crucial security asset? How can we risk a reduction in the size of the Border Patrol when our border security needs are so great and the agent attrition rate is now creeping up to about 11 percent?

The decision to fund what is essentially a current services budget for Border Patrol comes in conjunction with a request for more than a 30 percent increase in administrative, policy, and bureaucratic functions at DHS. Talk about getting your priorities all wrong. Think about that, 11 percent versus 30 percent. Clearly a higher priority ought to be given to border security by way of more personnel.

At a time of such obvious need in the face of a bloody and all too real drug war, now is the time to follow through on border security, not plateau and rest on our laurels.

As Ranking Member ROGERS has often pointed out, Chairman PRICE has done a laudable job scaling back the President's request for more bureaucrats and made some rather prudent enhancements to operations in this bill. However, the Border Patrol agents are not increased above the request, and I think it is something this Chamber should weigh in on heavily.

So my amendment seeks to add 200 agents while asking the DHS administrative offices to get by on no more than a 14.8 percent increase, an increase that is more than sufficient and one that many of us probably think is too high during the current fiscal climate.

My amendment simply asks what's more important: resources to provide our operators and watch guards in the field or added bureaucracy? We have all read the terrible stories of the brutal murders in North Mexico. Let's follow through on our commitment to secure our borders, stop the advance of the cartels' influence, and improve on our homeland security.

I urge the Members to support this amendment.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. LEWIS of California. I'd be happy to yield.

Mr. ROGERS of Kentucky. I want to congratulate our leader for this very adequate amendment that will help us on the border where the drug war wages, and we can use that personnel. The meager increases in the number of agents the gentleman has referred to in the bill needs to be increased, and the gentleman's amendment does just that, and I congratulate him and support it fully.

Mr. LEWIS of California. I appreciate very much my colleague's speaking on my amendment.

Madam Chairman, I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, this is an amendment that the Department of Homeland Security did not request and does not support.

I do, however, want to salute the distinguished ranking member for his support of the Border Patrol. That support is widely shared in this body, on both sides of the aisle. But as the honorable ranking member knows, this committee has been fully a part of that effort to build up the Border Patrol. We're second to none in supporting, on a bipartisan basis, robust increases in Border Patrol numbers in recent years. We have dramatically enhanced border enforcement measures overall.

Since the start of the 110th Congress, we have funded an increase of 5,100 agents. That's a 33 percent increase over the number funded through 2007. By October of this year, CBP will have 20,019 Border Patrol agents. That's more than double the workforce in 2003.

A level of 20,000 agents has been a bipartisan goal. Both the current and the prior administrations used it as a target. Indeed, the Republican majority in its report on the 2007 DHS authorization bill affirmed this when they wrote, and I'm quoting: ''It's estimated that a force of 18,000 to 20,000 agents will be necessary along with implementation of border technologies to secure the Nation's borders.'' So this amendment does somewhat move the goal posts in the middle of the game, you might say.

The amendment ignores the fact that CBP can't absorb this unplanned increase. They are right this minute pulling out all the stops to hire before October another 760 Border Patrol agents as well as 250 mission support staff to ensure that agents are out patrolling and not sitting behind desks. This is not the time to burden the recruitment system with unrequested new agents, not to mention to impose unfunded costs for their vehicles and facilities and ID support.

Just a word, Madam Chairman, about the offsets. The amendment uses as an offset several management accounts, about 5 percent cuts in most of these areas. It doesn't seem so bad until you realize that when this bill came to the floor, we were already more than 10 percent below the administration's request in this account. The Chief Information Officer takes the largest cut. We are already $39 million below the request for this office, and cuts here would undermine key efforts to improve information security and reduce risks at the Department's data centers. So cutting more funds now means less core support for Department operations, less oversight, more waste, and an even longer road to getting the DHS the American taxpayers deserve.

For all these reasons, Madam Chairman, I urge my colleagues to defeat this amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. LEWIS of California. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART B AMENDMENT NO. 8 OFFERED BY MR. KING OF NEW YORK

Mr. KING of New York. Madam Chairwoman, I have an amendment at the desk that was made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. KING of New York:

Page 2, line 9, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 2, line 18, after the dollar amount insert ''(reduced by $45,000,000)''.

Page 58, line 15, after the dollar amount insert ''(increased by $50,000,000)''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from New York (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Madam Chairman, I ask unanimous consent that Representative CLARKE be listed as cosponsor of this amendment.

The CHAIR. The Chair cannot entertain that request at this time.

Mr. KING of New York. Madam Chairman, I yield myself 1 minute.

I insert into the RECORD a letter dated June 4, 2009, to Chairman PRICE and Ranking Member ROGERS from virtually every law enforcement first responder head in New York, Connecticut, and New Jersey.

NEW YORK REGIONAL JOINT WORKING GROUP ON SECURING THE CITIES,

JUNE 4, 2009.

Subject: FY2010 Appropriations for Securing the Cities Program

Hon. DAVID E. PRICE,
Chairman, Committee on Appropriations, Subcommittee on Homeland Security, Rayburn House Office Building, Washington, DC.

Hon. HAROLD ROGERS,
Ranking Member, Committee on Appropriations, Subcommittee on Homeland Security, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN PRICE AND RANKING MEMBER ROGERS: We are writing to urge you to include $40 million to fund the Securing the Cities (STC) program in your markup of the FY2010 Department of Homeland Security appropriations bill. This funding would be equal to the FY2008 appropriation for the program.

Securing the Cities is a vital, federally funded effort to protect New York City from the threat of an improvised nuclear device or a radiological dispersal device (a ''dirty bomb''). The program involves equipping many different agencies in New York, New Jersey, and Connecticut with state-of-the-art mobile radiation-detection equipment, training them in its proper use, and leveraging existing technology and infrastructure to deploy a permanent defensive radiation-detection ring around New York City.

The STC program is the only federal initiative designed specifically to protect a U.S. city from a radiological or nuclear terrorist attack, which President Obama has called, ''the most immediate and extreme threat to global security.'' We never saw the program as a ''pilot,'' as some have suggested, but as an operational model, developed to protect the city that suffered the most on September 11, 2001, and that continues to be at the top of the terrorist threat list.

Since the STC program was proposed by the Department of Homeland Security in 2006, we have:

begun taking delivery of approximately 4,500 units of radiation-detection equipment;

prepared to train all of our response personnel in the proper use of the equipment;

conducted three full-scale exercises in which radioactive materials were intercepted by our agencies;

developed detailed operational nuclear-interdiction plans for the region;

begun developing the fixed radiation-detection systems that will be installed on bridges and tunnels into New York City;

and, begun to implement a situational awareness system that will ultimately allow us to track and swiftly interdict radiological threats anywhere in the region.

All of the money appropriated since FY2007 has been programmed, and most of it has been obligated. We expect to complete the purchase of our situational awareness system, developed with FY2007 funding, by the end of this year; we have begun taking delivery of radiation-detection equipment purchased with FY2008 funds; and, we have submitted our application for FY2009 funds. Additional funding is necessary to complete the final stages of development of the fixed radiation-detection system, which is on the verge of becoming operational, and to establish wireless connections among and between our mobile systems.

The STC program was designed as a joint federal, state, and local initiative with significant investments and commitments at all levels. Federal STC funding only pays for a fraction of the cost of the total program. For example, the STC program benefits from the absorption of manpower and operational costs by state and local agencies. STC also leverages major existing New York City investments, including the fiber-optic lines that will be run to New York City bridges and tunnels as part of the Lower Manhattan Security Initiative and New York City's wireless network (NYCWiN). The total cost of the STC program as seen by Congress does not account for these significant outlays at the state and local level.

Together, the STC partners represent three layers of government, three states, 60 counties, and over 80 law enforcement agencies. In our view, the STC program is an extraordinary example of interagency and intergovernmental collaboration, and one of the most successful DHS programs in existence. Zeroing this program out, as the President's FY2010 Budget has mistakenly proposed, would do great harm to the security of New York as well as the quality of our agencies' partnership with DHS. We understand the need for fiscal restraint in the current financial climate. However, this critical investment will ensure that law enforcement and

emergency response agencies have the resources needed to protect our nation's largest city from the most damaging terrorist threat imaginable.

For these reasons, we urge you to appropriate funding to the STC program at a level equal to the FY2008 appropriation—$30 million for acquisitions and $10 million for research, development, and operations. We welcome the opportunity to brief members of your staff on the progress of this program either in the New York region or in Washington, DC.

We appreciate your consideration of this request.

Sincerely,

Raymond W. Kelly, Commissioner, Police Department, City of New York;

Nicholas Scoppetta, Commissioner, Fire Department, City of New York;

Harry J. Corbitt, Superintendent, New York State Police.

Colonel Joseph R. Fuentes, Superintendent, New Jersey State Police;

Colonel Thomas Davoren, Deputy Commissioner, Connecticut State Police;

Lawrence W. Mulvey, Commissioner of Police, Nassau County Police Department;

Richard Dormer, Commissioner, Suffolk County Police Department;

William A. Morange, Deputy Executive Director, Metropolitan Transportation Authority;

Denise E. O'Donnell, Deputy Secretary for Public Safety, New York State/Commissioner, NYS Division of Criminal Justice;

Thomas G. Donlon, Director, New York State Office of Homeland Security;

James F. Kralik, Sheriff, Rockland County Sheriff's Office;

Thomas Belfiore, Commissioner-Sheriff, Westchester County Police Department;

Richard L. Cañas, Director, New Jersey Office of Homeland Security and Preparedness;

James M. Thomas, Commissioner, Connecticut Department of Emergency Management and Homeland Security;

Samuel J. Plumeri, Jr., Director of Public Safety/Superintendent of Police, Port Authority of New York and New Jersey;

Steven W. Lawitts, Acting Commissioner, Department of Environmental Protection, City of New York;

Thomas R. Frieden, Commissioner, Department of Health and Mental Hygiene, City of New York;

Joseph F. Bruno, Commissioner, Office of Emergency Management, City of New York and;

Janette Sadik-Khan, Commissioner, New York City Department of Transportation.

□ 1700

Madam Chairlady, the King-Clarke bipartisan amendment restores $40 million for the Securing the Cities Initiative, a vital homeland security program which prevents terrorist attacks which are based on nuclear or radiological material, primarily in the form of dirty bombs. I should point out that a nearly identical amendment had the support of this House in 2007 by a majority of more than 2–1.

Securing the Cities is a networked ring of radiological detectors on highways, toll plazas, bridges, tunnels and waterways leading into and out of New York City. It is the only Department of Homeland Security program dedicated to protecting cities and surrounding regions against the nuclear threat of dirty bombs.

Madam Chair, this successful program is an operational model which can be replicated in cities and suburbs throughout the country. The proposed cut in funding for Securing the Cities would seriously undermine further implementation of needed nuclear and radiological detection capability.

The WMD Commission, a bipartisan commission, warned in December of 2008 that nuclear and biological terrorism was not only a serious threat but a likely threat.

The CHAIR. The time of the gentleman has expired.

Mr. KING of New York. I reserve my time.

Mr. PRICE of North Carolina. Madam Chairwoman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I want to first commend my New York colleagues, particularly NITA LOWEY, JOSÉ SERRANO and STEVE ISRAEL, all on the Appropriations Committee, for promoting Securing the Cities and the work that it has made possible in their State. Indeed, their tireless advocacy for New York's regional security has resulted in notable increases in grant allocations to regional governments and first responders.

New York State homeland security grants rose from $27 million in 2006 to $112 million in 2009. That is a four-fold increase. And New York's Urban Area Security Initiative grants grew from $124 million in 2006 to $145 million in 2009. It remains the largest recipient of urban area funds.

I couldn't agree more that Securing the Cities is a valuable pilot program demonstrating how State and local Governments could develop, with Federal agencies, an architecture to prevent a nuclear or radiological attack on New York. But I must emphasize that Securing the Cities is a 3-year pilot project, and this period is over. DHS requested no 2010 program because it is already positioned to accomplish its goals as a pilot program. So what we have here today is, in effect, an earmark for New York.

The next steps are to conclude the program, assess the results, and identify candidates of future pilots, if any, outside of New York. Funding remains available for New York to continue this program well into 2010. About 84 percent of the 2009 funding and 10 percent of the 2008 funding are presently unobligated. Award decisions for these funds are pending with one quarter left in the fiscal year. DHS knows of no unfunded requirements for this program. Remaining balances will enable New York to transition from a pilot to an ongoing regional operation. And that is what needs to happen.

Adding money to continue a completed pilot is not the answer. New York surely does not want to be dependent on year-to-year appropriations amendments to continue this vital protective function. This needs to move to a sustainment mode, run by New York and its partner communities. It needs to identify funding sources that can be used for this purpose, including these urban area security grants, of course, the Transit Security grants, and others. The New York area has received about $1.4 billion through these grants since 2003 and can expect about $298 million in new funding this year.

The amendment also earmarks $10 million for new radiation portal monitors. But here again, there is no identified requirement for additional funding. The ability to put this to use in 2010 is highly questionable.

The amendment's offsets, $5 million from the Office of the Secretary and Executive Management and $45 million from the Under Secretary For Management, are particularly troubling. We are already well below the request in these areas. We have trimmed salary increases. We rejected new investments in departmental facilities. Cutting more funds will result in a longer road to getting the Department of Homeland Security the American taxpayers deserve.

So I appreciate the intention of this amendment. I certainly appreciate the achievements of the Securing the Cities program. We know that this is a vital program and that these protective functions are important. But for that very reason, we need to get away from an earmark, and get away from a pilot program, and put this on the sustainment mode.

It is in that spirit and for that reason that I ask my colleagues to oppose this amendment.

I reserve the balance of my time.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Ms. CLARKE) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The Committee resumed its sitting.

Mr. KING of New York. Madam Chair, I recognize the gentlelady from New York, the cosponsor of the amendment, and a really zealous fighter on this issue, Ms. CLARKE, for 90 seconds.

Ms. CLARKE. Madam Chairman, I would like to thank Ranking Member KING for yielding. I want to urge Members of the House to support the King-Clarke amendment to the fiscal year 2010 Homeland Security Appropriations Act, H.R. 2892. Neither the President's budget request for fiscal year 2010 nor H.R. 2892 includes funding for the Securing the Cities Initiative. This initiative has created the department's Domestic Nuclear Detection Office, which is charged with directing the Nation's capability to detect and report

unauthorized attempts to develop or transport nuclear or radiological materials.

This amendment restores the Federal commitment to this critical antiterrorism initiative and funds it.

Since coming to Congress in 2001, I have worked with my colleagues on homeland security to protect our Nation against dirty bomb threats. In fact, my bill, the Radiological Materials Security Act, would help secure domestic sources of radiological materials that could be used to make a dirty bomb.

We recognize that in the 21st century there are many very technical ways, many technologically advanced ways, in which communities across this Nation can sustain attack. And we are stating through this amendment today that this program has created a protocol that is a model for the Nation.

So I urge my colleagues as we continue to grow in the 21st century and protect our critical cities and infrastructure that we will redirect funds to this particular program and that you will vote this amendment in order.

Mr. PRICE of North Carolina. I will continue to reserve.

Mr. KING of New York. Madam Chair, I yield 90 seconds to the gentleman from California and the ranking member on the committee, Mr. LUNGREN, 90 seconds.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Madam Chair, some may wonder why someone from California would be here supporting an amendment that appears to be directed towards assisting the other side of the country. It is because of the success of the program to this point. That is, this is not only for the City of New York, but it is for that entire region, and I believe it has shown how it can be replicated in other parts of the country. Also, the greatest concern I have of an attack by terrorists who wish to do us ill would be a nuclear attack of some sort in one of our major metropolitan areas.

The interdiction capabilities of this program could prevent a bomb from entering New York or from leaving the city to head to other parts of the region or Nation. And its lessons, I think, can help other cities around the country where similar initiatives could be implemented. And importantly, and this was used as a point of criticism I believe by the chairman, this amendment would provide $10 million for the procurement of radiation portal monitors, not just in the New York area, but from around the country. It seems to me that because of the success of this program, because of its opportunity for duplication and replication in other parts of the country, this is a worthy amendment.

I believe that these initiatives are designed to save lives. They are, in fact, not just regional but national in scope and deserve national support.

Radiation detection cannot be taken lightly. We must ensure that the federal commitment to a dedicated funding stream is there. So I would urge support of this amendment in restoring funding to the Securing Our Cities project, a critical national initiative and one of a kind.

Mr. KING of New York. Madam Chair how much time remains?

The CHAIR. The gentleman has 1 minute remaining.

Mr. KING of New York. Madam Chair, I yield myself the balance of my time.

Madam Chair, this initiative is extremely essential not just for New York but the entire Nation because it is very much expected that the next attack upon a major city will be launched from the suburbs, whether it is New York, Los Angeles, Chicago or wherever.

Now, on the issues raised by the chairman, I have great respect for the chairman. The fact is all of the 2008 funds have been designated. All of them, once all the materials come in, will be paid. Every penny has been designated.

Similarly for 2009, that money has been designated as well. There was a delay, not because of New York City, but because the department took so long in getting out the application. Once they were out, the city applied, and the money has been allocated and has been designated.

When the chairman mentioned the increase in New York funding since 2006, he picked 2006. That was the year that New York was cut by 40 percent. So that is really not a good barometer to be using. The fact is New York is the number one terrorist target in the country. New York remains the number one terrorist target in the country. My district lost well over 100 people on September 11. We dread the thought of another attack, certainly a nuclear attack.

This program works. I urge the adoption of the amendment.

Mr. PRICE of North Carolina. How much time is remaining, Madam Chairman?

The CHAIR. The gentleman has 90 seconds remaining.

Mr. PRICE of North Carolina. Madam Chairwoman, I will close and have no further speakers. But I do want, once again, to commend the gentleman for the spirit in which he offers this amendment and the zeal with which Members whom we all know and respect, like Mr. ISRAEL, Mr. SERRANO and Mrs. LOWEY, protect their cities and have defended this program.

We take a backseat to no one with respect to those efforts. We understand New York's unique needs and how successful this pilot program has been.

As a matter of fact, though, the money for carrying out the remaining aspects of this program is already in the pipeline. And these very arguments for the importance of this program are exactly why we need to take a more long-term approach and get away from a pilot program, get away from yearly amendments, yearly earmarks, and make this part of our permanent, long-term protective efforts. Of course, we will work with the New York delegation to find the resources that will let them do just that.

So I pledge my cooperation in that endeavor.

I hope the spirit of this opposition is well understood. We do want to work on this matter. We just believe that this amendment is not the right approach. And therefore we do ask for its defeat.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. KING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KING of New York. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

PART B AMENDMENT NO. 1 OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. BILIRAKIS:

Page 2, line 9, after the dollar amount, insert ''(reduced by $1,700,000)''.

Page 15, line 20, after the dollar amount, insert ''(increased by $1,700,000)''.

Page 17, line 16, after the dollar amount, insert ''(increased by $1,700,000)''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Florida (Mr. BILIRAKIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. BILIRAKIS. Madam Chair, I yield myself as much time as I may consume.

I rise to offer this important amendment which will help increase our Nation's visa screening capabilities overseas to stop the entry into our country of terrorists, criminals, and others who may wish to do us harm.

As a member of the Homeland Security Committee and a ranking member of the Subcommittee on Management, Investigations and Oversight, I have come to understand the importance of being proactive in strengthening our homeland security. At the same time, I have also become concerned about the inadequacies in the screening process and background checks conducted on those seeking temporary admission to our country.

While many visa seekers simply want to come here to study or work and comply with the terms of their visas, some do not. And some, as we tragically saw on 9/11, want to enter our country to wage war against us.

□ 1715

That's why we need to strengthen the process by which temporary visitors

are screened prior to their entry into the United States. Congress recognized this weakness and created the Visa Security Program, which places Immigration and Customs Enforcement personnel overseas at risk locations to more carefully screen and investigate visa applicants.

This important terrorist detection program allows ICE to proactively investigate and review visa applications to identify potential terrorists or criminal suspects before they gain entry into the United States. That is the key.

Unfortunately, the administration did not seek increased funding for this valuable program in its budget request. While I am pleased that the bill we are considering today ensures that a portion of the funding for this program will be reserved to open several new visa security units in high-risk locations, I think we should provide additional resources to accelerate ICE's plan for expanding to other critical locations, which is what my amendment does.

ICE currently operates 14 visa security units overseas. My amendment increases funding for the Visa Security Program by $1.7 million which will allow ICE to stand up an additional visa security unit. ICE has identified additional locations for new units but has not yet opened its units in these areas, largely due to the resource constraints.

To offset this increase, my amendment would take a corresponding amount from the Office of the Secretary, which under this bill receives $147 million, a $24 million increase over fiscal year 2009, including $3 million for establishing a new intermodal security coordination office that largely will duplicate existing department efforts.

We must be mindful of the way we spend our scarce resources. When it comes to security, we must avoid creating more bureaucracy and ensure that we are allocating funds where the risk is greatest. This amendment will help do that and ensure that the department is operating as effectively and efficiently as possible.

My amendment will provide needed resources to keep terrorists out of the country while still allowing sufficient funding for establishing an office for which the need is questionable.

I urge all of my colleagues to help strengthen our Nation's homeland security by supporting this amendment.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I want to salute the gentleman for a well-thought out and wise amendment. I will support the amendment, and I hope it wins.

Mr. BILIRAKIS. I reserve the balance of my time.

The CHAIR. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no obligation.

Mr. PRICE of North Carolina. Madam Chairman, I rise also to thank the gentleman for this amendment, which would increase the budget for the ICE Visa Security Program by $1.7 million. This addition would be offset by corresponding reductions to the Office of Secretary and Executive Management, but not a devastating cut.

The committee has fully funded the $30.2 million request for the Visa Security Program, which is $3.4 million over the 2009 appropriations level already. This program places ICE agents and investigators overseas in embassies and consulates to assist State Department officials by investigating the criminal and terrorist backgrounds of those who apply for visas to come to the United States.

The committee also expanded the program by more than 45 percent in the 2009 Appropriations Act, and I recognize its ongoing importance for the security of our country. The additional funds proposed in this amendment will allow ICE to continue to accelerate its Visa Security Program deployments in 2010. In other words, it would build in a very positive way on the progress we were making. And with this in mind, I am happy to accept the gentleman's amendment.

I reserve the balance of my time.

Mr. BILIRAKIS. I yield myself the balance of my time to close.

I want to thank the chairman and the ranking member, and I urge my colleagues to help strengthen our Nation's homeland security by supporting this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. BILIRAKIS. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $268,690,000, of which not less than $1,000,000 shall be for logistics training; and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, $6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $17,131,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $63,530,000, of which $11,000,000 shall remain available until expended for financial systems consolidation efforts.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $299,593,000; of which $86,912,000 shall be available for salaries and expenses; and of which $212,681,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: *Provided further*, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: *Provided further*, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $345,556,000, of which not to exceed $5,000 shall be for official reception and representation expenses; and of which $199,677,000 shall remain available until September 30, 2011.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $2,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $111,874,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 4,500 (4,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $7,576,897,000, of which $3,226,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.

9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $309,629,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not more than $800,000 shall be for procurement of portable solar charging rechargeable battery systems, to be awarded under full and open competition: *Provided*, That for fiscal year 2010, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

PART B AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Madam Chairman, I have an amendment at the desk made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 3 offered by Mr. KING of Iowa:

Page 5, line 20, after the first dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chair, I yield myself 2 minutes.

This is an amendment that takes a million dollars out and puts a million dollars in, and it comes from time I spent on the border and time I worked with our Border Patrol officers, our law enforcement officers on the border over the last several years. I have been down to the border, traveled along primarily the Arizona border, and had our law enforcement officers point to the pinnacles and say, There are drug lookouts, drug smuggling lookouts and people smuggling lookouts up on top of the promontories. These are the equivalent of military positions.

I have actually personally walked a map around and had them put X's on the map to show me where these lookouts are, and over time, I developed this map that I have handed to the Secretary of Homeland Security. The locations are not disputed. This is a cat-and-mouse game that is going on between our law enforcement personnel all along the border, between ICE, the Shadow Wolves, and our Border Patrol personnel.

I had a conversation with John Morton, who is the new director of ICE. He recognizes this concern. I am encouraged that this administration has taken notice of the lookouts that control the smuggling routes and tip them off when our law enforcement personnel converge in.

Sometimes they will run a decoy, and this cat-and-mouse game has got to end. No nation can maintain its sovereignty if we are going to allow military positions, lookout positions to exist. So this million dollars is at the encouragement of ICE's people as well. A million dollars will be directed at taking out these lookout sites and removing this as a tool from our drug smugglers and our people smugglers on the border.

I think it is something that is a bipartisan piece of legislation and it ends the cat-and-mouse game. By the way, their request was Congress should have a voice on this when I had that conversation with ICE. And so I encourage support for this amendment.

Mr. ROGERS of Kentucky. Would the gentleman yield?

Mr. KING of Iowa. I would be happy to yield to the ranking member.

Mr. ROGERS of Kentucky. The gentleman has worked hard on this issue and has brought forth some information that is very helpful to us, and I support the amendment he has offered and salute him for offering it.

Mr. KING of Iowa. I thank the gentleman, and I reserve my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. The amendment simply increases and decreases funding for CBP salaries and expenses by $1 million with no statutory direction.

Now, my colleague would have us understand this amendment would somehow provide funding for a targeted border enforcement effort. I must respectfully disagree. In fact, it will do nothing of the kind.

The procedure used in this amendment is meaningless, having no effect, and establishing no legislative mandate. With no statutory significance, it also will have no impact whatsoever on the conference outcome with the Senate. It neither identifies the activity being defunded nor the one being augmented.

On that basis alone, and to discourage the use of this kind of parliamentary tactic to stretch out the time for general debate, I urge colleagues to defeat this amendment.

I reserve the balance of my time.

Mr. KING of Iowa. I yield myself 1½ minutes.

I would respectfully disagree with the gentleman. As I read my amendment, I think the dialogue I heard was it increases and then decreases funding. Actually, this amendment decreases and then increases funding. I don't know if that changes the gentleman's analysis of what the amendment actually does. I don't add to this funding. I simply decrease it and then add it back in.

I would have been happy to work with some language that would have perhaps been made in order, but in order for this Congress to have a voice on these lookouts—and this is drug smugglers that hold military positions, the equivalent of military positions that have stones stacked up like sandbags and people in there with semi-automatic weapons and have their supplies brought up to them by patrols that make sure that they have food and water and sometimes other things. They come and go as they see fit. We let them sit on top of these mountains and smuggle into the United States 90 percent of the illegal drugs that are consumed in the United States of America. And accompanying that are all of the violence, the death, the things that are associated with illegal drugs.

This amendment is clearly in order, and how this Congress speaks to this amendment is how ICE and the balance of the law enforcement personnel on the border will react.

I'm asking that we simply join our voices together and ask for enforcement so we don't concede these locations to the people who are smuggling 90 percent of the illegal drugs into America.

Mr. ROGERS of Kentucky. Would the gentleman yield?

Mr. KING of Iowa. I would be very happy to yield.

Mr. ROGERS of Kentucky. Are these lookout posts on U.S. soil?

Mr. KING of Iowa. On U.S. soil.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Madam Chair, I yield myself the balance of my time in order to close.

As the ranking member from Kentucky said, this is something that I have done a lot of work on, and I am not the only Member of Congress who has gone to these lookouts. I have gone there and walked across the desert with our Shadow Wolves, for example, and had them point up and say, On that mountain, they have a position and they have state-of-the-art optical equipment, state-of-the-art radio equipment. They are watching every move that our Border Patrol, ICE, Customs and Border Protection, and Shadow Wolves are making on that southern border.

Whenever we deploy manpower, if we set up our ground-base radar that picks up humans, personnel walking across the desert, they know where our locations are. They shift their traffic accordingly. I have watched them run the decoy. I have been part of picking up

230 or 240 pounds of marijuana in one load that probably helped 2,000-some pounds go through another load.

We simply cannot tolerate in the United States of America, at least as much as 70 miles inside the United States—and I will be going down next week to look at some of these locations that are actually north of Tucson on the road to Phoenix. This is the United States of America, our sovereign territory, and playing cat and mouse with people there with semiautomatic weapons, supplies, smuggling drugs through the United States has got to stop. And this Congress should join together and, with this amendment, ask them to do so to stop that activity and defend our soil and put an end to this. It would be a very good help to dramatically reduce the amount of illegal drug smuggling into the United States.

I urge adoption of the amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KING of Iowa. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

The Clerk will read.

The Clerk read as follows:

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $462,445,000, to remain available until expended, of which not less than $267,960,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, $167,960,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $732,000,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $150,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security, reviewed by the Government Accountability Office, and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of tactical infrastructure and technology, that includes—

(1) a detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including lifecycle costs, related to the Secure Border Initiative program or any successor program, and description of the methodology used to obtain these cost figures;

(2) a description of how specific projects will further the objectives of the Secure Border Initiative, as defined in the Department of Homeland Security Secure Border Plan, and how the expenditure plan allocates funding to the highest priority border security needs;

(3) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(4) an identification of staffing, including full-time equivalents, contractors, and detailees, by program office;

(5) a description of how the plan addresses security needs at the Northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for Northern border activities;

(6) a report on budget, obligations and expenditures, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(7) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones to fully address such recommendations;

(8) a certification by the Chief Procurement Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications, that—

(A) the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A–11, part 7;

(B) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these risks, and the status of the implementation of such actions; and

(C) procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program and all contracts under such program, including the exercise of technical oversight;

(9) a certification by the Chief Information Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications that—

(A) the system architecture of the program has been determined to be sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas;

(B) the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision-makers, as well as a listing of all the program's high risks and the status of efforts to address such risks; and

(C) an independent verification and validation agent is currently under contract for the projects funded under this heading;

(10) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the Secure Border Initiative program are being addressed so as to ensure adequate staff and resources to effectively manage the Secure Border Initiative; and

(11) an analysis by the Secretary for each segment, defined as not more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control, including cost, level of operational control, possible unintended effects on communities, and other factors critical to the decisionmaking process:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on program progress, and obligations and expenditures for all outstanding task orders as well as specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations at least 15 days before the award of any task order requiring an obligation of funds in an amount greater than $25,000,000 and before the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated: *Provided further*, That none of the funds made available under this heading may be obligated unless the Department has complied with section 102(b)(1)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), and the Secretary certifies such to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds made available under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $513,826,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S.

Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2010 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

FACILITIES MANAGEMENT

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $682,133,000, of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which $279,870,000 shall remain available until expended; of which not more than $3,500,000 shall be for acquisition, design, and construction of U.S. Customs and Border Protection Air and Marine facilities at El Paso International Airport, Texas.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,311,493,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than $1,500,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which $200,000,000 shall remain available until September 30, 2011: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 30 days after the end of each fiscal quarter, on progress implementing the preceding proviso and the funds obligated during that quarter to make that progress: *Provided further*, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That of the total amount provided, not less than $2,549,180,000 shall be for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, $6,800,000 shall remain available until September 30, 2011, for the Visa Security Program: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That nothing under this heading shall prevent U.S. Immigation and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further*, That none of the funds provided under this heading may be obligated to co-locate field offices of U.S. Immigration and Customs Enforcement until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a plan for the nationwide implementation of the Alternatives to Detention Program that identifies: (1) the funds required for nationwide program implementation, (2) the timeframe for achieving nationwide program implementation; and (3) an estimate of the number of individuals who could be enrolled in a nationwide program.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of Federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2009, that the operations of the Federal Protective Service will be fully funded in fiscal year 2010 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly is engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff''): *Provided further*, That none of the funds made available in this Act may be used to modify or restructure the bureaucratic organization of the Federal Protective Service as part of U.S. Immigration and Customs Enforcement.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $105,000,000, to remain available until expended.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $11,818,000, to remain available until expended: *Provided*, That none of the funds made available in this Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain aliens unlawfully present in the United States until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,265,740,000, to remain available until September 30, 2011, of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $4,409,776,000 shall be for screening operations, of which $1,138,106,000 shall be available for explosives detection systems; and not to exceed $855,964,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, $800,000,000 shall be available for the purchase and installation of these systems: *Provided further*, That of the total amount provided, $1,250,000 shall be made available for Safe Skies Alliance to develop and enhance research and training capabilities for Transportation Security Officer improvised explosive recognition training: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That any funds collected and made available from aviation security fees pursuant to section 44940(i) of title 49, United States Code, may, notwithstanding paragraph (4) of such section 44940(i), be expended for the purpose of improving screening at airport screening checkpoints, which may include the purchase and utilization of emerging technology equipment; the refurbishment and replacement of current equipment; the installation of surveillance systems to monitor checkpoint activities; the modification of checkpoint infrastructure to support checkpoint reconfigurations; and the creation of additional checkpoints to screen aviation passengers and airport personnel: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,165,740,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2011: *Provided further*, That Members of the House of Representatives and Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of Homeland Security; the Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to

providing surface transportation security activities, $103,416,000, to remain available until September 30, 2011.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $171,999,000, to remain available until September 30, 2011: *Provided*, That if the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that the Secure Flight program does not need to check airline passenger names against the full terrorist watch list, the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no significant security risks are raised by screening airline passenger names only against a subset of the full terrorist watch list.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $992,980,000, to remain available until September 30, 2011: *Provided*, That not to exceed $5,000,000 may be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2010: *Provided further*, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $860,111,000.

□ 1730

PART B AMENDMENT NO. 2 OFFERED BY MR. DUNCAN

Mr. DUNCAN. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. DUNCAN:

Page 24, line 9, strike the dollar amount and insert ''$819,481,000''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Tennessee (Mr. DUNCAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. DUNCAN. Madam Chairman, former Congressman Sonny Callahan, a very respected former subcommittee chairman on the Appropriations Committee, told me that we had done all we needed to do on airplane security when we secured the cockpit doors. Whether you agree with him or not, that one very inexpensive action took away the ability to hijack and use airplanes the way they were used on 9/11.

Now we are about to appropriate $860 million for the Federal Air Marshal Service, and I believe this money could be much better spent in any one of hundreds of other ways. However, my amendment does not eliminate this agency, even though I do believe it is a needless, useless agency. And my amendment does not even cut its funding. All it does is freeze this agency at its current level of funding, $819 million.

Air marshals arrest an average of a little over four people each year. Even after my amendment, they would still be getting about $200 million per arrest. There must not be a softer, easier, more cushy job in the entire Federal Government than just to ride airplanes back and forth, back and forth, back and forth, many of them in first class. I would rather give this money to local law enforcement people who are fighting real crime, the street crime that people want fought.

Families all over this country are having to tighten their belts, and many millions are having to reduce spending. It would seem to me that the least we can do is stop giving big increases to agencies like this that really are doing almost no good at all. Actually, more air marshals have been arrested since 9/11 than there have been arrests by air marshals. This is an agency that has gone from just 33 before 9/11 to over 4,000 today.

Now, what TSA is doing at the airports, what all the other Federal, State and local law enforcement agencies are doing, what private companies are doing on security and all the many other things that are done on this bill on aviation security are more than enough. We need to realize that we cannot make everyone totally safe even if we spent the entire Federal budget on security.

I chaired the Aviation Subcommittee for 6 years and have always been a strong supporter of law enforcement and aviation security, but as one high-ranking former TSA official told me 2 days ago, this air marshal agency is simply ''gilding the lily.''

The Wall Street Journal said in an editorial a few months after 9/11: ''We would like to suggest a new post-September 11 rule for Congress: Any bill with the word ''security'' should get double the public scrutiny and maybe four times the normal weight, lest all kinds of bad legislation become law under the phony guise of fighting terrorism.'' That was from The Wall Street Journal when they noticed that almost every Department agency was requesting additional funds and using the word ''security'' to justify it, even unnecessary appropriations.

Everyone on both sides of the aisle, Madam Chairman, likes to call themselves fiscally conservative. Well, even if my amendment were to pass, this agency would be getting an almost 60 percent increase since 2003, more than double the rate of inflation since that time.

This amendment is bare bones fiscal conservatism, very minimal fiscal conservatism. And I might add that I have never had a run-in with an air marshal. In fact, I don't even believe that I know an air marshal, so this is nothing personal. But USA Today a few months ago had an article about this agency and all the troubles and problems they're having, and I can tell you that I think this agency at least should not keep getting huge increases in funding.

Madam Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment with great respect for the gentleman from Tennessee who, after all, has labored in this body for many years in the areas of transportation and transportation security. I take what he believes very, very seriously. And I know that he offers this amendment in all earnestness.

I want to say more in a minute about what our committee has done to make certain some of the elements that he is looking for are indeed addressed; namely, by requiring a long-term assessment of the air marshal staffing needs. This is not something we should go on funding indefinitely without assessment or analysis; and we intend for that to occur. But I do not believe this amendment to simply flat-fund the Federal air marshals is the best approach.

The exact number of Federal air marshals is security-sensitive, but a reduction of $40.6 million, which the gentleman proposes, would result in a significant number of air marshals being let go, and TSA would have to put in place a hiring freeze for all of fiscal 2010. As a result, we would have fewer high-risk international and domestic flights covered. In fact, flight coverage would be below what it was in 2009.

With this funding reduction, it is possible that air marshals may not be on all flights during some high-consequence events, such as the 2010 Olympics or national special security events. Now, I'm sure that TSA would make every effort not to reduce coverage for such events, but we would need to worry about resources being spread thinly under the gentleman's amendment.

The funding reduction would limit the air marshals' ability to rapidly respond to unanticipated events as they did in the past, such as the U.K. liquid explosives threat, evacuation of U.S. citizens from Lebanon, or in response to hurricanes like Ike and Katrina. In addition, funding restrictions would affect air marshals' ability to support TSA's VIPR teams. These are teams that conduct unannounced, high-visibility exercises in mass transit and passenger rail facilities and are designed to disrupt possible threats determined by reports from our intelligence community. So these air marshals do perform vital functions, and we need to know what we're doing if we cut back personnel levels.

Having said that, I do want to call the attention of colleagues to our report, page 74 to be explicit, where we discuss the long-term prospects for this air marshals program. We go into some detail about these additional security measures that the gentleman outlined which, indeed, may change the picture in the longer term. We don't know. We want DHS to reassess what is the appropriate long-term staffing level for the Federal air marshals in light of its new risk assessment model that better targets staff deployments.

So we have ordered up this study. Until we receive it, we believe it is premature to reduce funding for air marshals without the kind of sound analysis that would demonstrate what threats might be addressed or what might not be addressed if there is a diminished effort by the air marshal program.

So, again, with appreciation for the gentleman's history on this issue, I do respectfully urge a ''no'' vote on the amendment. But I do pledge to Members that we are going to undertake an assessment of this program for the long-term. And this time next year we will expect to have a much better analysis of what the long-term prospects should be.

With that, Madam Chairman, I reserve the balance of my time.

Mr. DUNCAN. Madam Chairman, I will close by saying that, first of all, I appreciate the kind comments by the chairman of the subcommittee for whom I have the greatest and deepest respect.

I served on the conference committee that created the TSA. I do believe that aviation security is very important, and I do believe that this bill does many good things in that respect. But I also know that the Air Marshal Service has a horrendous record so far. And as I said earlier, when you think of the very few arrests that they've made, it comes out to an average of a little over four a year, or about $200 million per arrest. I can't think, really, of any Department or agency in the Federal Government that does less good with more money than this agency. And yet, in spite of that, I am not trying to eliminate the agency; I am not trying to cut its funding. All I've done by this amendment is advocate a freeze that would save a little over $40 million. And if we can't do that, then really we can't do anything that is truly fiscally conservative in this Congress. I think when we recently raised our national debt limit to over $13 trillion, I think we at least need to start taking a few baby steps like this. So I urge my colleagues to support my amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. DUNCAN. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

The Clerk will read.

The Clerk read as follows:

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and for repairs and service-life replacements for small boats for such requirements, not to exceed a total of $26,000,000; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $6,822,026,000, of which $340,000,000 shall be for defense-related activities; of which $241,503,000 is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111/th/ Congress), the concurrent resolution on the budget for fiscal year 2010; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $20,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108–136 with respect to the Coast Guard Academy.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,198,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $133,632,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,347,480,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $103,000,000 shall be available until September 30, 2014, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $119,500,000 shall be available until September 30, 2012, for other equipment; of which $10,000,000 shall be available until September 30, 2012, for shore facilities and aids to navigation facilities; of which $100,000,000 shall be available for personnel compensation and benefits and related costs; and of which $1,014,980,000 shall be available until September 30, 2014, for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, $269,000,000 is for aircraft and $591,380,000 is for surface ships: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2011 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of such legacy assets; a detailed explanation of how the costs of such legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every 5 years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a) and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2010.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $10,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation,

lease, and operation of facilities and equipment; as authorized by law; $19,745,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,361,245,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including: purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,457,409,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2011: *Provided further*, That up to $1,000,000 for National Special Security Events shall remain available until expended: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,975,000, to remain available until expended.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $44,577,000: *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $883,346,000, of which $744,085,000 shall remain available until September 30, 2011: *Provided*, That of the amount made available under this heading, $155,000,000 may not be obligated for the National Cyber Security Initiative program and $25,000,000 may not be obligated for the Next Generation Networks program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for that program that describes the strategic context of the program; the specific goals and milestones set for the program; and the funds allocated to achieving each of those goals: *Provided further*, That of the total amount provided, $1,000,000 is for Philadelphia infrastructure monitoring; $3,500,000 is for State and local cyber security training; $3,000,000 is for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory; $3,500,000 is for the Cyber Security Test Bed and Evaluation Center; $3,000,000 is for the Multi-State Information Sharing and Analysis Center; $500,000 is for the Virginia Operational Integration Cyber Center of Excellence; $100,000 is for the Upstate New York Cyber Initiative; and $1,000,000 is for interoperable communications, technical assistance and outreach programs.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $351,800,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology program until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security that includes—

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing such recommendations;

(4)(A) a certification by the Chief Procurement Officer of the Department that—

(i) the program has been reviewed and approved in accordance with the investment management process of the Department;

(ii) the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A–11, part 7; and

(iii) the plans for the program comply with Federal acquisition rules, requirements, guidelines, and practices; and

(B) a description by the Chief Procurement Officer of the actions being taken to address areas of non-compliance, the risks associated with such areas as well as any plans for addressing such risks, and the status of the implementation of such actions;

(5)(A) a certification by the Chief Information Officer of the Department that—

(i) an independent verification and validation agent is currently under contract for the program;

(ii) the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architecture that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment along with the associated risks and corrective actions to address any such areas; and

(iii) the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and Department investment decision makers; and

(B) a listing by the Chief Information Officer of all the program's high risks and the status of efforts to address them;

(6) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report; and

(7) a detailed accounting of operation and maintenance, contractor services, and program costs associated with the management of identity services.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $128,400,000, of which $30,411,000 is for salaries and expenses: *Provided*, That $97,989,000 shall remain available until September 30, 2011, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities, including $5,000,000 for the North Carolina Collaboratory for Bio-Preparedness, University of North Carolina, Chapel Hill: *Provided further*, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $844,500,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (Div. C Title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: *Provided further*, That of the total amount made available under this heading, $32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $6,995,000 shall be for the Office of National Capital Region Coordination.

PART B AMENDMENT NO. 7 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Speaker, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. POE of Texas:

Page 38, line 19, after the dollar amount, insert ''(reduced by $32,000,000)''.

Page 52, line 2, after the dollar amount, insert ''(increased by $32,000,000)''.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Madam Chairman, the amendment I am offering today seeks to add additional funding to the highly successful and widely supported National Predisaster Mitigation Fund. In a time of deficits and rampant government spending, predisaster mitigation is good for the taxpayer.

According to a study first released in 2005, the ''National Hazard Mitigation Saves: An Independent Study to Assess the Future Savings from Mitigation Activities,'' performed by the group called the Multi-Hazard Mitigation Council, stated that for every $1 spent on mitigation, $3 to $4 is saved. Further, the Congressional Budget Office issued its own report on predisaster mitigation and its cost savings and confirmed the savings derived from this program.

According to these studies, this amendment that I'm offering could save anywhere from $96 million to $128 million in future disaster costs. In communities such as I represent along the gulf coast of Texas, predisaster mitigation is essential in weathering future devastating hurricanes which have ravaged my district in recent years in helping to reduce the cost towards recovery. Just since I've been elected, the following hurricanes have hit my southeast district in Texas: Katrina, Rita, Humbert, Gustav, and the latest is Ike.

Every year it seems, Madam Chairman, a new hurricane comes down Hurricane Alley through my congressional district, but also hits other gulf States. The purpose of this program is to implement hazard reduction measures prior to an event. Funds can be used to help retrofit buildings, such as the courthouse that is used as the Center for Emergency Management Services. Those retrofitting buildings can withstand high wind damage. Also it moves properties out of flood plains, and flood-proof buildings, among many other things.

The problem is requests for funding from this program is three times the amount of money that is actually available under current law. This amendment takes $32 million out of the $850 million of salaries. The $32 million figure comes from the amount that's over the President's request. And communities throughout Hurricane Alley and other areas in the country prone to devastation, such as earthquakes and wildfires, are all looking at ways to strengthen their defenses and avoid the often long and painful recovery.

□ 1745

The predisaster recovery program is a community-based program and emphasizes commitment to local input on what's needed. Over the last decade, the predisaster mitigation program has developed and grown as mitigation itself has become accepted as Federal policy. Adoption and expansion of mitigation as a beneficial approach for government has been bolstered by studies that demonstrated cost reductions following disasters due to earlier mitigation investments.

So I ask support of this amendment and support of communities that would benefit from this amendment before disaster strikes.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, the gentleman seeks to add $32 million for predisaster mitigation grants by cutting the same amount from FEMA's management and operations programs.

Again, I appreciate the gentleman's support for predisaster mitigation. I come from a State where both predisaster and postdisaster mitigation have been very important and often successful programs. And I believe the funding levels recommended by our committee in recent years have reflected this favorable evaluation.

But the offset the gentleman proposes is just untenable. I have to say that, and I want to spend some time in explaining it because I do respect the motivation that he brings to this effort.

We have, today, correspondence from State and local emergency managers who also think this offset is unacceptable. They oppose this amendment because it cuts critical FEMA programs, and, in particular, I have a letter dated today from the International Association of Emergency Managers along these lines.

The Congress has spent the last 4 years since Hurricane Katrina rebuilding FEMA's management and operations capabilities. At the time of Katrina, the agency was understaffed and unable to effectively manage a catastrophic disaster. It's my belief that the increases over the last 2 fiscal years were a major factor in FEMA's return to strength as demonstrated during the response to Hurricane Ike and the Midwest floods.

I am afraid the gentleman's amendment could send us backwards. The gentleman would cut the account that supports the National Hurricane Program, the National Dam Safety Program, national continuity programs, disaster operations and disaster mitigation.

The committee supports predisaster mitigation. That's why we included a $10 million increase for predisaster mitigation grants above fiscal year 2009.

But the gentleman proposes a further increase, and I believe that should not come at the detriment of FEMA's operational readiness.

Besides, the grant program that the gentleman seeks to increase had $143 million that was unobligated or not spent at the time this bill was reported. In other words, there is a good deal of money in the pipeline.

So as a supporter of increased mitigation, and as the chairman of a committee that has championed increased mitigation, I believe we have enough funds for now to support ongoing mitigation work, and I think the offset would be detrimental to FEMA's readiness to respond to disasters.

So I respectfully urge a ''no'' vote on the amendment.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself as much time as I may consume.

I appreciate the chairman's input on my amendment.

As I mentioned earlier, the request for predisaster mitigation funds is three times what is available under current law. And I probably have dealt with FEMA as much as anybody in this House, not by choice, but because of the fact that our district keeps getting hammered by hurricanes, starting with Katrina. And the management system of FEMA has a lot to be desired. That has to be dealt with eventually in another issue.

Hurricane Rita, 2005, people in my congressional district are still living with blue plastic tarps on their roofs because of the inadequate response. That is why this bill is so important, because it allows for predisaster mitigation. It allows the hospitals to get a generator so that when they lose their power, they are able to take care of the patients that are in the emergency room. That is a portion of predisaster mitigation.

And I think it's imperative that we be proactive because it takes FEMA too long to respond to disasters, which drives up the cost of recovery. Some people in my district still say FEMA is the disaster.

We talked earlier on other amendments about the fact that a next terrorist attack may occur in New York City. That may be so. But Mother Nature, as we say in Texas, ''has a mad on'' for Hurricane Alley because we keep getting hammered every year with hurricanes.

And one way to help is to ratchet up the amount of money available in areas in the Gulf Coast and other parts of the country that have the likelihood of being hit by a major disaster. Where recovery takes a long time, and if we are prepared with just a third of the money that is needed to recover, we can be prepared, and communities can get back together a lot quicker.

So I would respectfully disagree with the chairman and say that we need to adopt this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KING of Iowa. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $2,829,000,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden: *Provided further*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2010, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $15,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $40,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(4) $15,000,000 shall be for the Citizen Corps Program.

(5) $250,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135 and 1163): *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(6) $250,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C 70107(c).

(7) $12,000,000 shall be for Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1182).

(8) $50,000,000 shall be for Buffer Zone Protection Program Grants.

(9) $50,000,000 shall be for grants in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(10) $50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(11) $40,000,000 shall remain available until expended for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c), as detailed in the statement accompanying this Act.

(12) $235,000,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) $132,000,000 shall be for the National Domestic Preparedness Consortium in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; and $40,000,000 shall be for the Center for Domestic Preparedness, Alabama; and

(B) $3,000,000 shall be for the Rural Domestic Preparedness Consortium, Eastern Kentucky University:

Provided, That not to exceed 3 percent of the amounts provided under this heading may be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: *Provided further*, That for grants under paragraphs (1) through (4), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 90 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That for grants under paragraphs (5) through (7) and (10), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, eligible applicants shall submit applications within 45 days after the grant announcement, and the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $800,000,000, of which $380,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $420,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2011: *Provided*, That not to exceed 5 percent of the amount available under this heading shall be available for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $330,000,000: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2010, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999

(42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2010, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $45,588,000.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,000,000,000, to remain available until expended: *Provided*, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That up to $90,080,000 may be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for management and administration functions: *Provided further*, That the amount provided in the previous proviso shall not be available for transfer to the ''Management and Administration'' account until the Federal Emergency Management Agency submits an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall report monthly beginning July 1, 2009, to the Committee on Appropriations of the House of Representatives regarding the number of individuals and households in need of Federal disaster assistance as a result of such severe storms, tornados, flooding, and mudslides (under FEMA–1841–DR) but denied assistance due to failure to meet flood insurance requirements. Such report shall include the reasons and circumstances for each denial per individual and household: *Provided further*, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $159,469,000, which shall remain available until September 30, 2011, and shall be derived from offsetting collections assessed and collected under section 1308(b)(3) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)(3)), which shall be available as follows: (1) not to exceed $52,149,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $107,320,000 for flood plain management and flood mapping: *Provided*, That any additional fees collected pursuant to section 1308(b)(3) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)(3)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That if the Administrator of the Federal Emergency Management Agency determines that such amount for salaries and expenses is insufficient, the Administrator of the Federal Emergency Management Agency may use amounts made available under this heading for flood plain management and flood mapping to pay for such salaries and expenses, but only if the Administrator submits to the Committees on Appropriations of the Senate and the House of Representatives notice of the Administrator's intention to use such funds for such purpose 30 days in advance of any such use: *Provided further*, That in fiscal year 2010, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $85,000,000 for operating expenses; (2) $969,370,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $120,000,000, which shall remain available until expended for flood mitigation actions, of which $70,000,000 shall be for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which $10,000,000 shall be for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which $40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 (42 U.S.C 1366(i)) shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)-(3): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $100,000,000, to remain available until expended and as detailed in the statement accompanying this Act: *Provided*, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $200,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $248,000,000, of which $100,000,000 shall be for processing applications for asylum or refugee status; and of which $112,000,000 is for the basic pilot program, as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: *Provided*, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment: *Provided further*, That none of the funds made available under this heading may be obligated for processing applications for asylum or refugee status unless the Secretary of Homeland Security has published a final rule updating part 103 of title 8, Code of Federal Regulations, to discontinue the asylum/refugee surcharge: *Provided further*, That none of the funds made available under this heading for may be obligated for development of the ''REAL ID hub'' until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for that program that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated for achieving each of these goals and milestones.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses

for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $239,356,000, of which up to $47,751,000 shall remain available until September 30, 2011, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 110–329 (122 Stat. 3677), is further amended by striking ''December 31, 2011'' and inserting ''December 31, 2012'': *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $43,456,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from Government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $142,200,000: *Provided*, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $825,356,000, to remain available until expended: *Provided*, That of the amount provided, $12,000,000 shall be for construction expenses of the Pacific Northwest National Laboratory: *Provided further*, That not less than $10,000,000 shall be available for the National Institute for Hometown Security, Kentucky: *Provided further*, That not less than $2,000,000 shall be available for the Naval Postgraduate School: *Provided further*, That not less than $1,000,000 shall be available to continue a homeland security research, development, and manufacturing pilot project: *Provided further*, That $500,000 shall be available for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies: *Provided further*, That $4,000,000 shall be available for a pilot program to develop a replicable port security system that would improve maritime domain awareness: *Provided further*, That none of the funds available under this heading, in this Act, or in any previously enacted law shall be obligated for construction of a National Bio– and Agro–defense Facility located on the United States mainland until the Secretary of Homeland Security receives a risk assessment prepared by a person who is not an officer or employee of the Department of Homeland Security of whether foot-and-mouth disease work can be done safely on the United States mainland.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) as amended, for management and administration of programs and activities, $39,599,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $326,537,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, office, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2010 Budget Appendix for the Department of Homeland Security, as modified by the explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) Within 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report listing all dollar amounts specified in this Act and accompanying explanatory statement that are identified in the detailed funding table at the end of the explanatory statement accompanying this Act or any other amounts specified in this Act or accompanying explanatory statement: *Provided*, That such dollar amounts specified in this Act and accompanying explanatory statement shall be subject to the conditions and requirements of subsections (a), (b), and (c) of this section.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2010: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2010 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall

be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations for salaries and expenses for fiscal year 2010 in this Act shall remain available through September 30, 2011, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, grant award, contract award, other transactional agreement, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: *Provided*, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: *Provided further*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the notification shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn: *Provided further*, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under the State and Local Programs.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 519, 520, 522, 528, 530, and 531 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2072, 2073, 2074, 2082) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as immigration information officers, contact representatives, or investigative assistants.

SEC. 513. (a) The Secretary of Homeland Security shall research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft by the earliest date possible.

(b) Checked baggage explosive detection equipment and screeners that exist as of the date of the enactment of this Act shall be used to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available for such purpose.

(c) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter.

(d) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirements of section 44901(g)(2) of title 49, United States Code.

(e) Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report on how the Transportation Security Administration plans to meet the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code. The report shall identify the elements of the system to screen 100 percent of cargo transported between domestic airports at a level of security commensurate with the level of security for the screening of passenger checked baggage.

SEC. 514. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to the Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' accounts for fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems for air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 515. Any funds appropriated to the Coast Guard ''Acquisition, Construction, and Improvements'' account for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 516. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 517. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2009'' and inserting ''2010''.

SEC. 518. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 519. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by Section 9701(a) of title 5, United States Code, or by regulations prescribed pursuant to such section, for an employee, as that term is defined in section 7103(a)(2) of such title.

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the manner prescribed in section 9701(e) of title 5, United States Code, in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in section 7103(a)(2) of such title.

SEC. 520. For fiscal year 2010, none of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 521. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 522. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program,

that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review selected contracts awarded in the previous fiscal year through other than full and open competition: *Provided further*, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 523. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies.

SEC. 524. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 525. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 526. None of the funds provided in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 527. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 528. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 529. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 530. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.): *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 531. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 532. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2009'' and inserting ''Until September 30, 2010,''; and

(2) in subsection (d)(1), by striking ''September 30, 2009,'' and inserting ''September 30, 2010,''.

SEC. 533. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 534. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 535. Notwithstanding any other provision of law, in the fiscal year 2010 or a subsequent fiscal year, if the Secretary of Homeland Security determine that the National Bio– and Agro–defense Facility should be located at a site other than Plum Island, New York, the Secretary shall liquidate the Plum Island asset by directing the Administrator of General Services to sell, through public sale, all real and related personal property and transportation assets that support Plum Island operations, subject to such terms and conditions as the Secretary determines are necessary to protect government interests and meet program requirements: *Provided*, That the proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ''Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio– and Agro–defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration: *Provided further*, That after the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs referred to in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 536. Any official who is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 537. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under subsection (g)(4)(B) of title 31, Unites States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 538. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program under section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 539. From the unobligated balances of prior year appropriations made available for ''Analysis and Operations'', $2,203,000 is rescinded.

SEC. 540. The explanatory statement referenced in section 4 of Public Law 110–161 for ''National Predisaster Mitigation Fund'' under Federal Emergency Management Agency is deemed to be amended—

(1) by striking ''Dalton Fire District'' and all that follows through ''750,000'' and inserting the following:

''Franklin Regional Council of Governments, MA	250,000
Town of Lanesborough, MA	175,000
University of Massachusetts, MA	175,000'';

(2) by striking ''Santee and'';

(3) by striking ''3,000,000'' and inserting ''1,500,000'';

(4) by inserting after the item relating to Adjutant General's Office of Emergency Preparedness the following:

''Town of Branchville, SC	1,500,000'';

and

(5) by striking ''Public Works Department of the City of Santa Cruz, CA'' and inserting ''Monterey County Water Resources Agency, CA''.

SEC. 541. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 542. From the unobligated balances of prior year appropriations made available for the ''Infrastructure Protection and Information Security'' account, $5,963,000 is rescinded.

SEC. 543. From unobligated amounts that are available to the Coast Guard for fiscal year 2008 or 2009 for acquisition, construction, and improvements for shoreside facilities and aids to navigation at Coast Guard Sector Buffalo, the Secretary of Homeland Security shall use such sums as may be necessary to make improvements to the land along the northern portion of Sector Buffalo to enhance public access to the Buffalo Lighthouse and the waterfront.

SEC. 544. For fiscal year 2010 and hereinafter, the Secretary may provide to personnel appointed or assigned to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.).

SEC. 545. (a) EXTENSION OF PROGRAMS.—Section 143 of Division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580 et seq.), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111–8), is amended by striking ''September 30, 2009'' and inserting ''September 30, 2011''.

(b) PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.—

(1) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2009, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(A) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including—

(i) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 404, but only that portion of such costs that are attributable exclusively to such responsibilities; and

(ii) responding to individuals who contest a tentative nonconfirmation provided by the basic pilot confirmation system established under such section;

(B) subject to the availability of appropriations for such purpose, provide such funds quarterly in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(C) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be jointly reviewed by the Office of the Inspector General of the Social Security Administration and the Office of Inspector General of the Department of Homeland Security.

(2) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under paragraph (1) for any fiscal year beginning on or after October 1, 2009, has not been reached as of October 1 of such fiscal year, the most recent agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under paragraph (1) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the basic pilot confirmation system. In any case in which an interim agreement applies for any fiscal year under this paragraph, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means of the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and the Committee on Finance of the Senate of the failure to reach the agreement required under paragraph (1) for such fiscal year. Until such time as the agreement required under paragraph (1) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

(c) GAO STUDY OF BASIC PILOT CONFIRMATION SYSTEM.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General shall conduct a study regarding erroneous tentative nonconfirmations under the basic pilot confirmation system established under section 404(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(2) MATTERS TO BE STUDIED.—In the study required under paragraph (1), the Comptroller General shall determine and analyze—

(A) the causes of erroneous tentative nonconfirmations under the basic pilot confirmation system;

(B) the processes by which such erroneous tentative nonconfirmations are remedied; and

(C) the effect of such erroneous tentative nonconfirmations on individuals, employers, and Federal agencies.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit the results of the study required under paragraph (1) to the Committee on Ways and Means of the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Finance of the Senate, and the Committees on Appropriations of the Senate and the House of Representatives.

(d) GAO STUDY OF EFFECTS OF BASIC PILOT PROGRAM ON SMALL ENTITIES.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives and the Committees on Appropriations of the Senate and the House of Representatives a report containing the Comptroller General's analysis of the effects of the basic pilot program described in section 404(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) on small entities (as defined in section 601 of title 5, United States Code). The report shall detail—

(A) the costs of compliance with such program on small entities;

(B) a description and an estimate of the number of small entities enrolled and participating in such program or an explanation of why no such estimate is available;

(C) the projected reporting, recordkeeping, and other compliance requirements of such program on small entities;

(D) factors that impact small entities' enrollment and participation in such program, including access to appropriate technology, geography, entity size, and class of entity; and

(E) the steps, if any, the Secretary of Homeland Security has taken to minimize the economic impact of participating in such program on small entities.

(2) DIRECT AND INDIRECT EFFECTS.—The report shall cover, and treat separately, direct effects (such as wages, time, and fees spent on compliance) and indirect effects (such as the effect on cash flow, sales, and competitiveness).

(3) SPECIFIC CONTENTS.—The report shall provide specific and separate details with respect to—

(A) small businesses (as defined in section 601 of title 5, United States Code) with fewer than 50 employees; and

(B) small entities operating in States that have mandated use of the basic pilot program.

SEC. 546. (a) IN GENERAL.—Strike subparagraphs (A) through (C) that appear within section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447) and insert the following:

'' '(A) SECRETARAY OF STATE.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of State until expended for programs and activities—

'' '(i) to increase the number of consular and diplomatic security personnel assigned primarily to the function of preventing and detecting fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15);

'' '(ii) otherwise to prevent and detect visa fraud, including fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15), as well as the purchase, lease, construction, and staffing of facilities for the processing of these classes of visa, in consultation with the Secretary of Homeland Security as appropriate; and

'' '(iii) upon request by the Secretary of Homeland Security, to assist such Secretary in carrying out the fraud prevention and detection programs and activities described in subparagraph (B).

'' '(B) SECRETARY OF HOMELAND SECURITY.—One-third of the amounts deposited into the

Fraud Prevention and Detection Account shall remain available to the Secretary of Homeland Security until expended for programs and activities to prevent and detect immigration benefit fraud, including fraud with respect to petitions filed under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in subparagraph (H) or (L) of section 101(a)(15).

''(C) SECRETARY OF LABOR.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Labor until expended for wage and hour enforcement programs and activities otherwise authorized to be conducted by the Secretary of Labor that focus on industries likely to employ nonimmigrants, including enforcement programs and activities described in section 212(n) and enforcement programs and activities related to section 214(c)(14)(A)(i).'''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

CLARIFICATION OF FEE AUTHORITY

SEC. 547. (a) IN GENERAL.—In addition to collection of registration fees described in section 244(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(1)(B)), fees for fingerprinting services, biometric services, and other necessary services may be collected when administering the program described in section 244 of such Act.

(b) CONSTRUCTION.—Subsection (a) shall be construed to apply for fiscal year 1998 and each fiscal year thereafter.

SEC. 548. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amended by striking ''three years after the date of enactment of this Act'' and inserting ''October 4, 2010''.

SEC. 549. For Fiscal Year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by entering into a contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference. In the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts.

SEC. 550. From unobligated balances for fiscal year 2009 made available for the Federal Emergency Management Agency ''Trucking Industry Security Grants'' account, $5,572,000 is rescinded.

SEC. 551. None of the funds made avilable in this Act may be obligated for full–scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved: *Provided*, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advaced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary shall consult with the National Academy of Sciences before making such certifications: *Provided further*, That none of the funds provided in this Act may be obligated for high-risk concurrent development and production of mutually dependent software and hardware.

SEC. 552. (a) As part of a plan regarding the proposed disposition of any individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, the Secretary of Homeland Security shall conduct a threat assessment for each such individual who is proposed to be transferred to the continental United States, Alaska, Hawaii, the District of Columbia, or the United States Territories that—

(1) determines the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States Territories if the individual were so transferred; and

(2) determines the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States Territories if the individual were transferred to such a facility.

(b) Section 44903(j)(2)(C) of title 49, United States Code, is amended by adding at the end the following new clause:

''(v) INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term 'detainee' means an individual in the custody or under the physical control of the United States as a result of armed conflict.''.

(c) None of the funds made available in this Act may be used to provide any immigration benefit (including a visa, admission into the United States, parole into the United States, or classification as a refugee or applicant for asylum) to any individual who is detained, as of April 20, 2009, at Naval Station, Guantanamo Bay, Cuba.

(d) Nothing in subsections (b) and (c) shall be construed to prohibit a detainee held at Guantanamo Bay from being brought to the United States for prosecution.

□ 1800

PART B AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Madam Chair, I have an amendment at the desk made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. KING of Iowa:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

The CHAIR. Pursuant to House Resolution 573, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. I yield myself 2 minutes.

My amendment prohibits the Department of Homeland Security funds in this bill from being used to hire illegal immigrants. The Immigration and Nationality Act is very clear. Section 274(a) makes it a crime to knowingly hire or employ an illegal immigrant. There are no exceptions.

Despite the law, over 8 million illegal immigrants currently have jobs in the United States, and some of those are no doubt employed by and with DHS funds under Federal contracts.

Unemployment today is at over 15 percent for lower-skilled American workers. Congress should do anything possible to end the hiring of illegal immigrants and save those jobs for American workers, Madam Chair.

A 2006 audit report by the Office of Inspector General indicates that the U.S. Government was the Nation's most egregious employer of illegal aliens. Seventeen of the top 100 offending employers were Federal, State, or local government entities. This report also found that, of the sample, 44 percent of the government workers were unauthorized workers, and 3 percent of government workers had no immigration status whatsoever.

These numbers are alarming. The IG report raises a national security issue. The report states, ''Noncitizens who work without DHS authorization could affect homeland security because they may obtain employment in sensitive areas.''

The report goes on to say that the People's Republic of China ranked fourth and Iran ranked sixth among the top 10 countries of birth for employees that were audited in this report.

With the unemployment rate at 9.4 percent, we have got to stop the hiring of illegals, and the Federal Government has to lead the charge.

I reserve the balance of my time.

Mr. PRICE of North Carolina. I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. PRICE of North Carolina. I would reserve the balance of my time.

Mr. KING of Iowa. Madam Chair, I'd yield such time as he may consume to the ranking member, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the gentleman for yielding and I thank him for this amendment, and I support it fully. The administration's new policy on worksite enforcement, from my point of view, amounts to de facto amnesty.

The raid that was made in Seattle after this administration took office, where the 24 or so illegal aliens who got their job by false papers were seized and arrested and then turned loose and, on top of that, given a work permit, that's the new policy of this administration. So that an illegal alien knows that if he or she is working in a

place that's raided, they can get a permit to go back to work, which makes them legal.

So, as far as I'm concerned, the new policy of the administration is de facto amnesty, and the gentleman's amendment reaches a part of that issue, and I salute him for it. But I hope and trust that the administration will come to their senses and give us a rational immigration policy that requires worksite enforcement at a time when American citizens of the country are out of work, that will enforce the illegal alien laws on the books.

And I thank the gentleman for yielding.

Mr. KING of Iowa. Reclaiming my time, and thanking the ranking member from Kentucky, I would just add that we as employers on this Hill are now required to use E-Verify with our employees. This isn't too high a standard to ask of the balance of the Federal Government, particularly within this appropriation.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield such time as she may consume to the chairwoman of the Immigration Subcommittee of the Judiciary Committee, the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Thank you, Mr. PRICE.

In looking at this amendment, I think it's important for Members to know that they can either vote for it or against it. It doesn't really matter because it's a restatement of existing law.

I would direct the attention of Members to section 274A(h)(3) of the Immigration and Nationality Act, 8 U.S. Code 1324a(h)(3), which says, and I read it, in part, authorized alien means with respect to the employment of an alien at a particular time the alien is not at that time either lawfully admitted for permanent residence or authorized to be so employed by this act or by the Attorney General.

As I say, this provision is not necessary. Current law also requires all employers to verify the employment authorization of employees here in the Federal Government, and there already are criminal and civil penalties for hiring unauthorized immigrants. Again, that is current law.

Current law also permits employers to electronically verify the employment eligibility of employees pursuant to section 401 and 402 of Public Law 104–208, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. That is the E-Verify program that Members are aware of.

Current law requires the legislative and executive branches of the Federal Government to use E-Verify to verify the employment eligibility of their employees pursuant to section 402(e)(1) of Public Law 104–208; again, the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

So, I provide this information to Members not as an advocate for or against the amendment, simply to note that this is a restatement of existing law.

Mr. PRICE of North Carolina. I thank our colleague for those clarifying remarks and yield back the balance of my time.

Mr. KING of Iowa. Madam Chair, may I inquire as to how much time remains?

The CHAIR. The gentleman has 90 seconds remaining.

Mr. KING of Iowa. Thank you, Madam Chair. I yield myself the balance of my time.

I would just reiterate that the Federal Government is among the most egregious violators of hiring illegal workers, and that's been brought out in this IG report that I spoke to in my opening remarks.

Seventeen of the top 100 violating entities were government entities, with 44 percent of the government workers that were part of this study were unauthorized. It didn't mean they were all illegal; it meant they were not verified.

And so I recall back in 1986 when the amnesty bill was passed, the last big amnesty bill was passed, I remember the fear that the INS would come into my office, and I made sure that I dotted all the I's, crossed all the T's, verified the identification, and kept the I–9 file on record. And they're still on record someplace in my archives. I think that is the kind of due diligence that the Federal Government—all government ought to support.

This is an amendment that one might argue that it doesn't directly change policy. I would agree with the gentlelady, the Chair of the Immigration Subcommittee, on that, but it reinforces and it reiterates a policy. There are no exceptions to violation of that section of the code.

This is an amendment also that passed on this particular appropriations bill in 2007. It's something that has had broad support across this country, and it really should not be controversial. It should be something that we should all join together with, and hopefully we will be able to move along and get to the point where the right, left, and middle hand knows what the others are doing.

I urge adoption of the amendment.

□ 1815

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr KING of Iowa. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

PART B AMENDMENT NO. 6 OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Madam Chairman, I have an amendment at the desk made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 6 offered by Mr. NEUGEBAUER:

At the end of the bill (before the short title) add the following new section:

SEC. ____. The amounts otherwise provided in this Act for the following accounts are hereby reduced by the following amounts:

(1) ''Office of the Under Secretary for Management'', $200,000,000.

(2) ''Office of Inspector General'', $5,000,000.

(3) ''U.S. Customs and Border Protection__Salaries and Expenses'', $160,000,000.

(4) ''U.S. Customs and Border Protection__Border Security Fencing, Infrastructure, and Technology'', $100,000,000.

(5) ''U.S. Customs and Border Protection__Facilities Management'', $420,000,000.

(6) ''U.S. Immigration and Customs Enforcement__Automation Modernization'', $20,000,000.

(7) ''Transportation Security Administration__Aviation Security'', $1,000,000,000.

(8) ''Coast Guard__Acquisition, Construction, and Improvements'', $98,000,000.

(9) ''Federal Emergency Management Agency__State and Local Programs'', $300,000,000.

(10) ''Federal Emergency Management Agency__Firefighter Assistance Grants'', $210,000,000.

(11) and ''Federal Emergency Management Agency__Emergency Food and Shelter'', $100,000,000.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Madam Chairman, I yield myself 3 minutes.

These are unprecedented times in our country. We have people that are out of work. We have people that are losing their homes. Businesses are closing. And a lot of people wonder, how did that happen? When some people look for the cause of that, they say that unbridled spending and borrowing by individuals, by companies and even by government brought us to this point in our country where our economy is in a deep slump. Many of those families are having to make a lot of changes in their lives, making sacrifices.

Unfortunately, the Federal Government is not doing the same thing. At a time when across this country American families are tightening their belts, stopping the unlimited spending and borrowing, the Federal Government continues to do just that. In fact, Madam Chairman, this year we're on track to have a $2 trillion deficit. Now just for those folks that don't know what $1 trillion is, if you had to count to 1 trillion, it would take you 17,000 years. So if you are going to count to 2 trillion, it is going to take you 34,000 years.

So what does my amendment do? What this does is it just says, this stimulus money that we put into Homeland Security, some $2.7 billion on top of the $43 billion that we had already approved for FY09 and we're now talking about approving $43 billion for

2010, basically it says, you know what, we're going to have to tighten our belts. So it takes that stimulus money out.

Now you say, Well, why would you do that? Well, what we've already heard from a number of people, including administration officials, is, Hey, we may not be spending this correctly. We may not have gotten it right. Well, let me tell you, when people back home are having to tighten their belts and when they are looking at some of the largest deficits in the history of this country, they want Congress to get this right. What this does, it preserves the many programs that are already important and that many people have spoken on behalf of; but it doesn't let them continue to spend this $2.7 billion that, quite honestly, we didn't have to begin with. It's one thing to spend additional money when you have it; but when you don't have it, it's another issue.

The people back home are faced with that very same issue. I got a letter from one of my constituents in Abilene, Texas, the other day. It said, Congressman, you know what, we got caught up in the credit card and borrowing; and it said, We've stopped that. We've quit charging a lot of things we used to charge. We have not taken the vacations we were taking. We've dropped a lot of items. We were doing it, and now we're saving.

The question she asked, Congressman, why isn't the Federal Government doing the same thing? Do they not understand that we cannot continue to run these deficits at these levels, continue to spend money that we do not have? Madam Chairman, we have to stop this. We cannot leave a legacy for future generations where they have no future. It is projected in just a few years that we will be paying interest to the tune of $1 billion a day—$1 billion a day in interest. And that interest doesn't do anything for our country. It pays back countries like China and Japan for the money that they have provided to support our borrowing and spending habit. It's time that we stop that. This is a commonsense approach. It keeps the funding at a constant level, but it takes away this $2.7 billion that we didn't have in the first place.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, it's clear what the gentleman's amendment does. It reduces funding levels in various accounts in this bill by the amounts appropriated in the Recovery Act. Just as a few examples, he cuts $200 million from the Under Secretary for Management because there was $200 million in the Recovery Act for the new DHS headquarters at St. Elizabeth's. But there's no money in this bill for the new DHS headquarters. He's just cutting management and oversight for the Department by more than 75 percent.

He cuts $5 million from the Inspector General because there was $5 million specifically included to help monitor Recovery Act expenditures. But there's no money in this bill specifically for Recovery Act oversight. It simply comes out of the Inspector General's Office and the critical work that he does.

He cuts $420 million from the CBP budget for facilities management because there was $420 million included in the Recovery Act to replace and renovate land ports of entry into the U.S.. But there's no money in this bill for such construction. So it's really just an indiscriminate and enormous cut to the general upkeep of Border Patrol and Customs facilities.

The gentleman cuts $210 million from the Firefighter Assistance Grants program because there was $210 million included in the Recovery Act for fire station construction. But there's not a penny in this bill for fire station construction. This amendment would reduce grant funding for firefighter equipment by over 50 percent, at a time when local firefighter budgets are already on the chopping block.

The effect of this amendment is very different from the effect of simply rescinding Recovery Act funds. Rather than erasing the effect of stimulus moneys provided through this title in the current year, it guts the ability of the agency to function in the coming year. It would nearly eliminate the budgets for hiring personnel, managing equipment purchases, departmental security, and DHS facilities. If this amendment passes, the Kansas City Royals—not exactly the biggest spending team in baseball—would spend more on player payroll than the third-largest department in the Federal Government would have to manage its affairs. CBP couldn't pay rent for their existing facilities. Modernization of airport screening for explosives and advancements permitting passengers to safely carry larger containers of liquids onto planes would grind to a halt. I think that's probably enough to illustrate just how destructive this amendment would be and how indiscriminate it would be.

I urge my colleagues to oppose this devastating amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. The chairman brings up the point that we are gutting this bill. In fact, we are not gutting this bill. We're just trying to give the American taxpayers some of their money back, $2.7 billion. And unfortunately it was $2.7 billion that we didn't have. If he has some other areas that would be better served by cutting those programs, I would love to have that discussion with him. But the bottom line is, I was on an airplane coming back to Washington. I had two people come up and say, Congressman, y'all have got to stop this spending. We can't afford it.

And you know who even gets that more than anybody? I have a 10-year-old grandson Nathan, and I gave Nathan a gift card not too long ago. He and I went to the store, and he went around the store and gathered up a lot of things that he thought would be something that he would like to have. And when he got to the counter, he realized that had he more items in his basket than he had money on his gift card. So he didn't turn to his granddaddy and say, Granddaddy, can you spot me a little extra? He took those items that he couldn't afford back to the shelf where they belonged. That's what the American people want us to do. They want us to do what my 10-year-old grandson Nathan did, and that is to understand that we have a finite amount of money. We cannot break this country. And if we keep spending like this, we are going to break this country.

When we passed this $782 billion stimulus package, we then came back and we started bailing out automobile companies. We had an omnibus bill, $400 billion. We passed a $3.7 trillion budget. People in America, Madam Chairman, are saying, What in the world are y'all doing? The young family back in Abilene, Texas—they get it. Nathan Neugebauer, my 10-year-old grandson, he gets it. I'm wondering when the United States Congress is going to get it.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. NEUGEBAUER. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART C AMENDMENT NO. 7 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 7 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Federal Emergency Management Agency—National Predisaster Mitigation Fund'' shall be available for a grant to the City of Emeryville, California.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment would remove $600,000 from

the city of Emeryville, California, and return the money to FEMA's Pre-Disaster Mitigation account. The Pre-Disaster Mitigation account used to be awarded solely on the basis of merit. When we established the Department of Homeland Security, we were told time and time again, Don't worry. We're not going to earmark any funding in this legislation, or this bill will not be earmarked. We were told that for a couple of years. Now guess what—it was earmarked a couple of years ago. Now more, now more, now even more. Now there are well over 100 earmarks in the bill.

Of course the State of California is no stranger to floods. In fact, according to FEMA, since the year 2000, parts of California have been declared a major disaster due to flooding five times. But there are many other areas of the country that also suffer from flooding. Louisiana, we all know, is a State that often gets pounded with hurricanes and has also had five major disaster declarations due to flooding in the past 10 years alone. Yet Louisiana doesn't receive a single earmark in this year's Pre-Disaster Mitigation fund. How can this be? The answer is easy. When you abide by a process that rewards some Members over others, you wind up with a spoils system. And I would submit that's what we have with the Pre-Disaster Mitigation fund is a classic spoils system. Unless we can determine that mother nature somehow finds those districts represented by appropriators and sends more floods, more earthquakes, more natural disasters somehow to those districts or to the districts of powerful people on powerful committees, then we have a spoils system. That is an example here.

When we look at this year's Pre-Disaster Mitigation earmarks, we see of the $150 million appropriated for the grant program, altogether in this year's bill, more than $24 million is earmarked. There are a total of 58 predisaster earmarks. Nearly 30 percent of them go to members of the Appropriations Committee. When you consider the dollar value of these 58 earmarks, the picture becomes even bleaker. Nearly 40 percent of the funds earmarked for Pre-Disaster Mitigation are going to districts represented by members on the Appropriations Committee.

Again, unless Mother Nature knows which districts are represented by appropriators, we've got a problem here. Appropriators make up just 13 percent of this legislative body. So 13 percent of the House will take home 40 percent of Pre-Disaster Mitigation spoils. Homeland Security earmarks, as a whole, favor Members who serve in a position of power, either as an appropriator, in leadership, as a chairman or a ranking minority member of the committee. If that's not a spoils system, I don't know what is. We ought to let this Pre-Disaster Mitigation program work as it should.

A while ago the Department of Homeland Security asked if this account could be distributed with a risk-based formula, but the committee said no. They wanted to keep the same competitive grant formula, a competitive grant formula that really isn't competitive at all because a quarter of it is already earmarked; and within a few years, it will probably all be earmarked. And guess what—it will largely go to the districts represented by appropriators or those in powerful committee positions.

I urge the adoption of the amendment.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, if this amendment were to be adopted, the locality that is targeted, namely, the city of Emeryville, would not receive funding, nor would the locality even be able to compete for a Pre-Disaster Mitigation grant through FEMA because the amendment would strike any Pre-Disaster Mitigation funding for that locality for the fiscal year 2010.

Now, Madam Chairwoman, FEMA has reviewed every mitigation project in this bill. Each project was deemed eligible based on the requirements in the Stafford Act and will be used to protect lives and reduce property damages in some of the most hazard-prone areas of the country. There should be no question that this request underwent rigorous scrutiny and meets the test of being aligned with and supporting the missions of DHS.

□ 1830

So I urge colleagues to defeat this amendment.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. PRICE of North Carolina. I would yield, yes.

Mr. ROGERS of Kentucky. I want to join the gentleman in saying that we have scrubbed these congressionally directed spending in this bill unlike anything before. They are clean, and they are needed in the areas where they have been congressionally directed. So I join the gentleman in opposing this amendment.

Mr. PRICE of North Carolina. I thank the gentleman.

Madam Chairman, I am happy now to yield to our colleague from California (Ms. LEE).

Ms. LEE of California. Let me thank both gentlemen for their support and for understanding the necessity really for this congressionally directed spending, Federal funding, better known as an earmark to some.

Let me just say that I do rise in opposition to the amendment offered by the gentleman from Arizona and in support of the request for funding that was made by the city of Emeryville in my district for funding through FEMA's Predisaster Mitigation Program.

Let me just start by saying that I respect the gentleman from Arizona (Mr. FLAKE). We have worked together in the past on many issues related to lifting the embargo on Cuba and normalizing relations with that country and on many, many issues. But I believe he is wrong about the funding I requested in the Homeland Security Appropriations for the city of Emeryville's Community Emergency Safety Facilities Project.

The city of Emeryville is in my district. It has a dense population of nearly 10,000 residents and a 1.2 square-mile region. Although much smaller in size than the neighboring city of San Francisco, this small city has become a leader in interagency cooperation and for the new economy innovation. On behalf of the city of Emeryville—now, this was the only request that I made—I requested $600,000 to help finance the seismic retrofitting of the city's principal, and this is the only, emergency community gathering and housing facility in the event of a natural disaster. It's the Emery Unified High School gymnasium. The city has requested these funds to finance 15 percent of the initial cost for phase one of the project for ''seismic planning and development,'' which in total would cost about $4 million. The balance of the funding will come from redevelopment funds directly from the city of Emeryville and also an anticipated local bond between $40 million and $75 million that will also direct some funds to the project.

The remainder of the necessary capital, which is expected to finish this project, will come from State, local, and Federal sources, including school facilities funding, competitive State bond programs, and Federal development or infrastructure grants.

Several years ago an evaluation of the Emery Secondary School gymnasium was conducted based on FEMA's criteria for structurally sound facilities and came to the following conclusion: without seismic strengthening of the buildings, they could experience high levels of localized structural and nonstructural damage in a moderate or large earthquake sufficient to pose unacceptable high levels of risk to the life safety of the buildings' occupants.

The Hayward Fault, which runs through Emeryville and the two neighboring cities of Berkeley and Oakland, is considered one of the most dangerous earthquake faults in the world. Scientists agree that the Hayward Fault could soon experience a large earthquake with an impact on many densely populated cities throughout the bay area. The Hayward Fault has ruptured about every 140 years for its previous five large earthquakes, and this past October marked the 140th anniversary of the 1868 earthquake, which was approximated to be a magnitude of about 7.

The recent earthquake disasters around the world highlight the need for

the highest level of structural safety in our schools and emergency facilities.

This is the only request and I'm just asking that we support this, Madam Chairman. I would certainly support any disaster mitigation efforts for Mr. FLAKE's district should a disaster hit his district. I would also support funding to alleviate that.

Mr. FLAKE. Madam Chair, let me just say again here's a chart. This is FEMA predisaster earmarks secured by appropriators, leadership, committee Chairs, and ranking members. If we look here at fiscal year 2009 and 2010, again 49 and 51 percent respectively, the money is going to powerful appropriators or committee Chairs or ranking minority members that represent just 25 percent of the body.

Again, I will yield anybody time who can stand and say with a straight face that Mother Nature targets districts represented by appropriators or committee Chairs or ranking minority members. I don't think that's the way it is.

I have great respect for the gentlewoman from California. We have worked together on a number of issues. And this is not just an issue that anybody has with this particular earmark, but it is with many in this piece of legislation. We need to ensure that FEMA looks and does this on a risk-based way where they look at risk and award accordingly. When Members of Congress do an earmark, it simply becomes a spoils system; and, unfortunately, I think that's what we are seeing here.

So I would urge support for the amendment.

Madam Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 5 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

PARLIAMENTARY INQUIRY

Mr. CULBERSON. Madam Chair, parliamentary inquiry.

The CHAIR. The gentleman will state his parliamentary inquiry.

Mr. CULBERSON. Madam Chair, could we ask the Clerk to please read the text of the amendment so we can be sure which amendment is before the House.

The CHAIR. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Part C amendment No. 5 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Federal Emergency Management Agency—National Predisaster Mitigation Fund'' shall be available for a grant to the Harris County Flood Control District, Texas.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, this amendment would remove an earmark of $1 million for the Harris County Flood Control District and would return money to FEMA's Predisaster Mitigation Fund. This is a similar amendment to the one that I just offered. These are earmarks to the Predisaster Mitigation Fund, as I mentioned before.

It used to be that when organizations at the local level wanted to apply for this funding, they submitted a proposal to FEMA. FEMA has a 70-page guidance document for people applying for these grants. Unfortunately, when people apply now, 25 percent of the money that was in this grant program is gone because it's earmarked. It's been taken away, taken off the top. Where it really wasn't before. And as I mentioned before, when you have one-quarter of this funding taken, we find that 40 percent of the value goes to just 25 percent of the Members or actually 40 percent of the value goes to just 13 percent of the Members in this body, those districts represented by appropriators.

And, again, I will gladly yield time to anybody who can stand and say that Mother Nature targets districts by appropriators or other powerful Members more than Mother Nature does other districts. It simply doesn't happen.

But, again, FEMA has asked if they could establish a more risk-based program where they could evaluate risk and allocate funding accordingly. That's how it should be done. But we in Congress have said no, because why? We like the system how it is because it's easy to earmark and it makes it more likely that Members, particularly of the Appropriations Committee, can get earmarks for their district. And that's what we have here.

In this particular case, this flood control district, before we started earmarking this account, applied for a grant under the Predisaster Mitigation Program and got a grant. So competitively they established that they had need for it. That's how it should be. But then the next year I don't know if it was going to get the grant or just didn't want to apply, but money was earmarked and then the next year earmarked again. Now this year there's another earmark for that same flood control district.

I think it's time to let FEMA decide under a risk-based formula where this funding should go. We all know the process here. It's why we have a commission to close military bases because we simply can't discipline ourselves as Members to say that base in my district may need to be closed, and then we move to protect other people's bases if they'll protect ours. The process of logrolling takes effect. That's why it's best to establish criteria and let the agency do the work. If we don't like how they do it, we exercise oversight and force them to change the program and to do it equitably. But to do it this way just means that a spoils system occurs, and that's what we have here.

Madam Chair, I reserve the balance of my time.

Mr. CULBERSON. Madam Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CULBERSON. Madam Chairman, the gentleman from Arizona's amendment purports to be fiscally conservative.

I have, as a Member of Congress over the years, established one of the best fiscal conservative ratings in Congress. I voted against $2.6 trillion of spending under President Bush, $1.3 trillion so far under this President. I've consistently been ranked as one of the most fiscally conservative Members of Congress. And we, each of us, are elected by our districts to use our good judgment, to use discretion and, in my case, fiscally conservative standards in those spending requests that we push forward, those that we set aside. I've worked aggressively with my ranking member and members of this committee to try to save money in this bill and others.

But the city of Houston, Harris County, has suffered in just the most recent hurricane, Hurricane Ike, which just hit the gulf coast. It hit Houston the hardest, $2.1 billion worth of damage to southeast Texas that the Federal Government has reimbursed. The city of Houston alone, Harris County, home damage: $8.5 billion worth of damage to homes in Harris County.

Now, I asked for very little as a Member of Congress to try to help the people of Houston. One area where we need help is in flood control. One area where we clearly need help is in mitigation to prevent additional damage.

In fact, because of the work I've done as a member of the Appropriations Committee and in the very few areas I asked for help on are national security, border security, medical and scientific research, and in flood control. And in flood control, the homes along Braes Bayou, for example, didn't flood. The Texas Medical Center, Mr. FLAKE, did not flood as a result of this hurricane because of work that I was able to do with the help of my colleagues on the Appropriations Committee, the Harris County delegation working together.

Mr. FLAKE's amendment would strike all Federal funding for all of Harris County flood control. His amendment not only would save no money. To all my fellow fiscal conservatives out there watching, that would be one thing.

Your amendment saves no money, and you would eliminate all Federal flood control money for all Harris County, which just got hammered by the biggest hurricane to hit southeast Texas in my lifetime.

□ 1845

Now let me yield briefly to my ranking member, Mr. ROGERS, and I would be proud to yield to my chairman, Mr. PRICE.

Mr. ROGERS of Kentucky. I join the gentleman in opposing the amendment.

I think the gentleman would be derelict in his duties to the Congress and to the people of his district and the country if he didn't make these efforts to help the people that he represents. That is not a unique thing to try to help the people that you represent in the U.S. Congress. And I salute the gentleman.

Mr. CULBERSON. In a fiscally conservative way I may add. And I'm proud to yield to my chairman, Mr. PRICE, from North Carolina.

Thank you, Mr. ROGERS.

Mr. PRICE of North Carolina. I commend the gentleman for looking out for his people, looking out for his home area and crafting an amendment that is responsive to some very real perils. And I will just say, once again, these proposals have been vetted by FEMA. There is no question they underwent rigorous scrutiny. This is consistent with the Stafford Act and will protect lives and reduce property damages in this locality. So I commend him for his advocacy.

Mr. CULBERSON. Thank you, Mr. Chairman.

I would also say that each one of us, as Members of Congress, how I for myself have said from the moment I was appointed to the Appropriations Committee, I have published every request that I submit for designated spending on my Web site. I was the first Member of Congress to send a Twitter message from the Oval Office, the first one to send a Twitter message from the floor of Congress. I love technology. My hero, Thomas Jefferson, always said to try all abuses at the bar of public opinion. And I believe very strongly in transparency and openness. I published every appropriations request I have ever made on my Web site since 2003. I was the first Member of Congress to do so. I published every appropriation, designated funding request, that I received on my Web site since 2003. I believe I was the first Member of Congress to do so, because I don't ask for much. I will not make a funding request for a private individual or a private company. I limit them to national security, border security, local units of government, State Government, or the Texas Medical Center, God bless them, the great work they are doing at M.D. Anderson Hospital, medical or scientific research, the Nation's space program or flood control. The Houston ship channel will silt up in 6 months unless we on the Appropriations Committee direct the Army Corps of Engineers to dredge it. They would not have built a railroad bridge connecting Galveston Island to the Texas mainland unless the Homeland Security Committee, and I want to thank Mr. ROGERS and Chairman PRICE again, for connecting the Galveston Island to the mainland. That is not even in my district, nor is the Houston ship channel.

These are fiscally conservative, prudent requests, Mr. FLAKE. You in Arizona, I have to tell you, are just not familiar with Harris County. I don't think you will find any Member of Congress with higher fiscally conservative standards than I have. And I think the request is entirely appropriate. It is absolutely necessary for an area that got hammered by the hurricane.

And I urge defeat of the Member's amendment because it won't even save money.

The CHAIR. The time of the gentleman has expired.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to address their remarks to the Chair.

Mr. FLAKE. May I ask the time remaining.

The CHAIR. The gentleman has 2 minutes remaining.

Mr. FLAKE. I will be glad to yield to the gentleman 30 more seconds if you want to go on. You are making my case.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to address their remarks to the Chair.

Mr. CULBERSON. Thank you. Madam Chairman, Kitt Peak—I'm not sure what part Arizona Mr. FLAKE has, but every piece of legislation passed by Congress directs the Congress—JEFF, which part of Arizona do you have? Excuse me.

Mr. FLAKE. The East Valley.

Mr. CULBERSON. Due south. I'm an amateur astronomer, a passionate fan of Kitt Peak Observatory. Let's say Congress passes a piece of legislation to designate funding for Kitt Peak Observatory. Every bill Congress passes designates funding. All of us have an obligation——

Mr. FLAKE. Reclaiming my time.

Mr. CULBERSON. We have to be fiscally conservative, Mr. FLAKE, on every bill, not just appropriations.

Mr. FLAKE. I'm a slow learner.

Let me remind the gentleman that this district, Harris County, received $1 million when they applied for the funding before the earmarks started, 2 years ago, last year, I'm sorry, 3 years ago—2 years ago got a $1 million earmark, last year got another $1 million earmark, this year asking for a third $1 million earmark. And we just had another member of the Texas delegation stand just moments ago and offer an amendment to move money to the predisaster mitigation account because he couldn't get the funding for his district in Texas because 25 percent of the funding, by the time people in his district even applied for the funding, is gone. It is earmarked, cut off the top.

And I already explained the spoils system that is here, and still nobody has taken me up on my offer. I will yield time to anybody who can tell me that Mother Nature targets districts represented by appropriators.

It simply doesn't happen.

Mr. CULBERSON. I will happily take the challenge. I'm ready.

Mr. FLAKE. No thanks. I know better. But I believe my time is out.

I urge adoption of the amendment. We simply have to be more fiscally responsible. And we have to have a system at FEMA that is based on risk and merit rather than spoils. This is a system based on spoils right now. That is why the adoption of the amendment should be done.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FLAKE. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 2 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 2 Offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''Science and Technology—Research, Development, Acquisition, and Operations'' shall be available for the National Institute for Hometown Security, Kentucky, and the amount otherwise provided under such heading is hereby reduced by $10,000,000.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, this amendment would remove $10 million in funding for the National Institute for Homeland Security based in Somerset, Kentucky, and reduce the overall cost of the bill by a commensurate amount.

This is not the first time I have brought this earmark to the floor. This earmark is always noticeable if for nothing else the cost. Compared to most earmarks in the bill, this is one of the largest earmarks we have in the Homeland Security bill year after year. This year the earmark alone would cost taxpayers $10 million, and if approved, this would actually be the lowest dollar amount the institute has received since its creation in 2004. According to the Web site, the National Institute for Homeland Security is an

independent, nonprofit corporation designed to allow universities in Kentucky to ''more effectively compete for research funds and projects aimed at improving homeland security.''

It goes on to say that the institute's end goal is to match up local universities with projects, then commercialize the resulting product.

Madam Chairman, we all know that Congress has a problem with spending overall. We have a $7.87 billion stimulus package. We had a massive omnibus appropriations bill, we have had numerous bailouts of private companies. Now we are facing nearly $2 trillion in deficits just this year. When I came to this body just 8 years ago, our total budget was around $2 trillion. Now we will have a deficit by the same amount. Yet here we are; we are funding a nonprofit organization, which again, according to its own Web site, apparently would not exist without the assistance of Congress. And it seems that the purpose of this center is to attract other earmarks. It is an institute that seems to beget other earmarks.

I simply don't think that we can continue to do this. Since it was created, the institute has received $74 million in taxpayer funding: $12 million in 2005; $20 million in both 2006 and 2007; $11 million in both 2008 and 2009. When will this end? When will we say enough is enough? We have funded this institute enough, and it will have to compete on its own for other grants.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Chair, I rise to claim opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Madam Chairman, the Consortium of Kentucky Colleges and Universities was asked by the Department of Homeland Security if they would take on research projects that the department needed answers on, and the consortium said, yes, we will. They said, we can't compete probably singly working by ourselves with the MITs or the Cal Techs or the Harvards or maybe Phoenix University or the University of Arizona. But collectively, as a group, we can.

And so the department gives the project to the consortium, and the best pieces of the consortium then collect together to work on that project. The University of Kentucky may be teamed up with Western Kentucky University, the University of Louisville or perhaps an out-of-state university, and they work on and solve the project that the department has need for.

To set the record straight, the institute receives specified research task orders from the science and technology directorate at DHS. The task orders are then farmed out to the consortium of colleges and universities throughout the State of Kentucky and other public and private entities across the country for their input on that particular problem.

This process taps into and unleashes the intellectual firepower of our best and brightest people to address new and emerging threats to the homeland.

These are competitive grants. Make no mistake. These are competitive grants. All decisions on funding are made by the Department of Homeland Security. So far, 22 projects are underway with dozens of colleges and universities participating. These are low-cost solutions with a minimal footprint and maximum results.

A couple of examples. University of Kentucky researchers have developed a system to maintain the security of raw milk as it is transported from the dairy farm to the processing plant to combat a problem that we found in China where many dozens of young people were sickened by milk that had been tainted. This issue is critical in securing our food supply. That system is now available across America and is being used.

University of Louisville researchers are developing a system that samples air particles in large enclosed spaces such as shopping malls and sports venues to detect the presence of explosive materials. We know from the London and Madrid mass-transit bombings that terrorists seek enclosed and populated places. Western Kentucky University teamed up with the University of Louisville, and they have designed devices to detect leaks in rail transport tanker cars. A chlorine or ammonium nitrate spill in any neighborhood could be disastrous. Research funds have been awarded to reduce the explosive potential of ammonium nitrate and fuel oil by coating the material with coal combustion byproducts. These two chemicals, when mixed, form a common explosive material for terrorists and were the deadly combination used in the tragic Oklahoma City bombing.

MITOC, Man-Portable Interoperable Tactical Operation Center, provides communication services to disaster sites to make interoperable communications where it did not exist in these public venues. MITOC has been deployed to areas around the country to help them solve the interoperable need for communications in the disaster scene when no other communication systems were working, including Texas during Hurricane Ike and recently in Kentucky during the massive ice storm throughout the entire State.

So these are research projects that are producing results that the department needs and asks this consortium to do, and is engaging the intellectual firepower of these universities and colleges in Kentucky and their counterparts throughout the country. It is one of the best things the department has ever done. And I'm happy to say it is in my home State of Kentucky.

Mr. PRICE of North Carolina. If the gentleman will yield, I want to commend him for his advocacy of these outstanding programs and join him in opposition to this ill-conceived amendment.

Mr. ROGERS of Kentucky. I thank the gentleman.

I reserve.

Mr. FLAKE. May I inquire of the time remaining?

The CHAIR. The gentleman has 3 minutes remaining.

Mr. FLAKE. Let me just say first there have been a few statements first that imply that the Department of Homeland Security or FEMA in the case of the last two amendments somehow endorsed these amendments or endorsed these projects. According to OMB, the administration responses about earmark requests ''should not be construed as an evaluation or recommendation of specific earmark requests based on merit or value.'' So we can say that, hey, the agency wants this. But the official position of the administration is, We are taking no position. And of course, they really can't because these earmark dollars are sometimes taken from the account that they would otherwise use to give grants based on merit or based on risk.

Again, this chart is even starker when we look at the overall bill that we are considering today. Homeland security earmark dollars secured by appropriators, leadership, committee chairs, and ranking members. FY 09, 45 percent—45 percent—of the total in earmark dollars in the bill went to this group. This group represents just 25 percent of the body.

□ 1900

Mr. CULBERSON. Would the gentleman yield?

Mr. FLAKE. I yield to the gentleman.

Mr. CULBERSON. Did you do an analysis by geography? For example, those of us on the Texas gulf coast that get hammered by hurricanes need help with flood mitigation. Did you analyze it geographically and see what percentage goes to the coastal areas of the United States or the floodplains of the Mississippi River?

Mr. FLAKE. I thank the gentleman. I think we all know that the alignment of appropriators and Members in powerful positions does not align with the gulf coast or any other geographic position.

Getting back to the chart, 45 percent last year went to those in powerful positions; 45 percent to 25 percent. This year it is even starker: 71 percent of all earmark dollars in this bill are going to 25 percent of this body. That is a spoil system. I don't know how else you can claim otherwise, unless as I said, and I will yield simply for the purpose if somebody can stand up and say that Mother Nature targets this group more than others, then this is a spoil system. When we have here an earmark that has been over and over and over awarded, $74 million in taxpayer funding, $12 million in 2005, $20 million in both 2006 and 2007.

Mr. CULBERSON. Would the gentleman yield?

Mr. FLAKE. I will yield to the gentleman only if he will answer the question yes or no: Does Mother Nature target districts represented by appropriators?

Mr. CULBERSON. Mother Nature targets all districts equally, Mr. FLAKE. But when it comes to floods and hurricanes, they target the gulf coast. When it comes to floods from the big rivers, they target the Mississippi River Valley.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, amendment No. 1.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''United States Customs and Border Protection—Salaries and Expenses'' shall be available for award to Global Solar, Arizona, for the portable solar charging rechargeable battery systems, and the amount otherwise provided under such heading is hereby reduced by $800,000.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, I hesitate to challenge this earmark. It was secured by my colleague from Arizona, Mr. PASTOR, for whom I have great admiration and we have a great friendship, but this amendment would remove $800,000 for the portable solar charging rechargeable battery system, and it would lower the bill by a commensurate amount.

According to the earmark table itself, the recipient of this earmark is Global Solar, who, according to the Web site, is a ''privately held company that was incorporated in 1996 that has evolved into a major producer of solar cells.''

The certification letter filed by the earmark's sponsor says the money will be used ''for the acquisition of manpackable, solar-charging, rechargeable battery systems for use by the U.S. Border Patrol.''

My concern is not with the technology nor with the needs of the Border Patrol, nor with this company in particular. My concern lies with why a specific for-profit entity was designated to receive this earmark funding.

The President recently referred to earmarks for for-profit entities as the ''single most corrupting element of this practice.''

The PMA scandal that has plagued the House of Representatives for months has largely centered on campaign contributions and earmarks for for-profit entities. We simply cannot move ahead as if nothing is happening outside of this body, or even within this body. We have our own Ethics Committee, and the Justice Department is investigating the relationship between campaign contributions and earmarks, and that is largely the case when you have earmarks that go to for-profit companies, earmarks that are little more than sole-source contracts or no-bid contracts.

This is the only one gratefully in this legislation that I have been able to find, an earmark that goes to a for-profit entity, and I would submit, Madam Chair, that we simply shouldn't be earmarking funds for private companies in this legislation.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. I want to very quickly turn to Mr. PASTOR, the author of this provision, but I want to assure Members that this provision, like other directed spending, has been vetted down at the Department of Homeland Security. It has been certified to be consistent with the agency's mission; otherwise, it simply isn't eligible.

Now, on this item in particular, I would invite the attention of Members to the actual language of the bill, page 6. This earmark is for $800,000 for procurement of portable solar-charging, rechargeable battery systems to be awarded under full and open competition.

That language is pretty plain; isn't it?

This item is required by law to be subject to a competitive procurement process. And, indeed, any item now in appropriations bills involving for-profit entities are subject to the same requirement. We all need to understand that and read the plain language of the bill.

I yield to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I join the chairman in opposing the amendment. As he says, all of these congressionally directed spending earmarks have been vetted by the Department. They have been scrubbed by our subcommittee unlike anything before, and I join in opposition.

Mr. PRICE of North Carolina. I thank the gentleman, and I yield now to my colleague, Mr. PASTOR, to expand on this provision and the reasons that the proposed amendment should be rejected.

Mr. PASTOR of Arizona. First of all, I want to state for the record that I have never met personally with the company listed as the recipient for this earmark. It has spurred my interest, the technology and the use of technology, that I brought this request to the subcommittee. And while this is a for-profit company which is listed as a recipient, under the new rules instituted in this Congress this year, this company or any company will have to compete for the contract, and I know of at least three U.S. companies with products suitable for such competition and a great number of foreign companies that could compete.

This request has been vetted by the Department of Homeland Security and the Border Patrol. The Border Patrol's special response teams and technical teams have stated requirements for this technology which allows them to recharge their power-intensive equipment while deployed in the field on extended missions. These teams manpack over 100 pounds of equipment into the field on their missions, so every pound saved is significant.

This technology, which is basically photovoltaic film, lightweight, portable, allows them to leave behind at the camp previously used car battery-type systems in favor of this lightweight, portable, photovoltaic film. And this allows the person using it to be able to extend the mission for a longer period of time and to be able to recharge their battery so that they can use their communication system, can use sensors, and will allow the Border Patrol to be more effective in its law enforcement efforts. This type of technology is currently used by the military, especially the Marine Corps.

So the intent for this earmark is not to reward a company because they met with me or because they contributed, which they did not, but to bring forth to the attention of the Border Patrol that this equipment is available for competition for the companies that qualify according to their purchase order so that we can make the Border Patrol, as they extend into the desert, to be more effective and be able to continue the law enforcement. That is the only reason for this earmark, and I oppose the amendment.

Mr. FLAKE. Madam Chair, we have that language saying that this earmark would be awarded under full and open competition. But if you meet with the Department of Defense, as I have, and you ask them, Currently, do you compete out? Do you subject to competition the earmarks that you see? They will say, Yes; yes, unless we don't, basically.

So I asked them—if we look at the 2008 Defense bill, for example, I asked the Department of Defense to actually look and do a random sampling of the earmarks that came that they say are subject to competition to see how many of them actually went to the earmark recipient listed. With uncanny precision, the answer came back all of them that they sampled did go to the earmark recipient listed. If these are to be competed out, why do we have to mention the company at all?

I don't know if it is in order to ask for a unanimous consent to simply remove the name of the company. If these are going to be competed out anyway and if there are at least three companies that have this technology, would it not be in order to say——

Mr. PASTOR of Arizona. Would the gentleman yield?

Mr. FLAKE. Yes, I would yield.

Mr. PASTOR of Arizona. I would have no objection if you removed the name.

Mr. FLAKE. Would it be in order to modify the amendment under a unanimous consent?

The CHAIR. The gentleman may ask unanimous consent to modify his amendment.

Mr. FLAKE. I would ask unanimous consent to modify the amendment to strike the name of the company listed in order that this may be subject to full and open competition.

The CHAIR. Is there objection to the request of the gentleman from Arizona?

Mr. PASTOR of Arizona. I object. At the urging of your colleagues, they asked me to object, so I will object.

The CHAIR. Objection is heard.

Mr. FLAKE. I understand.

As I mentioned before, I have the utmost respect for my colleague from Arizona. He is a straight shooter, and I know that if it were up to him, he would do this. And I think that some things go on their own without sometimes us realizing what we are doing.

But in this case, the language stands that this earmark is to go to a specific company despite other language that may be in the legislation to say this is to be competed out. We know, based on experience, that the Department of Defense or the Department of Homeland Security, in this case, the agency, looks to see what the committee wanted and they will award it based on that, and so it really isn't full and open competition. We shouldn't be listing the company here.

So I would have to urge adoption of the amendment to strike this earmark unless we can remove the company listed.

Mr. PRICE of North Carolina. Would the gentleman yield?

Mr. FLAKE. Yes.

Mr. PRICE of North Carolina. The gentleman is aware the company is not listed in the bill. The only place the company is listed is in the report, which is a matter of disclosure, and it is not amendable. It can't be modified here on the floor. The bill, as I read earlier, the plain language of the bill says this will be competed.

The CHAIR. The gentleman's time has expired. The amendment will not be altered because objection has been heard.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 1915

PART D AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Speaker, I have an amendment at the desk as designee of Mr. CAMPBELL.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Protection and Programs Directorate—Infrastructure Protection and Information Security'' shall be available to SEARCH of Sacramento, California, for interoperable communications, technical assistance and outreach programs, and the amount otherwise provided under such heading is hereby reduced by $1,000,000.

The CHAIR. Pursuant to House Resolution 573, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I feel obligated, since I ran out of time, to explain why simply because the language isn't in the bill itself or the name of the company that that still means that the earmark will likely go to the company listed.

In the past few years, the previous President said that he would instruct the agencies not to fund any earmarks that weren't in the bill text. And so as a way to get around it and make sure that those earmarks were funded, the Appropriations Committee actually inserted language saying that language in the report would carry the force of law. And so that's what we've been operating under for the past couple of years to make sure that those earmarks that are simply in a table or in a report still get funded.

In this case, we have language that will be in the table, the table that accompanies the bill in the report. The table in the report lists the company, Global Solar, that is to receive the earmark. And there is a certification that the Member filed saying this earmark is to go to this company at this address. And so, notwithstanding the fact that the language isn't in the bill itself, we still have an issue where the earmark will likely go to the intended recipient.

This amendment would remove $1 million for funding for the National Institute for Communications Interoperability, a nonprofit organization and a subsidiary of SEARCH, the National Consortium for Justice Information and Statistics. In recent testimony before the House Appropriations Committee, the executive director of SEARCH described the organization as a ''State criminal justice support program with a mission to promote the effective use of information and identification technology by criminal justice agencies nationwide.''

This entity just received a $500,000 earmark in the omnibus bill that Congress approved just a few short months ago. According to the sponsor's office, this particular earmark would support the launch of a nationwide institute to train emergency responders to better command and control emergency resources. The proposed pilot project would provide training, certification and outreach programs to State, regional and local coordinators in the first responder community.

Now, this sounds strikingly familiar to a program within the Department of Homeland Security, one that they already administer. The Department of Homeland Security SAFECOM program has developed the Statewide Communications Interoperability Planning Methodology, a comprehensive 10-phase process created to assist States in the creation of their statewide emergency communication plan.

Now, why should Federal funds be earmarked for a private organization that seems to duplicate an effort already undertaken by the agency for which we are appropriating now? If the Department of Homeland Security requires services that only SEARCH could provide, the administration could request funds for it.

So, Madam Chairman, I don't think that we need to earmark funds here. There is a program within the Department of Homeland Security already that does what this private organization—which has just received an earmark in a bill we did a few months ago—is seeking to do.

With that, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. As with earlier items that we have discussed this evening, there is simply no question that this request underwent rigorous scrutiny, meets the test of being aligned with supporting the missions of the Department of Homeland Security, and I urge my colleagues to defeat the amendment.

I am happy to yield at this point to my colleague, Mr. ROTHMAN, to expand on the reasons that this amendment is ill advised.

Mr. ROGERS of Kentucky. Would the Chair yield?

Mr. ROTHMAN of New Jersey. I yield to the ranking member.

The CHAIR. The gentleman from North Carolina controls the time.

Mr. PRICE of North Carolina. I am happy to yield to the ranking member.

Mr. ROGERS of Kentucky. I simply want to join my chairman in opposition to the amendment for the reasons that he said.

Mr. PRICE of North Carolina. I thank the gentleman.

Now I yield to Mr. ROTHMAN.

Mr. ROTHMAN of New Jersey. I thank the chairman.

First, I would like to thank Chairman PRICE and Ranking Member ROGERS and my fellow subcommittee members for their leadership on this entire Homeland Security legislation and for their support for this project. As you know, the Department of Homeland Security reviewed this project and had no objection to it. This is a good bill and a good project.

Mr. FLAKE's amendment would remove funding for this project that would otherwise help local, State, and Federal emergency response agencies better communicate and coordinate in the aftermath of a terrorist attack or natural disaster.

My district is across the river from what were the Twin Towers in New York City, and we know firsthand the difficulties that arose in that terrible tragedy because of the inoperability, the lack of communication technologies working together amongst police, fire, and other emergency services.

There was a landmark publication, ''Why Can't We Talk,'' which was produced in the wake of 9/11 by a national task force of 18 associations representing public safety and elected officials. It noted five key reasons why first responders struggle to communicate sometimes with their own agencies.

This $1 million project would support specific initiatives established in the National Emergency Communications Plan delivered to Congress in July 2008 by the U.S. Department of Homeland Security's Office of Emergency Communications. Working in partnership with that office, the National Institute for Communications Interoperability would address the most critical issue facing the first responder community today, their ability to command and control emergency resources in response to terrorist attacks, natural disasters and crimes through interagency communication.

This project will not only help to make our Nation safer by demonstrating how various regional emergency responses can better coordinate, but it will help to ensure that local, State and Federal tax dollars that have already been allocated in previous Homeland Security measures and in previous budgets throughout the United States are used more wisely. The primary goal of this project is to ensure the best possible use of taxpayer money by public safety officers and first responder organizations.

Federal, State, and local governments have invested a substantial amount of capital, as they should have, on first responder equipment, emergency plans, and safety personnel. It makes sense for Congress to support a project that will help to coordinate these efforts and maximize the return on these essential investments.

I urge the defeat of this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The CHAIR. The gentleman from Arizona has 2 minutes remaining.

Mr. FLAKE. I would urge adoption of the amendment. As I mentioned, when you look at the bill itself, you see again the spoils system that's occurring here: 71 percent of the dollar value of earmarks in this legislation go to just 25 percent of this body; 71 percent goes to 25 percent. That's not an equal distribution.

As we know, Mother Nature does not target those districts represented by appropriators or powerful Members, yet we have a system that awards earmarks based on those criteria.

Mr. ROTHMAN of New Jersey. May I ask the gentleman to yield for a short question?

Mr. FLAKE. Yes.

Mr. ROTHMAN of New Jersey. Is the gentleman aware that there will be five areas across this country that will be supported by this program as determined by this organization which has been established by 50 States and the territories?

Mr. FLAKE. That's right. And I'm also aware that the Department of Homeland Security has a similar program that does similar things, yet we are earmarking over and above on top of that.

I simply think that if we don't like the way the Department of Homeland Security is allocating resources, we need to change that or we need to give them guidance; we need to oversee what they do. For example, in my district a couple of years ago, the Department of Homeland Security spent money to synchronize street lights in a small town in my district. That wasn't an appropriate use of funds. But instead of spending time rooting out that kind of waste, we're saying we don't like the way you did that, so we're going to do some of our own. And so it is a duplicative program. And in the end, we end up spending more money and more money; and that's why the budget increases for this agency every year.

We simply cannot continue to do this when we have a $2 trillion budget deficit this year alone. At some point we've got to say we've got to save taxpayer money, spend it wisely, and do it in a way that actually addresses risk, not seniority.

Mr. ROTHMAN of New Jersey. Will the gentleman yield for one more question?

The CHAIR. The time of the gentleman has expired.

The gentleman from North Carolina has 1 minute remaining.

Mr. PRICE of North Carolina. I am happy to yield to my friend from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN of New Jersey. I thank the gentleman.

My friend from Arizona does not, Madam Chairman, dispute the validity and the importance of coordinating emergency communication throughout the United States, nor does my friend from Arizona dispute that this project represents five pilot projects across the country. So I find it difficult to believe that there would be any objection to this very valuable program that has already met with success and that is deserving of additional new outreach to the first responders emergency personnel across the country.

Ms. MATSUI. Madam Chair, SEARCH, the National Consortium for Justice Information and Statistics, is headquartered in my district in Sacramento, CA. I know this organization, and I support the earmark that will allow SEARCH to continue to perform its important work across the country supporting the homeland security efforts of state and local entities.

Over the past 40 years, this fine organization has accomplished a great deal to promote information sharing solutions among first responders. As a non-profit organization of the states with a membership body of gubernatorial appointees, SEARCH has served local, state, tribal, and federal information sharing and communications interoperability initiatives nationwide and continues to benefit the whole country.

SEARCH is uniquely qualified to develop and implement the program funded by this earmark. That is why I rise in support of the SEARCH National Institute for Communications Interoperability to promote interoperability in communications among first responders.

I urge Members to vote ''no'' on this amendment and support funding to SEARCH for the National Institute for Communications Interoperability.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. PRICE of North Carolina. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Ms. DEGETTE, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 572

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chair of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chair of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. In the engrossment of H.R. 2647, the Clerk shall—

(a) add the text of H.R. 2990, as passed by the House, as new matter at the end of H.R. 2647;

(b) conform the title of H.R. 2647 to reflect the addition to the engrossment of H.R. 2990;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 7. Upon the addition of the text of H.R. 2990 to the engrossment of H.R. 2647, H.R. 2990 shall be laid on the table.

SEC. 8. During consideration of H.R. 2647, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

□ 1930

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 572 provides for consideration of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, under a structured rule.

Last week the House Armed Services Committee reported H.R. 2647 favorably to the House by unanimous vote. The final vote came at 2:30 in the morning after more than 14 hours of thorough debate.

During that time the members of the committee did not see eye-to-eye on every issue, but we did not split by party lines on every vote, and we often had differing views on how to devote limited resources to endless challenges. In the end, we all agreed by a unanimous vote that we must take steps to keep our country safe and keep our military prepared. We must work to eliminate wasteful spending and restore fiscal discipline, and we must provide our troops and their families with the care that they need and the quality of life that is worthy of their sacrifice.

Mr. Speaker, H.R. 2647 makes significant progress on all these fronts. It strengthens our national security by focusing resources on the most immediate and severe threats to our troops and our country. The bill enhances efforts to prevent the spread of weapons of mass destruction by increasing funding for the Cooperative Threat Reduction Program and by fully supporting the Department of Energy's nonproliferation programs.

The bill cuts extensive spending, excessive spending on flawed missile-defense programs and, instead, invests more resources in systems that are proven to work and strategies that meet immediate threats.

H.R. 2647 also takes an important step forward in strengthening accountability and increasing oversight of the defense contracting process. The bill grows the size of the civilian acquisition workforce, which will reduce our reliance on defense contractors and cut down on wasteful spending.

The bill improves the quality of life and the quality of care for our men and women in uniform by providing a 3.4 percent pay raise for each servicemember, by expanding access to education and training, by increasing funding for family housing programs, and by expanding TRICARE coverage for members of the Reserve and their families prior to mobilization.

After 7 years of conflict in Afghanistan and Iraq, this bill provides a basis for ensuring that the plans for progress are sound and that the objectives for victory are clear. The bill requires frequent reports to Congress on the objectives and measurements for success in Afghanistan and the progress of withdrawing our troops from Iraq.

The bill also directs the GAO to provide Congress with separate reports, which will assess strategic plans for both Iraq and Afghanistan.

Congress must do everything in its power to ensure that our military strategies are working and our ultimate goals are achievable. I believe that we can always do more, but I also believe that this bill provides a starting point for that process. Lastly, Mr. Speaker, while this bill addresses broad strategic issues and threats across the globe, it also has a direct impact on our districts.

While communities across the country are saving, struggling and working to recover from this recession, other communities are preparing for even tougher times ahead. In 2011, scores of military bases will close for good as a result of the 2005 BRAC. For decades, these bases have been the backbones of communities and provided the surrounding areas with jobs, tenants, customers and neighbors, which will now be lost in a matter of years.

H.R. 2647 expands the use of no-cost economic development conveyances as a tool to redevelop and restart communities affected by base closure. This provision allows the Department of Defense to transfer property to a local redevelopment authority at no cost if the land will be used for purposes of economic development.

At a time of declining property values, devastating job loss and crippling economic hardship, we must provide communities with every possible tool to redevelop and reorganize. This bill will assist in that effort.

I am looking forward to completing our work on this year's defense authorization.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from Maine (Ms. PINGREE) for the time, and I yield myself such time as I may consume.

While our men and women in uniform are risking their lives in war zones, we, in Congress, need to support them. I am proud to once again support the bipartisan National Defense Authorization Act to honor and support the brave men and women of the United States Armed Forces.

I also wish to commend and congratulate both the Armed Services Committee Chairman SKELTON and Ranking Member MCKEON for their commitment to put partisanship aside in order to get this important bill to the floor.

The National Defense Authorization Act, which passed unanimously out of the Armed Services Committee, authorizes $550.4 billion for the activities of the Department of Defense. It also provides $130 billion to support our combat operations in Iraq, Afghanistan and other fronts of the war on terror.

Our men and women in uniform and their families have sacrificed dearly to protect the United States, and that is why I am pleased that the bill will provide our troops with a 3.4 percent pay raise.

Furthering our commitment to our troops, the bill extends TRICARE eligibility to Reserve members so they can receive full TRICARE coverage 100 days before they go on active duty and provides almost $2 billion for family housing programs to expand and improve the quality of military housing.

The bill authorizes the expansion of the size of the military by 15,000 Army troops, 8,000 Marines, over 14,500 Air Force personnel, and approximately 2,500 sailors in the Navy.

I would like to thank the committee and the distinguished chairman for including my request for funding, authorization obviously of funding, for the construction of a new, permanent headquarters for the United States Southern Command that is located in the congressional district that I am honored to represent. Currently the Department of Defense is leasing the land for SOUTHCOM from a private individual. The funds authorized by this bill will be used to build a new headquarters on land adjacent to the current location and lease it from the State of Florida for the grand sum of $1 per year.

This provision is extremely important to my community because SOUTHCOM personnel and supporting services have contributed over $1.2 billion and over 20,000 jobs to south Florida's economy.

Mr. Speaker, while I support the underlying legislation, I have deep reservations about the majority's decision to block full restoration of missile defense funding. This comes as North Korea's demented despot continues to mock global condemnation of his nuclear program and threatens the United States and our friends and our allies with mass destruction.

Just today an official from the North Korean Central News Agency, a mouthpiece for the dictatorship said, ''If the U.S. imperialists start another war, the army and the people of Korea will wipe out the aggressors on the globe once and for all.''

At the same time, the Iranian tyranny, while it massacres its own people in the streets, continues to threaten to wipe Israel off the face of the map. It is clear to me that the world faces a grave and, I believe, imminent threat from both of those dictatorships in North Korea and Iran. Now is not the time to cut missile defense.

Since the beginning of military aviation, the United States has wisely invested in our military air superiority, and in recent military operations we have clearly seen our investments pay off. Our military air superiority saves the lives of our men and women in uniform and also saves the lives of countless civilians. Unfortunately, the Obama administration feels that it is not necessary to continue our long history of investment in air superiority and is calling for the termination of the F–22 fighter aircraft production, even though the chief of staff of the Air Force publicly called for continued production of F–22s.

Now, thankfully, the Armed Services Committee successfully reinstated over $300 million to at least keep alive F–22 production. Unfortunately, I am shown at this time a statement of administration policy where it reads that if the final bill presented to the President contains this provision keeping alive the F–22 production line, that the President's senior advisers would recommend a veto. Mr. Speaker, I think that's most unfortunate.

I am also concerned that the majority failed to support a repeal of the so-called widow's tax. This provision penalizes surviving spouses of servicemembers who die on active duty or from service-related conditions by forcing them to accept a dollar-for-dollar reduction in their military survivor benefit plan payments in order to receive tax-free dependency and indemnity compensation from the Department of Veterans Affairs.

I have cosponsored two-pieces of legislation introduced by Mr. BUYER and Mr. ORTIZ to remedy this injustice, and I am hopeful that Congress will soon address it.

Now, as supportive as I am of the underlying legislation, I must oppose the rule brought forth by the majority.

□ 1945

Prior to the consideration of the rule, Members from both sides of the aisle submitted 129 amendments to the Rules Committee. The vast majority of amendments, 79, were introduced by members of the majority party. Last night, the majority on the Rules Committee decided to make in order for discussion on this floor two-thirds of the majority amendments and one-third of the minority amendments.

Last week, when members of the minority submitted a number of amendments to the Commerce, Justice, and Science Appropriations bill, the majority claimed the minority were using dilatory tactics and shut down the ability of Members to offer amendments. This week, when the majority party offered a large number of amendments, the majority rewarded them for doing their jobs and representing their constituents by allowing 51 of their amendments for debate by the House.

At the same time, minority party members who were also representing the interests of their constituents were once again punished by the majority for doing their jobs and were only allowed 11 amendments.

In the end, the majority gets about five times the number of amendments made in order as the minority, and I think that's unfair. I think it's petty and unfair. What does the majority gain by using such an unfair process? In reality, nothing more than ending comity and diminishing the stature of this House and its Members.

I reserve the balance of my time.

Ms. PINGREE of Maine. I yield 3 minutes to a member of the Committee on Armed Services, the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I thank the gentlewoman from Maine for yielding and would also like to thank, in particular, Chairman SKELTON and Ranking Member MCKEON for their leadership in crafting this legislation before us.

This year's National Defense Authorization Act takes significant steps forward in supporting our National Guard and Reserve. Earlier this month, Iowa observed the 1-year anniversary of the floods that devastated large parts of my district. The Iowa National Guard played a critical role in the response to those floods, and their heroic work is a testament to the vital function the National Guard plays in domestic disaster response, even as their role in operations abroad increases.

Nationwide, more than 700,000 National Guard and Reserve soldiers have been called to duty since September 11, 2001, and as the National Guard continues to transform into an operational

reserve, it is essential that they are properly resourced for both their overseas and homeland missions.

This bill provides $6.9 billion, $600 million more than the President's request, to address equipment shortfalls in the Reserve components. It also extends health care coverage for the National Guard and Reserve and makes essential investments in National Guard facilities, including the Fairfield, Cedar Rapids, Muscatine, and Middletown facilities in my district.

I am very proud also that the NDAA includes an amendment I offered with Ms. BORDALLO to improve National Guard readiness by requiring the Secretary of the Army to report to Congress on the creation of a Trainees, Transients, Holdees, and Students Account.

At any given time, 13.3 percent of the Army National Guard is nondeployable, and this account would serve as a temporary unit for these soldiers. In so doing, it would end the practice of borrowing soldiers from one unit in order to improve the readiness of others and will improve both morale and overall readiness.

I strongly urge support for the rule and for the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished Republican whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Florida.

Mr. Speaker, today we are considering the rule for a bill to develop and deploy defensive capabilities for the protection of the American people, our stationed men and women, and our allies. The rising threat from North Korea and Iran highlights why our national security strategy must include a comprehensive, multilayered, and robust missile defense program to protect our homeland.

Both of these rogue nations, Mr. Speaker, provocatively flaunt their growing capabilities with long-range missiles and nuclear programs. Just last week, we learned that North Korea is planning to launch a missile towards the U.S. around the 4th of July holiday. To repeat a phrase used by our President just last week, these regimes pose a ''grave threat'' to the safety and security of our citizens and our allies.

Yet the bill which is the subject of this rule, Mr. Speaker, sustains an inexplicable $1.2 billion cut from the missile defense budget. Mr. Speaker, the question before us is very simple: How do we reconcile gutting missile defense when it will defend against what our own President rightfully calls a ''grave threat''? It simply doesn't make sense.

The cuts include a 35 percent reduction to the Ground-based Midcourse Defense program, a system located in Alaska and California for the purpose of protecting this country against the type of missile North Korea is gearing up to launch.

This is not the time to be reducing our commitment to missile defense. We must fund the current missile defense systems that protect us today and the forward-looking programs that will protect us tomorrow.

Mr. Speaker, we must restore the $1.2 billion cut from the missile defense programs today.

Ms. PINGREE of Maine. I yield 3 minutes to the Chair of the Committee on Financial Services, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I cannot remember the last time I was as deeply disappointed in the actions of people with whom I generally agree and continue to admire as I am by this rule.

President Obama, to his credit, has become the first President to try to put on to military spending the same kind of notion that resources are limited that people apply elsewhere. Military spending, in which old threats are continued to be dealt with while new threats are dealt with, make it impossible for us to talk about curtailing a deficit without doing damage elsewhere.

To his credit, President Obama and Secretary Gates said we do not need to build more F–22s. It was conceived to defeat the Soviet Union in a war. It's over. It's a wonderful weapon. It just has a terrible defect for a weapon—no enemy, no military mission. It will never be fired in anger.

It is bad enough that the committee, by only a 31–30 vote, undercut this President's effort to begin to apply fiscal discipline everywhere. Sure, military is important, but health care is important and highway safety is important and local police are important. All of those impinge on our life and all must be dealt with in discipline in the fiscal area, except military gets a pass.

I was particularly disappointed when the Rules Committee, because of some in the leadership, decided not even to allow us to debate it. A major initiative of the new President to curtail excess military spending is overturned by one vote in committee, and we are not even allowed to debate it.

And I have to say to my Republican friends, it is clear to me that their interest in open debate is very selective. They are for openly debating anything they want to debate, but they were opposed to this amendment coming on as well. So there's no consistency or principle of: Let's have open debate. It's: Let's get what we want and let's forget about the rest.

It has been said that truth is the first casualty of war. Apparently, intellectual integrity and logical consistency are the first casualties of a military bill.

I heard Members say a few months ago, Oh, an economic recovery program. Federal spending can't bring jobs. Federal Government spending adds to the deficit. It doesn't bring jobs.

Lo and behold, the F–22 became a jobs bill. It's what I call weaponized Keynesianism. Only if you're building weapons, particularly weapons that will never be used, is there a stimulative effect in the economy.

Mr. LINCOLN DIAZ-BALART of Florida. Will the gentleman yield?

Mr. FRANK of Massachusetts. If the gentleman yields me time, I will.

Secondly, we are told that we have to deal with the deficit. The President made a beginning in trying to curtail military spending on weapons he said we do not need. If this bill goes through, as it apparently will, because we could not even debate it, his efforts will be undercut. The floodgates will be open, and any effort to have reasonable constraints on military spending, as we have on police and fire and emergency medical and other things that are important for health and safety, will be undercut.

This is a terrible decision and a terrible precedent. Of course, to add injury to injury, they did it by taking money out of environmental cleanup.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I simply wanted to point out to my friend that despite the fact that we support the committee having maintained the production line for the F–22, we made a motion in committee for an open rule that would have permitted the gentleman's amendment.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I will yield.

Mr. FRANK of Massachusetts. I will acknowledge that. I was in error, and I apologize. It had been reported to me that there were votes against it, so I apparently got bad information. And I thank the gentleman for that futile gesture on my behalf.

Mr. LINCOLN DIAZ-BALART of Florida. I thank the gentleman for his debate. Despite the fact that we're in disagreement on this issue, he is a great parliamentarian and it's an honor to serve with him.

At this time, I yield 3 minutes to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I want to thank my friend from Florida for yielding time. Mr. Speaker, there is no greater priority for the Federal Government than the defense of our Nation, and the Defense Authorization bill is a vehicle for setting military priorities for our country.

This bill also has jurisdiction over the Nation's defense nuclear waste cleanup program administered by the Department of Energy. The Environmental Management program within the Department is responsible for cleaning up the waste of our Nation's nuclear weapons production sites; production sites like Hanford, in my district, that secured our Nation's victory in World War II and in the Cold War.

As a result of that work, these sites are now contaminated with massive volumes of radioactive and hazardous waste. The Federal Government has a legal obligation to clean up these sites.

As this bill, Mr. Speaker, has moved through the process, there have been several proposals by both Democrats and Republicans to move specific military projects by reducing the authorization for nuclear waste funding. Mr. Speaker, let's be clear on what these proposals are really about. It's about setting our Nation's defense priorities and not a judgment on the merits of cleaning up our nuclear waste sites.

The nuclear cleanup program is being used as a piggy bank for these priorities since, Mr. Speaker, it's the only sizable source of funds within this bill that doesn't directly fund our troops or equipment.

Now, Mr. Speaker, I know why nuclear cleanup is being used by both parties as a piggy bank. I absolutely don't support those actions, and I will vote against those actions, but in doing so, I want to be clear that it is in the appropriations process where cleanup money becomes real.

Insufficient funding in the appropriations process would have real and serious consequences on cleaning up these sites. The cleanup program simply cannot sustain continued appropriation reductions without jeopardizing progress, breaking legally binding commitments to States, and increasing long-term costs to taxpayers.

Mr. Speaker, for 15 years I have worked in a bipartisan way to raise awareness of the Federal Government's cleanup obligation and to remind my colleagues again that the effort at these sites helped us win both World War II and the Cold War.

I will continue to stand up for cleanup where needed. In doing so, I am determined that the effort to promote cleanup be a bipartisan effort.

With that, I thank my friend from Florida for yielding.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to a member of the Committee on Armed Services, the gentlewoman from Arizona (Ms. GIFFORDS).

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Ms. GIFFORDS. Mr. Speaker, I rise today in support of this bill and to praise Chairman SKELTON and Ranking Member MCKEON as well as the chairmen and ranking members of the subcommittees on Armed Services and especially the staff for getting this bill right.

This week we're having a great debate about energy in our country. Most Americans don't realize that the Department of Defense is responsible for approximately 80 percent of all the energy used by the Federal Government. The final bill that we were able to pass out of committee this week includes groundbreaking language to encourage continued advances on responsible energy. Working with the Department, we included a series of new reporting requirements. We increase the use of electric and hybrid vehicles; we speed up the development of biofuels; and we encourage additional investment and use of geothermal energy. We also made some commonsense decisions regarding our fighter aircraft fleet. As a committee working in a bipartisan manner, we set aside the rhetoric, and we took into account current and future threats to balance the force. We sustained the current operational fleet. We supported additional F–22s requested by our combatant commanders. We maintained robust F–35 funding. And we provided additional flexibility for the Air Force to fill the impending fighter gap with less expensive but quite capable 4.5 Generation fighters.

I again congratulate Chairman SKELTON, Ranking Member MCKEON and the committee staff for their hard work on this legislation. I strongly encourage my colleagues to support it.

The SPEAKER pro tempore. The Chair will note that the gentleman from Florida has 15½ minutes remaining, and the gentlewoman from Maine has 17¼ minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule. I offered an amendment on Monday to address an injustice against the members of our armed services that were shut out from consideration by this rule.

Briefly, my amendment would have given an across-the-board pay raise of 5 percent to our military personnel. According to estimates made by the Congressional Research Service, the pay gap between military personnel and civilians in comparable positions is 3 percent. Given that the cost of living increase for 2010 is 2.9 percent, my amendment is an important first step to addressing this problem. Particularly during a recession but really at any time it is unacceptable that our men and women in uniform receive less than their civilian counterparts.

Recently I was in Afghanistan and had the opportunity to see firsthand the professionalism and the commitment of our troops, what service they render to us, why are they being treated this way. I received assurances from the House Parliamentarian that my amendment was in order, and the Congressional Budget Office said it complies with all PAYGO requirements. I cannot understand why the majority would deny our troops the right to an up-or-down vote or, at the very least, a debate that would at least bring out the issues. If we have time to debate an amendment that would require a study of the number of subcontractors used by the Department of Defense, we should have time to debate giving our troops a fair wage.

Mr. Speaker, this is the second time that I've offered this amendment to increase the pay of our troops and the second time that it has been denied. I would urge my colleagues to oppose this rule.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DRIEHAUS), a member of the Committee on Armed Services.

Mr. DRIEHAUS. I thank the gentlewoman for this opportunity.

There has been much talk about fiscal responsibility on the floor of this House, and I come to the floor to support the rule and support the bill. I support it because of the inclusion of the Joint Strike Fighter competitive engine program because when we talk about fiscal responsibility, it is through competition that we achieve fiscal responsibility. Since fiscal year 2006, nearly $2.5 billion has been provided for the development of the Joint Strike Fighter competitive engine program, and last month President Obama signed the Weapons Systems Acquisitions Reform Act of 2009 into law. This supported an increased use of competition and defense procurement. The expected cost of the primary Joint Strike Fighter propulsion system has increased by $1.8 billion while the competitive engine program has not experienced any cost growth at all. In fact, the contractor has indicated a willingness to negotiate on fixed price terms for the remaining development and production of the competitive engine.

We know that competition works. When we looked at the F–15 and F–16 in the 1970s, we found that the great engine war brought lower prices, better engines, better competition, and more reliability. We have the same thing today with the Joint Strike Fighter; and in this bill we have included the competitive engine program, which is critical to the success of the Joint Strike Fighter engines.

I urge you to support the rule because with it comes enhanced contractor responsiveness, technological innovation, improved operation readiness, and a more robust industrial base for the United States.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I am going to oppose this rule and ask my colleagues also to oppose it based on what's not in it.

An amendment that I presented yesterday to the Rules Committee was not made in order; and consequently, the Members of this House will not be allowed to take a stance on a very important issue that our colleagues on the other end of the building, the Senators, have taken a stance on unanimously to oppose, the release of the detainee photographs.

The President of the United States has said, listening to his field commanders, General Petraeus and General Odierno, that the release of these photographs would work to put Americans in danger, would be used at as a recruiting tool and, in my view, might also be used by President Ahmadinejad to turn the pro-democracy protests going on in his country away from protests against Ahmadinejad and protests

against America, given the nature of these photographs.

This is a discrete body of photographs taken between September 1, 2001, to January 22, 2009, that have no business being released in the public arena. We need a legislative fix that would prevent the release of these photographs into the public arena; and my amendment, married up with an exact replica in the Senate, would have allowed these photographs to be protected properly.

The amendment would have protected on a rolling 3-year basis these photographs, certified by the Secretary of Defense that they would, in fact, be used as recruiting tools, and could be used to incite violence against American troops that might not otherwise be there should these photographs not be released. There is no good reason to release these photographs.

I wish the Rules Committee would have allowed this debate. As our colleague from Massachusetts said last night, For some reason we're afraid of debate on this floor, the way the Rules Committee works. Why are we afraid to have this debate? It is unanimous on the other end of this building that they believe these photographs should be protected. The President has come out saying that it is appropriate to protect these photographs. And we're not talking about forever. We're simply talking about 3 years at a time to protect these photographs. I'm disappointed that the Rules Committee failed to allow the Members of this body to express their will, as opposed to the will of the chairman of the committee and maybe a couple of others who, in their judgment, believe that these photographs should, in fact, be released.

The courts have said that they recognize the validity of the consequences that are set forth in General Petraeus' comments as well as General Odierno's comments to the courts. The other side can simply say they believe it is better to have these photographs be used as recruitment tools for al Qaeda as well as the other ill uses that they will be put to.

It's unfortunate the Rules Committee, led by the chairman, ruled this way. As a consequence, I will be voting against this rule, and I ask my colleagues to vote likewise.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. I thank the gentlewoman for the time.

I rise today to support my colleague, Chairman BARNEY FRANK. I am equally or even more disappointed than he is that his amendment on the F–22 funding was not made in order for the defense authorization debate.

There is absolutely no need for additional funding for this flawed program. The Cold War is over. The existing 187 F–22 planes have already cost the United States a total of $65.1 billion; and while this bill only includes $369 million for advanced procurement, the total amount for 12 additional F–22s will run $2 billion.

Think of what we could do with $2 billion in the United States of America. We have schools that are in need. We have a health care system that's broken. We have to move on with our global warming program. Mr. Speaker, $2 billion would help any one of those issues. The F–22 has never been used in Iraq or Afghanistan. It is absolutely not necessary or useful in counterinsurgency operations. The existing 187 that we have right now are actually adequate for any single contingency that could happen in the United States of America. Both civilian and military leadership of the Pentagon support ending production at 187, including the President of the United States. The idea that this House will not have a chance to have a full debate on Chairman FRANK's amendment is unacceptable, and this rule is truly flawed.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend, the distinguished gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding. I rise today in adamant opposition to this rule.

This is one of many rules which do nothing but censor our side from being able to put forth amendments that make sense, that cut the size of the Federal Government, that cut the size of the huge growth in Federal spending.

Now under the Constitution, national defense should be and must be the major function of the Federal Government. We have to have a strong national Federal defense, and we have to have the experts tell us how that comes about. We need to have the experts tell us what defense systems are needed, such as the F–22.

The prior speaker was talking about how it's unneeded and how those funds could be utilized for social programs, but I disagree. National defense should and must be the major function of the Federal Government. We need to fund our defense because we have people around this world, countries as well as the terrorists, who want to destroy what this country stands for. So we need to fund missile defense; we need to fund the F–22; we need to fund those defense programs as well as the research and development that's absolutely critical to make sure that we stay a sovereign and a secure nation.

But also many Republican amendments were submitted. In fact, I submitted some myself. But the majority decided to stifle our ability to be able to bring those amendments to the floor, to talk about things that Members of Congress think are very important in this bill. But we were hushed. Our voices were quieted. Why? Because we have a steamroller of socialism that's being forced down the throats of the American people. We're trying very hard on our side to stop the outrageous spending. We're trying on our side to have a fiscally responsible government, not only in defense spending but also all across the board. We have an energy tax that's being proposed just this week that's going to cost jobs. It's going to put people literally out of work. It's going to raise the cost of food, medicine and all goods and services in this Nation.

Unfortunately, over and over again we've seen this majority, the leadership of this Congress, prevent Republican proposals from being brought to this floor, from being debated, from being presented to the American public for public examination and for us to be able to debate them. But we've been censored, and it's wrong. The American public needs to stand up and say ''no.'' I very adamantly encourage my colleagues to say ''no'' to this rule.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN), the Chair of the Homeland Security Subcommittee on Intelligence.

Ms. HARMAN. I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise in support of the rule and the underlying bill and commend Chairman SKELTON and Ranking Member MCKEON for moving another unanimous bipartisan authorization bill out of their committee. As a former member of the House Armed Services Committee, I admire the bipartisan way in which the committee operates. My aerospace-centric congressional district is grateful too. Thanks too to Personnel Subcommittee Chair SUSAN DAVIS and her staff for working with me on an issue of paramount importance, the epidemic of rape and sexual assault in the military.

Mr. Speaker, the math is shocking. Women who serve in the U.S. military are more likely to be raped by a fellow soldier than killed by enemy fire in Iraq.

□ 2015

Only 317 out of the 2,763 subjects investigated during fiscal year 2008 were referred to courts martial. That's 11 percent, a figure far below civilian prosecution rates where 40 percent of those arrested for rape are prosecuted.

DOD must close the gaps in prosecution and remove obstacles to legal enforcement. Effective investigation and prosecution are the keys to turning this epidemic around, by drawing bright red lines around unacceptable conduct.

This bill includes language from a resolution I authored with our colleague MIKE TURNER, who has been a champion on this issue; and I thank him for his hard work. Our provision calls for review of DOD's capacity and infrastructure to investigate and prosecute sexual assault and rape cases and to identify any deficiencies. The legislation also requires that DOD develop a sexual assault prevention plan for Congress' review. This would include action plans for reducing the number of sexual assaults and timelines for implementation of the program. DOD

would be required to develop a mechanism to measure the effectiveness of its prevention program.

While this bill is commendable and includes good steps towards eliminating rapists in the ranks, I believe we can do even more. We must build on these efforts and insist on real accountability from the chain of command. And a major step toward eradicating rape in the military is making sure that blue-on-blue attacks are punished.

Mr. Speaker, this is a force protection issue and a moral issue. Congress and DOD must do better. And when our colleague JOHN MCHUGH becomes Army Secretary, I urge him to pursue the issue and support the Army's impressive ''I am strong'' campaign initiated by his predecessor, our former colleague, Pete Geren. I urge an ''aye'' vote.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule.

This body at this time sits under a cloud. We have investigations from the Justice Department and an investigation by our own Ethics Committee into the intersection between campaign contributions and earmarks. More specifically, earmarks that go to for-profit companies, sole-source contracts, no-bid contracts, that's what earmarks basically are, that are going to, in particular, defense contractors. And then contributions come back from individuals who represent those groups and the lobbyists who represent those groups, so-called ''circular fundraising.'' That's being investigated, as I mentioned, by the Justice Department and our own Ethics Committee.

And yet this rule will set in motion a process by which we will approve more than 300 in this bill alone, 300 earmarks, no-bid contracts, for private companies, for-profit companies. Again, in this legislation, if this rule is approved, this legislation will provide more than 600 earmarks, more than half of which, over 300 of which, represent no-bid contracts to private companies. We simply cannot continue to do this, Mr. Speaker.

I offered an amendment that would prohibit Members from giving earmarks or no-bid contracts to their campaign contributors. That amendment was not ruled in order. It should have been. We should as a body decide that we cannot continue this practice. We need to remove the cloud that hangs over this body that rains on Republicans and Democrats alike.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, I read this evening with interest the President of the United States has threatened to veto the Defense bill if the additional funding exists for F–22 fighter planes.

Mr. Speaker, the President is absolutely right. And the real problem today is that opportunity to vote against those unnecessary planes are not allowed in this rule. In the end we have to stop spending more and start spending smarter.

I was extremely disappointed to learn that the administration's recommendation to halt the F–22 program was overridden. 187 F–22 Raptor fighter jets are not enough? The Raptor has not even been deployed to Iraq or Afghanistan, our two largest military fronts.

While I am not an expert on defense procurement, our Defense Secretary, Robert Gates, is. So I tend to believe him when he said that the notion of not buying 60 more F–22s imperils the national security of the United States is ''completely nonsense.''

We are far and away the most superior air force in the world. Why would we pour billions more into an area where we already dominate and continue to support an aircraft that is not suited to the current battlefields in which we fight? We have to invest in low-tech equipment such as unmanned drones, which are effective in those areas of conflict.

And always remember that every defense dollar spent to bolster an area where we already dominate is a dollar we don't have to spend to take care of our soldiers, strengthen our forces, and improve in areas where we may be vulnerable and our soldiers may be vulnerable.

Again, we have to simply stop spending more and start spending smarter. Our soldiers deserve it. The taxpayers deserve it.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend from Maine and I thank you, Mr. Speaker, for your courtesy, and I want to thank all who have come to participate in this debate. This legislation enjoys extraordinarily wide bipartisan support.

It's unfortunate that the rule that brings it to the floor is not fair. As I pointed out, it makes about two-thirds of the amendments that were introduced to the Rules Committee from the majority party in order and only about one-third of the amendments presented or introduced, proposed for debate by Members of the minority party. That's not fair. And it maintains a pattern that obviously we have seen deepened, augmented significantly in a very worrisome way in the appropriations process, where for the first time all of the appropriations bills are being brought to the floor under restrictive rules. We have had significant debate, but that's something that is also unfair and unfortunate, and it diminishes the rights of each of the Members of this House.

So I do think it's important we get to debate on legislation, in this case, this authorization of the Armed Forces legislation that enjoys such widespread bipartisan support.

So once again, opposing the rule and opposing the previous question, I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I thank my friend from Florida (Mr. LINCOLN DIAZ-BALART) for the dialogue that we have had here on the floor tonight.

Mr. Speaker, the rule before us today will continue the open debate that was held on committee, some of which continue tonight, and further our efforts to find solutions to those pressing problems.

In particular, this rule adds the text of H.R. 2990 to the underlying bill, which funds a 1-year expansion of concurrent receipts for retired veterans, extends retention bonuses and special pay authorities for enlisted servicemembers and funds provisions in the Federal Retirement Reform Act of 2009.

I would like to thank the Chair, Chairman SKELTON, Ranking Member MCKEON, and all my colleagues on the House Armed Services Committee for their tireless work on this bill.

I urge a ''yes'' vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

APPOINTMENT AS MEMBER TO THE PUBLIC INTEREST DECLASSIFICATION BOARD

The SPEAKER pro tempore. Pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member on the part of the House to the Public Interest Declassification Board for a term of 3 years:

Mr. David Skaggs, Longmont, Colorado

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO NORTH KOREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–52)

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency, declared in Executive Order 13466 of June 26, 2008, is to continue in effect beyond June 26, 2009.

The current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and maintain certain restrictions with respect to North Korea and North Korean nationals that would otherwise have been lifted in Proclamation 8271 of June 26, 2008.

BARACK OBAMA.

THE WHITE HOUSE, *June 24, 2009*.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 573 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2892.

□ 2028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, with Mr. ALTMIRE (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 1 printed in part D of House Report 111–183, offered by the gentleman from Arizona (Mr. FLAKE) had been postponed and the bill had been read through page 93, line 12.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part A by Mr. PRICE of North Carolina.

Amendment No. 5 printed in part B by Mr. LEWIS of California.

Amendment No. 8 printed in part B by Mr. KING of New York.

Amendment No. 1 printed in part B by Mr. BILIRAKIS of Florida.

Amendment No. 3 printed in part B by Mr. KING of Iowa.

Amendment No. 2 printed in part B by Mr. DUNCAN of Tennessee.

Amendment No. 7 printed in part B by Mr. POE of Texas.

Amendment No. 4 printed in part B by Mr. KING of Iowa.

Amendment No. 6 printed in part B by Mr. NEUGEBAUER of Texas.

Amendment No. 7 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 5 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 2 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 1 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 1 printed in part D by Mr. FLAKE of Arizona.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. PRICE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 345, noes 85, not voting 9, as follows:

[Roll No. 435]

AYES—345

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
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
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—85

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bishop (UT)
Blunt
Bonner
Boustany
Brady (TX)
Broun (GA)
Burgess
Calvert
Campbell
Carter
Chaffetz
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gohmert
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Hunter
Inglis
Issa
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lummis
Lungren, Daniel E.
Mack
Marchant
McCaul
McClintock

McHenry
Miller (FL)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Radanovich
Rogers (KY)
Rogers (MI)
Rohrabacher
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Thornberry
Wamp
Wilson (SC)

NOT VOTING—9

Capuano
Christensen
Davis (IL)
Dicks
Kennedy
Kirk
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes are remaining in this vote.

□ 2058

Messrs. CALVERT, LEWIS of California, ISSA, and EHLERS changed their vote from ''aye'' to ''no.''

Messrs. WHITFIELD, CAMP, PITTS, REHBERG, WOLF, Mrs. CAPITO, Mrs. BONO MACK, Ms. FALLIN, Messrs. SMITH of Nebraska, TERRY, Ms. GINNY BROWN-WAITE of Florida, Messrs. ROE of Tennessee, BROWN of South Carolina, COFFMAN of Colorado, MCCOTTER, HERGER, DEFAZIO, MCCARTHY of California, MANZULLO, DEAL of Georgia, WESTMORELAND, BOOZMAN, GINGREY of Georgia, Mrs. BLACKBURN, and Mr. KING of New York changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 5 OFFERED BY MR. LEWIS OF CALIFORNIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. LEWIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 375, noes 55, not voting 9, as follows:

[Roll No. 436]

AYES—375

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Faleomavaega
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Holt
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
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 (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
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Towns
Turner
Upton
Van Hollen
Walden
Walz
Wamp
Wasserman Schultz
Waters
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—55

Ackerman
Andrews
Baldwin
Berry
Blumenauer
Bordallo
Butterfield
Carson (IN)
Clarke
Conyers
Crowley
DeGette
Edwards (MD)
Ellison
Eshoo
Farr
Fudge
Grijalva
Hastings (FL)
Hinchey
Hirono
Honda
Hoyer
Jackson (IL)
Kilpatrick (MI)
Lee (CA)
Matsui
McDermott
McGovern
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Norton
Olver
Perlmutter
Polis (CO)
Price (NC)
Sablan
Sánchez, Linda T.
Scott (VA)
Serrano
Sires
Slaughter
Snyder
Speier
Stark
Tonko
Tsongas
Velázquez
Visclosky
Watson
Watt
Woolsey

NOT VOTING—9

Capuano
Christensen
Davis (IL)
Dicks
Frank (MA)
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2102

Messrs. CARSON of Indiana and SNYDER changed their vote from ''aye'' to ''no.''

Ms. WASSERMAN SCHULTZ changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 8 OFFERED BY MR. KING OF NEW YORK

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 282, noes 148, not voting 9, as follows:

[Roll No. 437]

AYES—282

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito

Cardoza
Carney
Carson (IN)
Cassidy
Castle
Chaffetz
Childers
Clarke
Clay
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costello
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (KY)
Deal (GA)
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Ehlers
Ellison
Emerson
Engel
Faleomavaega
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Grayson
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hoekstra
Holt
Hunter
Inglis
Inslee
Israel
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kucinich
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Olson
Ortiz
Pallone
Pascrell
Paul
Paulsen
Payne
Pence
Petri
Pierluisi
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Scalise
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shuler
Shuster
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tonko
Towns
Turner
Upton
Velázquez
Walden
Wamp
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—148

Adler (NJ)
Andrews
Baldwin
Becerra
Berry
Bishop (GA)
Blumenauer
Bordallo
Boswell
Boyd
Braley (IA)
Bright
Butterfield
Capps
Carnahan
Carter
Castor (FL)
Chandler
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Culberson
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
DeGette
Dingell
Doggett
Doyle
Duncan
Edwards (MD)
Edwards (TX)
Ellsworth
Eshoo
Etheridge
Farr
Filner
Gonzalez
Gordon (TN)
Granger
Green, Al
Grijalva
Gutierrez
Halvorson
Hare
Hastings (WA)
Herseth Sandlin
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kildee
Kilpatrick (MI)
Kind
Kirkpatrick (AZ)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lipinski
Loebsack
Luján
Markey (CO)
Matsui
McCollum
McDermott
McGovern
McIntyre
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Napolitano
Norton
Oberstar
Obey
Olver
Pastor (AZ)
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rodriguez
Rogers (KY)
Ross
Roybal-Allard
Rush
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schrader
Shea-Porter
Sherman
Shimkus
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—9

Capuano
Christensen
Davis (IL)
Dicks
Frank (MA)
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2106

Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida and Ms. ZOE LOFGREN of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 1 OFFERED BY MR. BILIRAKIS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 6, not voting 10, as follows:

[Roll No. 438]

AYES—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
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
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)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce

Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
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)

NOES—6

Clarke
Conyers
Edwards (MD)
Grijalva
Jackson (IL)
Lee (CA)

NOT VOTING—10

Capuano
Christensen
Conaway
Dahlkemper
Dicks
Frank (MA)
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2110

Messrs. CUMMINGS and WELCH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAHLKEMPER. Madam Chairman, on rollcall No. 438, I voted, but it did not record. Had I been present, I would have voted ''aye.''

PART B AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 187, answered ''present'' 1, not voting 11, as follows:

[Roll No. 439]

AYES—240

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
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
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costello
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Faleomavaega
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (NY)
Hall (TX)
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Stearns
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—187

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Blumenauer
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fudge
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Heinrich
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Massa
Matsui
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sherman
Simpson
Sires
Skelton
Slaughter
Snyder
Speier
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—11

Capuano
Christensen
Dicks
Frank (MA)
Kennedy
Lewis (GA)
Pierluisi
Scott (GA)
Spratt
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2114

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 2 OFFERED BY MR. DUNCAN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 134, noes 294, not voting 11, as follows:

[Roll No. 440]

AYES—134

Aderholt
Akin
Alexander
Bachmann
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cao
Cassidy
Castle

Chaffetz
Coble
Cole
Conaway
Crenshaw
Dahlkemper
Davis (KY)
Deal (GA)
Duncan
Ehlers
Emerson
Faleomavaega
Fallin
Farr
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McDermott
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Pastor (AZ)
Paul
Pence
Petri
Pitts
Poe (TX)
Polis (CO)
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Terry
Thompson (PA)
Thornberry
Tiberi
Upton
Walden
Wamp
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (AK)

NOES—294

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Calvert
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fattah
Filner
Forbes
Fortenberry
Foster
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—11

Boehner
Butterfield
Capuano
Christensen
Dicks
Frank (MA)
Kennedy
Lewis (GA)
Miller, George
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2117

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 7 OFFERED BY MR. POE OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 230, not voting 7, as follows:

[Roll No. 441]

AYES—202

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
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
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson, Sam
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Norton
Nunes
Nye
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—230

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Green, Al
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)

Larson (CT)
Lee (CA)
Levin
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Boehner
Capuano
Christensen
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2121

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 349, noes 84, not voting 6, as follows:

[Roll No. 442]

AYES—349

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
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
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Eshoo
Etheridge
Faleomavaega
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hoekstra
Holden
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (WI)
Sablan
Salazar
Sanchez, Loretta
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Waters
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—84

Ackerman
Andrews
Baldwin
Becerra
Berman
Berry
Blumenauer
Braley (IA)
Capps
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Doyle
Edwards (MD)
Ellison
Engel
Farr
Fudge
Grijalva
Gutierrez
Hare
Hastings (FL)
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Kaptur
Kilpatrick (MI)
Kucinich
Lee (CA)
Lofgren, Zoe
Luján
Markey (MA)
Matsui
McCollum
McDermott
McMahon
Mollohan
Moore (WI)
Moran (VA)
Nadler (NY)
Napolitano
Norton
Olver
Pierluisi
Polis (CO)
Quigley
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Scott (VA)
Serrano
Sires
Slaughter
Stark
Sutton
Tauscher
Thompson (MS)
Tonko
Towns
Tsongas
Velázquez
Wasserman Schultz
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—6

Capuano
Christensen
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2124

Mr. HASTINGS of Florida changed his vote from ''aye'' to ''no.''

Mr. WELCH, Ms. ESHOO, and Ms. CORRINE BROWN of Florida changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCMAHON. Madam Chair, during rollcall vote No. 442, I mistakenly recorded my vote as "no" when I should have voted "aye."

I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 442.

PART B AMENDMENT NO. 6 OFFERED BY MR. NEUGEBAUER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 113, noes 318, not voting 8, as follows:

[Roll No. 443]

AYES—113

Adler (NJ)
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Chaffetz
Coble
Cole
Conaway
Culberson
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McClintock
McCotter
McKeon
McMorris Rodgers
Mica
Miller (FL)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Price (GA)
Rehberg
Reichert
Roe (TN)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Westmoreland
Whitfield
Wilson (SC)
Young (FL)

NOES—318

Abercrombie
Ackerman
Aderholt
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—8

Capuano
Christensen
Edwards (TX)
Kennedy
Lewis (GA)
Stupak
Sullivan
Towns

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2128

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 110, noes 322, not voting 7, as follows:

[Roll No. 444]

AYES—110

Akin
Austria
Bachmann
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves
Harper
Heller
Hensarling
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Paulsen
Pence
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf

NOES—322

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)

Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Buyer
Capuano
Christensen
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2131

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 82, noes 348, not voting 9, as follows:

[Roll No. 445]

AYES—82

Akin
Bachmann
Barrett (SC)
Blackburn
Bono Mack
Boustany
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Doggett
Ehlers
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Goodlatte
Graves
Harper
Heller
Hensarling
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Luetkemeyer
Lummis
Mack
McCaul
McClintock
McCotter
McHenry
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nye
Paulsen
Pence
Petri
Pitts
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Terry
Thornberry
Tiberi
Upton
Wamp
Westmoreland
Wilson (SC)

NOES—348

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Boehner
Capuano
Christensen
Kagen
Kennedy
Lewis (GA)
Lofgren, Zoe
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 2135

Mr. WITTMAN changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 2 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 317, not voting 8, as follows:

[Roll No. 446]

AYES—114

Akin
Austria
Bachmann
Baird
Barrett (SC)
Bartlett
Bean
Bilbray
Bishop (UT)
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Buyer
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Doggett
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Graves
Halvorson
Harper
Heller
Hensarling
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kline (MN)
Kosmas
Lamborn
Lance
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Moran (VA)
Myrick
Nadler (NY)
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rangel
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Terry
Thornberry
Tiberi
Tierney
Upton
Westmoreland
Wilson (SC)

NOES—317

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Foster
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Boehner
Capuano
Christensen
Hall (TX)
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2138

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 1 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 110, noes 318, not voting 11, as follows:

[Roll No. 447]

AYES—110

Austria
Bachmann
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Bono Mack
Boozman
Boustany
Bright
Broun (GA)
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Graves
Hall (TX)
Halvorson
Harper
Heller
Hensarling
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kirk
Kline (MN)
Kosmas
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Speier
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Walden
Westmoreland
Wilson (SC)

NOES—318

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack

Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Boehner
Capuano
Christensen
Frank (MA)
Gohmert
Kennedy
Lewis (GA)
Roybal-Allard
Schrader
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2141

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART D AMENDMENT NO. 1 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 320, not voting 7, as follows:

[Roll No. 448]

AYES—112

Akin
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Kosmas
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (MI)
Rooney
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Speier
Stearns
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

NOES—320

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Boehner
Capuano
Christensen
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2145

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2010''.

The CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Ms. DEGETTE, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 573, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 573, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

Mr. PRICE of Georgia. Madam Speaker, I move that the vote on the amendments be divided.

The SPEAKER pro tempore. The Chair will respond by reading from House Resolution 573.

The Chair is reading from page 3, line 11:

In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question.

Mr. PRICE of Georgia. Madam Speaker, I move that the amendments be divided.

The SPEAKER pro tempore. The Chair has just read the rule saying that the amendments en gros may not be divided.

PARLIAMENTARY INQUIRIES

Mr. PRICE of Georgia. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Madam Speaker, isn't it true that rules routinely provide for a separate vote to be allowed when the Committee rises on amendments being offered in the Committee of the Whole?

The SPEAKER pro tempore. The Chair will not compare this rule to other rules.

Mr. PRICE of Georgia. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Madam Speaker, if a Member voted ''no'' on one amendment and ''yes'' on another amendment and wanted the opportunity to have a separate vote on those two amendments, my understanding is that the ruling of the Chair and the rule prohibits a separate vote on those two amendments; is that correct?

The SPEAKER pro tempore. The Chair does not respond to hypothetical questions.

Mr. PRICE of Georgia. Madam Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. If I desired a vote on two separate amendments, is there a way under the rule for that to be accomplished?

The SPEAKER pro tempore. The Chair will read the rule again. Page 3, line 11:

In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question.

Mr. PRICE of Georgia. Further inquiry, Madam Speaker.

It is my understanding that this type of rule has never been utilized before. Is the Speaker aware of that?

The SPEAKER pro tempore. The Chair will not serve as historian.

Mr. PRICE of Georgia. I thank the Speaker.

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 Kentucky. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROGERS of Kentucky. In its present form, I am.

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

The Clerk read as follows:

Mr. Rogers of Kentucky moves to recommit the bill H.R. 2892 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 2, line 18, after the dollar amount insert ''(reduced by $50,000,000)''.

On page 52, line 19, after the first dollar amount insert ''(increased by $50,000,000)''.

On page 52, line 21, after the dollar amount insert ''(increased by $50,000,000)''.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Madam Speaker, since the majority has shut out nearly all the minority from offering legitimate and well-reasoned amendments, I offer this motion to recommit.

The motion is straightforward. It would simply add $50 million to the E-Verify program. This program allows an employer to call and verify that an applicant for a job is not an illegal immigrant. For months the administration and this majority have delayed, diminished and ultimately dismissed the government-run employee verification system under the guise that the system is inaccurate, costly, and susceptible to error and identity theft. However, E-Verify is accurate 99-plus percent of the time. In my book, 99 percent accuracy, especially when we're talking about jobs and security, is a pretty good statistic.

Having said that, this motion would ensure beyond a shadow of a doubt complete and total accuracy of E-Verify. No longer can opponents of E-Verify hide behind concerns about incorrect readings or system errors. This motion simply directs $50 million in this bill to improve on a system that the current Secretary of Homeland Security had the good sense to adopt in her home State when she was governor 2 years ago.

E-Verify ensures that a legitimate worker has a legitimate shot at a job. If we can't help our citizenry in this, what are we doing here? Second, it's a tool to prevent illegitimate workers from working in secure areas; airport runways, military bases, Federal buildings, train yards and so forth. Continued opposition to this creates a security vulnerability we simply can't afford. We have record-level unemployment in this country, and we have Americans who want to work, yet we continue to drag our feet and delay both an economic tool and a homeland security tool.

So let's get past the rhetoric. Let's add sufficient funds to ensure even greater accuracy, capacity and oversight to prevent the risk of identity theft. Madam Speaker, $50 million is just one-third of the raise the departmental headquarters gives itself under this bill. So let's give Americans at least a fighting chance at a job and ensure that our government and U.S. businesses are employing legitimate American workers.

I yield to my colleague from California.

Mr. CALVERT. Madam Speaker, as the original author of E-Verify, I would like to report tonight we have over 135,000 employers throughout the United States that are using E-Verify every day successfully. Millions of employees have gone through that system to make sure that the workforce that they're employing is a legal workforce. As a former employer in the restaurant business, I can tell you, I wish I had that system available to me. Adding this $50 million will make sure E-Verify is accurate. It's already 99 percent accurate. That's pretty good for government work. We can make it even more accurate. We need to make sure that jobs in this country go to people who are here legally. This is an opportunity for the House to vote for this motion to recommit that will make sure that Americans who are looking for jobs will have the opportunity to find one.

So I would ask all my colleagues, vote ''yes'' on this motion to recommit.

Mr. ROGERS of Kentucky. I thank the gentleman for those remarks. Give Americans a job.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Speaker, let me say at the outset that I understand Members will make their own decision about this amendment, and I'm not going to presume to recommend a ''yes'' or ''no'' vote. But I am going to say a few things which need to be said and give a few facts about the impact of this motion and about this program, which I hope will help Members make this decision.

It is ironic, given the amount of discussion we've heard tonight about how harmful the deficit is, to suddenly be told that a program that's already

growing at 12 percent a year, well above inflation, needs to be increased.

Let me just remind Members of what the figures look like. This E-Verify program was funded in the '08 fiscal year at $60 million. It's funded this year at $100 million. It will be funded next year, according to our bill, at $112 million. Yet as of the end of April, the program had not obligated 70 percent of its 2009 budget, even though the fiscal year was more than half over. A third of the funds from the last year of the Bush administration also remain unobligated. So this doesn't look like a situation where throwing money at the program will solve its problems since the program obviously cannot spend the funds it currently has bankrolled.

Now it is true that the E-Verify system has problems, particularly with falsely telling an unacceptable number of U.S. citizens that they cannot work. We provide ample money in this bill to work on those problems. However, the 2010 budget funds the entire $112 million request for the E-Verify system. It also, by the way, extends the program's authorization by 2 years. The additional funding already provided in the bill will allow the DHS managers of E-Verify to improve oversight and auditing of the program to address technical difficulties that hamper its success. There is absolutely no indication that taking this $112 million budget figure to $162 million would accomplish anything except decimating the top ranks of DHS by way of this costly offset.

With the amendments that have been adopted here today, including this one, we would have cut $120 million below the administration's request for the Office of the Undersecretary for Management. A cut like this would fall hardest on important initiatives, which this House has backed in a bipartisan fashion: to improve departmental security, to train workers to meet the department's acquisition needs, to tighten oversight of DHS's major procurements, and to ensure classified programs aren't wasting taxpayer dollars or accidentally leaking classified information through the procurement process. It is a massive and devastating cut, not a free ride, not in the least. Members can make their own decision.

I yield back the balance of my time.

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

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 Kentucky. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 2892; ordering the previous question on H. Res. 572; adopting H. Res. 572, if ordered; and approving the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 193, not voting 6, as follows:

[Roll No. 449]

AYES—234

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

NOES—193

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Slaughter
Snyder
Speier
Spratt
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Capuano
Kennedy
Lewis (GA)
Lucas
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain on this vote.

□ 2215

Mr. SESTAK changed his vote from "aye" to "no."

Ms. MARKEY of Colorado, Ms. SHEA-PORTER and Messrs. ADLER of New Jersey, KANJORSKI and HODES changed their vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. PRICE of North Carolina. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2892, back to the House with an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. PRICE of North Carolina:

On page 2, line 18, after the dollar amount insert "(reduced by $50,000,000)".

On page 52, line 19, after the first dollar amount insert "(increased by $50,000,000)".

On page 52, line 21, after the dollar amount insert ''(increased by $50,000,000)''.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

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.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 37, not voting 7, as follows:

[Roll No. 450]

YEAS—389

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
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
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)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
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
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—37

Barrett (SC)
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Burgess
Campbell
Castle
Chaffetz
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Hall (TX)
Hensarling
Hoekstra
Inglis
Jenkins
Johnson (IL)
Linder
McClintock
Neugebauer
Paul
Pence
Petri
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Westmoreland

NOT VOTING—7

Capuano
Kennedy
Lewis (GA)
Murphy (CT)
Sessions
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2223

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore (Mr. SERRANO). The unfinished business is the vote on ordering the previous question on House Resolution 572, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 181, not voting 7, as follows:

[Roll No. 451]

YEAS—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
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
Delahunt
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
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
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)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
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)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
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
Stark
Sutton
Tanner
Tauscher
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

NAYS—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
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)
Heller
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
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (MA)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
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)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Buyer
Capuano
Coble
Kennedy
Lewis (GA)
Stupak
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2230

Mr. FRANK of Massachusetts changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 202, not voting 9, as follows:

[Roll No. 452]

YEAS—222

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fattah
Filner
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
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Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
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Wilson (OH)
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NAYS—202

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baldwin
Barrett (SC)
Bartlett
Barton (TX)
Bean
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
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
Childers
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Farr
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
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Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (WI)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Obey
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—9

Capuano
Coble
Hinojosa
Kennedy
Lewis (GA)
Slaughter
Stupak
Sullivan
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are left on this vote.

□ 2238

Mr. KIND of Wisconsin changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–184) on the resolution (H. Res. 578) providing for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2647 and to insert extraneous material thereon.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 572 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2647.

□ 2241

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, with Mr. ALTMIRE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. The House Armed Services Committee brings before the House a bill reported out of committee by a vote of 61–0. This consensus was achieved after a great deal of hard work. Our mark lasted almost 17 hours. We considered 129 amendments; we adopted 107 of them. We had an excellent debate on the issues in the best traditions of our committee. I am confident we will have a similar experience here in the full House.

Mr. Chairman, I am pleased to be joined in support of the bill by my friend and my partner, BUCK MCKEON. I am thrilled that he is our ranking member, and I commend him for jumping in head first on his first official day on the job, which of course was a full day for our markup. He has been a very able and constructive partner as well as, when required, a skilled opponent. I must, however, mention our esteemed colleague, JOHN MCHUGH, who has agreed to become the Secretary of the Army, but who leaves our committee having established a lasting legacy, especially on issues of personnel.

In this debate we will consider, and I am confident that we will adopt, an amendment that is sponsored by both Mr. MCKEON and me that is a tribute to the work of JOHN MCHUGH on our committee.

Likewise, I must thank the subcommittee chairmen and ranking members who contributed so much on this bill. They did their homework, and I am pleased with the outcome of our efforts. They solved almost every problem set out for them, and they accomplished a lot of good government at the same time.

□ 2245

They were ably assisted by our committee staff, the amazing professionals in the Office of the Legislative Counsel, and the Office of the Parliamentarian.

This bill authorizes $550.5 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy. The bill also authorizes $130 billion to support ongoing military operations in Iraq and Afghanistan during fiscal year 2010. These amounts are essentially equal to the President's budget request for items in the jurisdiction of our committee.

H.R. 2647 reflects the Congress' deep commitment to supporting American servicemembers and providing the necessary resources to keep Americans safe. The bill provides our military personnel with a 3.4 percent pay raise, an increase of .5 percent above the President's request. The bill also includes a number of initiatives to support military families. In this, the Year of the Military Family, we provide funds to establish a Center for Care for military members and their families. We also increase the weight allowance for senior noncommissioned officers, and authorize the transportation of a second vehicle for members who are changing stations from or to a nonforeign area outside the United States. The bill also provides funding to enhance the Health Professions Scholarship program for mental health providers to support the troops and their families.

The mark fully funds the President's budget request for military training, equipment, maintenance, and facilities upkeep. By doing so, the committee continues its efforts to address readiness shortfalls that have developed over the past 8 years.

To address some of these concerns in this mark, we have added $1.6 billion to operation and maintenance, including $395 million for Navy aviation and ship depot maintenance, $762 million to achieve 100 percent of the requirement for sustainment of facilities, including the Department of Defense schools, which, by the way, are excellent, and $450 million to improve the quality of Army training barracks.

The war in Afghanistan is a critical mission that is finally getting the attention it demands, and I've been saying that for quite some time. To ensure our strategy in both countries is effective and achieves the intended goals within well-defined timelines, the bill requires the President to assess American efforts and regularly report on progress. It also authorizes the new Pakistan Counter-Insurgency Fund to allow our commanders to help Pakistan quickly and more effectively go after the terrorists in their safe havens.

On Iraq, the committee supports the President's policy while also upholding the Congress' responsibility to provide oversight to the process of drawing down the mountain of material purchased, transported and built up in Iraq at tremendous expense to the taxpayer.

In the area of nonproliferation, the bill increases funding and creates new authorities to strengthen the Department of Defense's Cooperative Threat Reduction program. The bill also fully supports the Department of Energy's nonproliferation programs, and adds substantial funding in support of the President's plan to secure and remove all known vulnerable nuclear materials that can be used for weapons.

The bill takes additional steps on acquisition reform beyond what we did in the bill on weapons acquisition which was enacted and signed into law by the President last month.

It also ensures that the Quadrennial Defense Review currently being undertaken by the Department of Defense both complies with the law and gives Congress the insight it needs to make judgments about force structure and programmatic changes.

In summary, Mr. Chairman, I believe this bill can be supported by every Member of this House. I recognize that some who have deep objections to current defense policy on various issues may feel compelled maybe to oppose the bill. That's their right, of course. But even in most of those cases, I believe that solid progress is made in this bill toward protecting our national security in the right way.

I ask Members to vote for H.R. 2647, for our troops and their families, and for a strong national defense for our Nation.

The object of our affection, Mr. Chairman, are the young men and young women in uniform who do professional, outstanding work for our country. This bill helps them in their efforts. All of us are proud of them, and I hope that the vote on this bill, when we vote tomorrow, will reflect that pride in the military of the United States of America.

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

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

Mr. Chairman, as legislators, we meet once again to address the wide range of important national security issues undertaken by the Departments of Defense and Energy.

We all take our legislative responsibilities very seriously. This is especially true during a time of war, and it is always true of my good friend and colleague, Armed Services Committee chairman IKE SKELTON.

I would be remiss, Mr. Chairman, without saying a word about the outgoing ranking member, JOHN MCHUGH. I know we all agree that this committee, this Congress, and the 23rd District of New York will all miss the leadership of JOHN MCHUGH. I look forward to speaking more about JOHN later in our debate.

As a result of Chairman SKELTON's tireless efforts to put forward this bill, our committee reported out the National Defense Authorization Act for Fiscal Year 2010 last Wednesday. The vote was unanimous, 61–0.

Consistent with the longstanding bipartisan practice of the Armed Services Committee, this bill reflects our committee's continued strong support for the brave men and women of the United States Armed Forces.

This legislation acknowledges that the United States has a vital national security interest in ensuring that Afghanistan does not once again become a safe haven for terrorists, supports a comprehensive counterinsurgency strategy that is adequately resourced and funded by Congress, and calls on the President to provide our U.S. military commanders with the military forces they require in order to succeed.

In Iraq, the committee ensures the Congress will support the President's plan to redeploy combat forces while providing our commanders on the ground the flexibility to hold hard-fought security gains and ensure the safety of our forces.

Mr. Chairman, we owe our soldiers, sailors, airmen and marines the very best available equipment, training and support in order to provide them with the best possible tools to undertake their missions and return safely. The provisions that are already in this bill go a considerable way in demonstrating this support, but we can, and should, improve it.

Congress, and particularly the Armed Services Committees in both Chambers, has the unmistakable obligation to ensure that the Department of Defense develops and deploys defensive capabilities that protect the American people, our forward-deployed forces, and our allies. This includes promising programs in the areas of missile defense.

In a year where Iran and North Korea have demonstrated the capability and intent to pursue long-range ballistic missiles and nuclear weapons programs, elements of genuine national security threat, this bill endorsed reductions to capabilities that would provide a comprehensive missile defense system to protect the U.S. homeland, our forward-deployed troops, and our allies.

We need to take steps that would reverse the administration's 35 percent reduction to a critical component of the national missile defense system located in Alaska and California, which is designed as a last line of defense to protect the U.S. homeland. It's unfortunate that we've been forced to trade national missile defense capabilities for more theater missile defense. Both are necessary, and both could have been adequately funded without such deep cuts.

Building on the Weapons Acquisition Reform bill that the President signed in May, this legislation takes a number of important steps on major weapons programs. I am pleased that this bill provides $368.8 million in advance procurement funding for 12 additional F–22s. Keeping the F–22 production line open is not only necessary to meet military requirements, but also sustains a critical sector of the defense industrial base and provides over 95,000 direct and indirect jobs at a time when our economy is struggling through a recession.

As a Nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedom. I am pleased that this legislation includes a 3.4 percent pay raise, which is half a percentage point above the President's request. I commend and thank Chairman SKELTON for working to address the concurrent receipt in the suspension bill addressed earlier today. However, I remain concerned that we were not able to fund payments to military surviving spouses by repealing the ''widow's tax'' and allowing access to TRICARE for Guard and Reserve members who receive earlier retirement. If this is truly to be the Year of the Military Family, we must make it a priority to fund these programs, too.

One of the few areas where there is disagreement within our committee is detainee policy. These are differences that I believe need to be debated and given a vote within the full House. As you know, many Members believe the American people do not want detainees in Guantanamo brought to the sovereign territory of our country. I am disappointed we will not debate amendments dealing with the transfer or release of detainees from Guantanamo Bay, Cuba into the United States.

Finally, I strongly agree with many Members who believe that Congress should do everything possible to ensure that the detainee pictures presently subject to the Freedom of Information Act are not released. The President and our military commanders determined that these photos, if released, would risk the safety of U.S. forces in Iraq and Afghanistan. Given the overwhelming support for this language in the Senate, I regret that we could not address this issue on the House floor today.

As in years past, I believe that this legislation reflects many of the Armed Services Committee's priorities in supporting our Nation's dedicated and courageous servicemembers.

I thank Chairman SKELTON for putting together an excellent bill and helping us to stay focused on delivering a bill that protects, sustains, and builds our forces. I look forward to working with my colleagues to improve and pass H.R. 2647.

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

Mr. SKELTON. Mr. Chairman, the Member I am about to yield to for 3 minutes will be giving her last presentation in this House, for she will be, very shortly, a member of the administration within the State Department with a high-ranking position. We wish her well, as well as wishing her well in her upcoming marriage.

I yield 3 minutes to my friend, my colleague, the distinguished chairman of the Subcommittee on Strategic Forces, the gentlelady from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Thank you, Mr. Chairman, for those very kind words. It has been a pleasure to work with you and my colleagues on the committee and my colleagues in the House. Thank you for your patriotic service.

I am pleased to rise in support of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, and to summarize the portions of the bill drafted by the Strategic Forces Subcommittee which I am proud to have chaired for the past 3 years.

I want to thank my colleagues on both sides of the aisle, including Ranking Member TURNER for his hard work and always good willingness to work in a bipartisan way.

H.R. 2647 includes $14.3 billion for the Department of Energy national security programs, not including nuclear nonproliferation programs, $9.3 billion for ballistic missile defense programs, the amount the President requested, and $11 billion for military space programs, including just over $9 billion for Air Force space programs.

For Department of Energy national security programs, the bill authorizes $6.5 billion for nuclear weapons activities and $5 billion for the Defense Environmental Cleanup.

H.R. 2647 authorizes a new stockpiling management program to provide better guidance to the National Nuclear Security Administration on the

maintenance of our nuclear weapons and to establish clear limits on that maintenance. The bill also adds a new requirement for lab-to-lab peer review called ''Dual Validation'' as part of the annual assessment of the nuclear stockpile.

For missile defense, the bill authorizes the President's request of $9.3 billion overall, including nearly $8 billion for the Missile Defense Agency. The bill focuses on the highest priority threats and on making our missile defense system more effective. As such, the bill shifts away from the capabilities-based approach of the last few years, which meant that if a contractor said they could build it, MDA would fund it whether or not it addressed a current threat or whether or not the combatant commanders requested it. That approach yielded several early-to-need programs that fell behind schedule and went way over budget and left us with ground-based interceptors in Alaska that we are currently spending millions of dollars to fix and upgrade.

□ 2300

In contrast, as MDA Director General Patrick O'Reilly told our subcommittee in May, the process leading up to this year's request on missile defense was the first that involved the combatant commanders in a meaningful way and the first with a mature Missile Defense Evaluation Board in place.

This more sensible process yielded a balanced, threat-based approach to missile defense.

H.R. 2647 includes $1 billion to further develop the Ground-based Midcourse Defense system to defend against emerging long-range threats, and it includes a requirement to prepare a sustainment and modernization program for the ground-based system.

H.R. 2647 also substantially increases the deployment of proven missile defense capabilities such as Aegis BMD and the Terminal High Altitude Area Defense, THAAD, which are designed to counter the ballistic missile threats our troops are most likely to face: Short, medium-range missiles.

Over the next 5 years, the Aegis Standard Missile-3 inventory will grow from 133 to 325.

Mr. Chairman, I want to thank you again for working with me. I think this is a very good bill. I think we address the threats to our forward-deployed troops, our allies, and I hope my colleagues work with us to support the bill and get its passage.

In military space programs, the mark builds on the bipartisan approach the subcommittee took in the last Congress.

The bill makes reductions in programs with significant schedule and cost risks, including the Third Generation Infrared Satellite System and the High Integrity GPS program.

The bill reflects the subcommittee's support for the Operationally Responsive Space (ORS) program, and includes an increase of twenty-three point four million dollars to support the launch of the first ORS imaging satellite, ORS SAT–1.

H.R. 2647 also requires the Secretary of Defense to submit a space science and technology strategy when the President submits the budget request to Congress. This provision will help guide the Administration and Congress as we approach major investment decisions in national security space.

H.R. 2647 also provides a twelve month extension for the Congressional Commission on the Strategic Posture of the U.S., to allow the commission to review the strategic security issues addressed by the pending Nuclear Posture Review and Quadrennial Defense Review.

Finally, in intelligence-related matters, the bill recommends a funding increase to boost the focus and resources of the Intelligence Community devoted to analyzing foreign nuclear weapons capabilities, programs, and intentions.

H.R. 2647 also includes two important planning requirements related to intelligence.

First, it requires the Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, to prepare a plan to maintain a robust foreign nuclear activities analysis capability in the DOE national labs.

Second, it requires the Secretary of Defense, in consultation with the DNI, to assess foreign ballistic missile intelligence analysis gaps and shortfalls, and prepare a plan to address such gaps.

In sum, H.R. 2647 smartly tackles the critical national security priorities within the jurisdiction of the Strategic Forces Subcommittee. I strongly encourage my colleagues to support H.R. 2647.

Mr. MCKEON. Mr. Chairman, I yield to the gentleman from Maryland (Mr. BARTLETT) the ranking member on the Air and Land Forces Subcommittee such time as he may consume.

Mr. BARTLETT. Thank you.

I would like to thank my good friend from Hawaii (Mr. ABERCROMBIE) the chairman of the Air and Land Forces Subcommittee, for his continued professionalism and all the hard work that has taken place behind the scenes to get this bill done. This is not an easy process and the legislation before us reflects many difficult decisions.

Once again, this bill places force-protection issues at the top of the priority list. It provides additional funds for the National Guard equipment account and the services' unfunded priority lists. And the changes that this bill makes in regards to body armor is long overdue and will provide better protection for our war fighters for years to come.

As I said during our oversight hearings and subcommittee markup, there is no doubt that this budget and the decisions that come along with it will fundamentally change the United States Air Force and Army.

I see two problems. First, the budget should not drive the strategy. The strategy should be set, then the funding requirements are laid out in the budget that follows. It appears to me that in many cases funding limitations in the FY 2010 budget top line were the sole driver in major policy decisions.

The second problem that I see is that instead of openly engaging the legislative branch on policy matters proposed for structure changes and the shifting requirements for major weapons platforms, the executive branch has chosen to lock us out of those debates and tie our hands by unveiling sweeping policy changes buried under the guise of a budget request.

A case in point is the joint cargo aircraft. I have asked witnesses in the Army, the Air Force, the Office of the Secretary of Defense: What has changed? Why is this mission being moved out of the Army and solely over to the Air Force, when not 4 months ago we received the Quadrennial Roles and Missions Review Report that stated, ''the option that provided most value to the joint force was to assign the C–27J to the Air Force and Army. ''

None of them have been able to answer the question, but all of them stated that there was no new study or analysis conducted that countered the existing plan or reduced the JROC recruit requirement for 78 joint cargo aircraft.

What has happened as a result of all this is that the Congress is now left to debate the puts and takes in the budget when there has been no vetting of the underlying threat assumptions policy or strategy. This body, not the executive branch, is charged with a constitutional mandate to raise and support armies and navies. I am extremely troubled that these decisions have been made in a vacuum and appear at least on the surface to be informed by nothing other than top-line budget pressures.

I want to be clear that my frustration is with the Department, not this bill. In fact, given the little information that we have received, I believe our Members on both sides of the aisle and our really excellent staff have done an amazing job. As I said on many occasions, the House Armed Services Committee has a long tradition of focusing on those issues that most impact and help our brave men and women in uniform. And I, like all our Members on both sides of the aisle, am very proud to be serving on this committee.

Finally I would like to briefly comment on the Army's Future Combat System. As we all know, the Secretary of Defense announced a decision to restructure the decision and terminate the Manned Ground Vehicles. Our committee has scrutinized the Future Combat System program in a bipartisan manner since 2004. We have consistently had concerns in regard to the survivability of the Manned Ground Vehicles, but we have never questioned the need for the Army to modernize and replace a combat vehicle fleet that is in excess of 30 years old.

The problem that I have is there is still much information that we need from OSD so that we can make informed decisions. As a result, we have been forced to make some very difficult decisions I would prefer to make with more information.

Again, on balance, this is a good bill, and I encourage all members to support it.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my friend, my colleague from Texas, who is the distinguished chairman of the Subcommittee on Readiness, Mr. ORTIZ.

Mr. ORTIZ. Thank you, Mr. Chairman.

I rise in support of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. The bill before us today reflects our committee's continuing efforts to reverse a decline in the readiness posture for Armed Forces.

I would like to thank the ranking member from my subcommittee, my good friend, Mr. FORBES of Virginia, for his help in bringing together this excellent bill.

The United States military is, without a doubt, the premier fighting force in the world. However, military leaders face significant challenges as they seek to fulfill the basic equipment and training needs.

H.R. 2647 is dedicated to providing the necessary resources and authorities to help reverse declining trends in training and equipment readiness. H.R. 2647 includes the following provisions to improve the overall state of the United States military readiness:

It provides $13 billion for reset of Army and Marine Corps equipment, deployment. It adds $762 million to fully sustain military base facilities and infrastructure, including Department of Defense schools.

It adds $450 million for Army barracks improvements and provides $440 million to support National Guard and Reserve military construction programs. It adds $395 million to Navy depot maintenance accounts for ships and aircraft.

It authorizes $90 million for energy conservation projects and encourages use of renewable energy and hybrid and electric vehicles. It requires a GAO report on DOD's approach to balancing the dueling requirements of troops.

It includes a 1-year extension of premium pay for Federal civilian employees deployed to Iraq and Afghanistan, and it provides $4.7 billion for training opportunities for the Army.

This bill also does many good things for south Texas. It provides additional space for the Army Reserve to warehouse equipment in a controlled humidity environment in Robstown, Texas.

The bill also authorizes an energy demonstration project at Naval Air Station Kingsville that would reduce carbon emissions and provide a renewable source of free electricity.

I support this bill, H.R. 2647, and am proud of what this bill does to restore strength to our military.

My friends, this is a good bill that reflects our bipartisan desire to improve readiness and balance the many priorities of our Armed Forces.

I urge my colleagues and my friends to vote for this bill.

Mr. MCKEON. I yield now to the gentleman from Virginia, the subcommittee ranking member on the readiness committee, Mr. FORBES, 3 minutes.

Mr. FORBES. Thank you, Mr. Chairman, for the opportunity to stand in support of this year's defense policy bill.

I would also like to express my sincere appreciation for Chairman SKELTON and Ranking Member MCKEON for their leadership and hard work in crafting a bipartisan bill that was unanimously supported by the Armed Services Committee. I would also like to thank the gentleman from Texas (Mr. ORTIZ) for his friendship and the foresight with which he conducts the readiness subcommittee.

This bill does much to address the readiness issues facing the Department of Defense by providing the Navy with $395 million to address both of the Navy's shortfalls in ship repair and aviation maintenance. We have fully funded other key readiness accounts so that our men and women have the tools, training and equipment they need when they deploy to protect our Nation.

I am pleased that this bill continues a steadfast commitment to fully funding the 2005 BRAC round for the Army, Air Force and Navy so that it can be completed by September 2011. However, I am deeply disappointed that the measure does not fully fund $350 million for defense-wide BRAC projects, which includes the construction of critical military hospitals for our men and women in uniform.

The amendment that was adopted by the full committee that led to this reduction will end up costing taxpayers more than $2 billion in 2010 alone, which is enough money to fully fund these critical health care facilities and restore $1.2 billion for comprehensive missile defense. Instead, this provision will lead to inflated wages in Guam, while taking American jobs from construction projects in Texas, Maryland, and Virginia.

That provision notwithstanding, there are many worthwhile provisions in this bill that will support our men and women in uniform, as well as the communities that support them.

I am pleased that we have added $9 billion above the President's request to assist small businesses and allow them to compete for local defense contracts, an additional $65 million to provide aid to school districts impacted by military families, and $20 million above the President's request to assist the military and conservation groups working together to protect against encroachment at our military installations.

All in all, Mr. Chairman, I believe that this is a good bill, and it will do much to support the readiness of our military.

I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my friend, the distinguished chairman of the Subcommittee on Sea Power and Expeditionary Forces, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. I very much want to thank our outstanding chairman, Mr. SKELTON for giving me this opportunity.

I rise in support of H.R. 2647, the National Defense Authorization Act. As chairman of the Sea Power and Expeditionary Forces Subcommittee, I am pleased to report to the House that this bill strengthens our Navy and Marine Corps by providing the necessary equipment for the brave young sailors and marines to carry out the tasks that our Nation requests of them. In all, this bill authorizes $38 billion for Navy and Marine Corps procurement, $19.6 billion for Navy and Marine Corps research and development efforts, $3.2 billion for Navy and Marine Corps Overseas Contingency Operations, and $401.9 million for maintaining a robust United States merchant fleet.

I believe that the balance between quality, capability, and affordability is met head on with the bill before the House tonight. The bill provides authorization for the correct number of ships, planes and ground vehicles with the right capability to meet the threat, but with the recognition that unless equipment can be procured affordably, we will never be able to build our fleet or our air wings. That's why, working in a bipartisan manner, the subcommittee recommended and the full committee adopted our recommendation to grant multiyear procurement authority for the construction of DDG 51 destroyer programs, the world's best destroyer, and multiyear procurement authority to realize significant cost savings in the procurement of F/A 18 Strike Fighters to repopulate our air wings on the decks of our carriers.

In particular, the bill would authorize construction of eight new battle force vessels to include a Virginia Class submarine, three Littoral Combat Ships, one DDG 51 Burke Class Destroyer, two T-AKE Dry Cargo Ammunition Ships and one Joint High Speed Vessel. In addition to new construction, the bill would authorize procurement of long lead material construction for seven additional vessels in coming years, most importantly, two submarines per year starting next year.

The bill would authorize the Secretary of the Navy to enter into multiyear contracts for the purchase of additional F/A 18 Superhornets and E/A 18 Growlers. The bill contains over $100 million in additional funding to buy long-lead equipment and materiel necessary to continue production of these aircraft.

These are the finest aircraft in the world today, save our own Air Force F22 Raptor. Since it's unlikely that our Navy and Air Force will go to battle against themselves, that means the Superhornet is unmatched by any other strike fighter in the world.

We must always remember that the Navy and the Marine Corps are our Nation's 9–1–1 force; they can arrive anywhere in the world quickly with full combat power. They do not need weeks or months to ship and stage equipment. This is why the expeditionary force desperately needs more of these strike fighters. The bill will provide that capability.

This bill would also continue vital research and development efforts to ensure that our fleet maintains the technology and the superiority necessary to defeat all threats.

The CHAIR. The time of the gentleman has expired.

Mr. SKELTON. I yield an additional minute to the gentleman.

Mr. TAYLOR. Most notably, advanced missile and advanced submarine threats. The bill would fund the design and development of the next class of missile submarine, the next class of nuclear powered cruiser, and the next class of aircraft carriers.

Finally, the bill authorizes the resources necessary to maintain a robust United States Merchant Marine and authorizes $60 billion for the Title XI program.

Mr. Chairman, I would like to thank Captain Will Ebbs, Ms. Jeaness Simlar, Heath Pope, Doug Bush, and Jesse Tollson for their work in putting together this portion of the bill. I recommend it to the full House for its passage.

□ 2315

The CHAIR. The gentleman from Missouri has 12 minutes remaining. The gentleman from California has 18 minutes remaining.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the ranking member on the Terrorism Subcommittee, the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I do rise in support of the National Defense Authorization Act for Fiscal Year 2010. As the ranking member of the Terrorism and Unconventional Threats and Capabilities Subcommittee, I think we have put together a good and an excellent mark. And I'd like to thank the chairman of the subcommittee for all of his cooperation in putting this together.

The members of the subcommittee have worked hard to address the many issues that face special operations, information technology, and science and technology investments, just to name a few of the areas that our subcommittee has handled.

We have provided important support to the Department's effort to enhance NATO capabilities so that our forces do not bear the entire burden of the efforts in Afghanistan and elsewhere around the globe.

I believe we should support additional efforts to increase NATO's ability to contribute, especially at a time when irregular threats are only increasing and partnerships will prove of the utmost importance.

Our bill also addresses the needs of our special operators by increasing the budget request to address the command's unfunded requirements. These forces are at the tip of the spear in our military's efforts to counter terrorism and to bring stability to regions on the brink of chaos.

The bill includes measures to strengthen the Department's ability to operate in cyberspace and to address vulnerabilities to our information technology systems. The bill directs the establishment of a joint program office to better coordinate the acquisition of cyber capabilities across the Department and continues to push the Department to establish processes for the timely acquisition of needed information technology systems.

Finally, this bill continues our previous support of science and technology programs. Sustained investment in this area is very important for our military forces to maintain their warfighting capability not just now, but well into the future.

I would say that we need to continue to work on strategic communications, combating the potential use of weapons of mass destruction, and ensuring our national defense strategy addresses appropriately the range of threats found in our security environment today.

We must not lose sight of the importance of these issues and to ensure our forces have the resources, the authorities, and the equipment needed to provide for our Nation's defense.

Before finishing, I'd like to thank our former ranking member, Mr. JOHN MCHUGH, for all of his help, confidence, and advice. We wish him Godspeed. With that, I ask for my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my colleague, my friend, the chairman of the Subcommittee on Terrorism and Unconventional Threats and Capabilities, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. I rise in support of the National Defense Authorization Act and to discuss briefly the portions of the bill contained under the subcommittee that I chair on Terrorism and Unconventional Threats and Capabilities. And I want to begin by thanking Ranking Member MILLER from the great State of Florida for his support for this bill. We work in true bipartisan fashion on the subcommittee, following the lead of our able chairman, who does the same with the full committee, and I think, in large part as a result of that, we produce a very good product.

I also want to thank the chairman for his overall leadership on the committee in putting together this mark. It places the priorities exactly where they belong, first and foremost, on our troops and their families, giving them the support they need to continue to fight and defend our country.

In program after program, you can see the priority that that is put in this bill. I really appreciate the chairman's work on that and, particularly, the 3.4 percent pay raise across the board for our military.

The bill also prioritizes our fight in Afghanistan, the central front now in the war against al Qaeda. It is absolutely clear that the battle over there has a profound impact on the national security of this country. This bill gives our troops over there the resources and equipment they need to fight the fight, to defeat al Qaeda, and to protect us against the violent extremists in that region.

In particular, it also recognizes the battle in Pakistan by funding counterinsurgency efforts there that are so critical not just to success in Pakistan but to success in Afghanistan as well.

On the subcommittee portion of our mark on the Terrorism Subcommittee, we are focused on three main issues: First of all, support for counterterrorism efforts, the fight against al Qaeda, and broader counterinsurgency and counterterrorism efforts across the globe; second, the support for innovative new technologies to give our troops the updated equipment that they need to best fight those fights; and lastly, to protect our homeland against unconventional threats.

All of these areas are focused on irregular warfare, unconventional threats, and the emerging threats that we face. And I want to take just a moment to thank Secretary Gates for his leadership in funding the money necessary, the programs necessary, the troops necessary to fight these fights. He made some bold steps in this bill to move us past a cold war mentality to focus on the threats that are right there before us from al Qaeda and other violent extremist groups. I think that makes an enormous difference.

In particular, in our mark we do everything we can to support our troops with the special operations command. They are the tip of the spear in fighting terrorism, in fighting insurgencies throughout the globe. We are growing their force—in the process of growing their force. It is necessary to fund that growth and fully support their outstanding efforts in protecting us across the globe.

We are very pleased with the operations and always make a high priority funding their efforts. We fully fund all of their unfunded requirements in this mark.

So, with that, Mr. Chairman, I simply again want to compliment Chairman SKELTON, Ranking Member MCKEON, also Ranking Member MCHUGH for all of his work on this committee and on this bill and Ranking Member MILLER for his support as well. I think we have put together an outstanding bill that will best protect the national security interests of this country.

Mr. MCKEON. I yield, at this time, 3 minutes to the ranking member on the Seapower Subcommittee, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. I rise in support of the National Defense Authorization Act for Fiscal Year 2010. As ranking member of the Seapower and Expeditionary

Forces Subcommittee, I applaud the efforts of Chairman TAYLOR and his staff, who have done an excellent job in meeting the needs of our sailors, aviators, and marines.

With respect to aviation, the bill takes an important step toward addressing the Navy's strike-fighter shortfall. The Navy completed a study required in last year's bill to evaluate the potential benefits of a multiyear procurement for the F/A–18 Super Hornet, which is the only ''hot'' production line we have for fighters for the Navy.

Unfortunately, the Secretary of Defense refused to allow the report to be submitted to Congress. In the absence of any analysis of this issue from the Department, the committee used its own judgment and included a multiyear authority for the Super Hornet.

We also provide sufficient long-lead funding to allow the Navy to execute this multiyear contract. I believe this is imperative, especially as the Navy continues to find more and more areas of concern on the legacy fleet that may make it challenging to extend the service life of these aircraft. I want to thank Chairman TAYLOR for working with me on this issue, as well as a number of others.

For the Marine Corps, the bill fully funds the Marine's Expeditionary Fighting Vehicle program, Mine Resistant Ambush Protected Vehicles, known as MRAPs, and all of the items on their unfunded requirements.

Despite the fact that the Department of Defense refused to provide the 30-year shipbuilding program required by law, which made this committee's work difficult, the bill largely supports the President's budget request in this area.

At the full committee, Representative CONAWAY and I, along with Chairman TAYLOR, introduced an amendment that would put some teeth into the changes made to the Littoral Combat Ship program cost cap. The Navy needs to know that we're serious about controlling costs and do not adjust cost caps lightly.

The main concern I have with this bill does not fall under the Seapower Subcommittee, but I must mention it. Cutting missile defense by $1.2 billion makes no sense, particularly when North Korea and Iran are both working on nuclear weapons and long-range missiles. A cut of this magnitude is unacceptable.

I also continue to have one other overarching concern. We're not investing enough in the future of our military. The top line provided by the administration and, frankly, by this Congress, is too low. While we seem to be throwing money into every other problem under the Sun, we're tightening our belts on defense. This makes no sense.

But, again, this is a good bill overall, and Chairman SKELTON has done his best with these constraints. We're very thankful for his leadership.

Finally, Mr. Chairman, I'd like to give my best wishes to our former ranking member, JOHN MCHUGH, who has a fine record in this institution, and I know he will continue to serve and fight for the men and women in uniform. Nevertheless, he will be missed on this committee.

Mr. Chairman, I ask my colleagues to support this bill.

Mr. SKELTON. I yield 3 minutes to my colleague and my friend, the distinguished chairwoman of the Subcommittee on Military Personnel, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. I certainly want to salute our exemplary leader on this committee, Mr. SKELTON, and thank him very much for all his support.

Mr. Chairman, I join my colleagues on the House Armed Services Committee in support of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. As chairwoman of the Military Personnel Subcommittee, I'm particularly proud of the provisions in the bill that improve the quality of life for our servicemembers, their families, retirees, and military survivors.

I want to recognize my colleague and ranking member, the gentleman from South Carolina, JOE WILSON, for working with me in support of these very important initiatives.

Mr. Chairman, servicemembers and their families are bearing the burden of multiple deployments after nearly 8 years of conflict. It is our responsibility to support our men and women in uniform and their families, given the enormous sacrifices they are making in defense of our Nation.

We all agree that these men and women are the heart and soul of our military. All the weapons systems in the world cannot substitute for their competency, their dedication and sacrifice.

Sadly, a recent survey shows that 94 percent of military families do not believe that the American people truly understand the sacrifices they are making on behalf of our country, so we have a responsibility to change that, and we're trying to do that with this bill today.

Fortunately, this year the subcommittee did not have to deal with the dramatic increases to TRICARE fees and premiums previously proposed by the Department of Defense. Secretary Gates has indicated a willingness to work with the committee to address the significant growth in military health care expenditures. And we need to work together not only with the Department of Defense, but with those who represent our military personnel, retirees, survivors, and their families to find a fair and equitable solution that protects our beneficiaries and ensures that the financial viability of the military health care system is real.

Some of the highlights of the bill include a 3.4 percent pay raise, which is half a percent higher than the President's budget request. Those who are serving on the front lines every day have earned this pay raise.

The bill also includes a number of initiatives that are focused on military families, such as TRICARE coverage for reservists and their families and a monthly compensation allowance for members with combat-related catastrophic illnesses and injuries to receive assistance for activities related to daily living.

The committee has taken more steps to address the serious mental health issues faced by our military. I am pleased that we will be able to include a series of amendments to make the mental health provisions in this bill even stronger. We must continue to work on this issue.

Lastly, this bill continues the committee's oversight and commitment to significantly reducing sexual assaults and harassment within the Department of Defense.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. MCKEON. Mr. Chairman, I yield now to the subcommittee ranking member on Military Personnel, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, I rise in strong support of H.R. 2647. This bill contains significant policy and funding initiatives that address important issues for our military personnel and quality of life.

I was honored to serve with Military Personnel Subcommittee Chairwoman SUSAN DAVIS, who I have seen firsthand promote our servicemembers, their families, and veterans.

Mr. Chairman, I would also like to thank Chairman IKE SKELTON and the professional staff for their efforts; particularly John Chapla and Jeanette James.

To that end, the bill contains many important initiatives, including a military pay raise of 3.4 percent. The raise is 0.5 percent above the President's budget request.

□ 2330

Mindful of the challenge the Army is having with large numbers of nondeployable personnel, we have recommended continued growth in Army end strength. The bill would allow the Army to increase by 30,000 in 2011 or 2012. I am particularly pleased that we changed the matching fund requirement to a 75–25 percent ratio between the Department of Defense and the States for the National Guard Youth ChalleNGe Program.

In addition, the bill protects child custody arrangements for deployed parents, championed by Congressman MIKE TURNER of Ohio. With all these good things in the bill, I must again raise my disappointment that we were unable to even debate my amendment in full committee dealing with concurrent receipt; the elimination of the survivor benefit plan; the dependency and

indemnity compensation offset, more sadly known as the widows tax; the extension of health care to early retiring Reserve component members; and the use of the misnamed Reserve fund in the budget resolution.

Had the Democratic leadership seen eliminating these injustices as a priority, they could have allocated the small percentages necessary in the $15 trillion they provided for government spending in 2010 to 2014. This is less than one-sixth of 1 percent of mandatory spending for this period.

In addition, I was disappointed by the fact that for the second year in a row, we were unable to include my amendment to extend early retirement credit for service for National Guardsmen and Reservists back to September 11, 2001, retrospectively. The prospective retirement credits since January 28, 2008, is a start; but as a 31-year veteran of the Army National Guard, I know more needs to be done. As a Nation, we owe more than our gratitude for the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedom.

With that, Mr. Chair, H.R. 2647 is a strong defense authorization bill. I urge my colleagues to vote ''yes'' in support of H.R. 2647.

Congratulations to our dedicated colleague Congressman JOHN MCHUGH of New York for his selection to serve as Secretary of the Army.

Mr. Chair, I rise in strong support of H.R. 2647, The National Defense Authorization Act for Fiscal Year 2010. This bill contains significant policy and funding initiatives that address important issues for military personnel and quality of life.

I was honored to serve with Military Personnel Subcommittee Chairwoman SUSAN DAVIS who I have seen firsthand promote our servicemembers, their families, and veterans.

Mr. Chair, I would also like to thank Chairman IKE SKELTON and the professional staff of the Armed Services Committee for their efforts, particularly John Chapla and Jeanette James.

To that end, this bill contains many important initiatives, including: A military pay raise of 3.4 percent. The raise is .5 percent above the President's Budget request which reduces the pay gap to 2.4 percent from 13.5 percent in fiscal year 1999, culminating ten years of enhanced pay raises.

Mindful of the challenge the Army is having with large numbers of non-deployable personnel, we recommend continued growth in Army end strength. The bill would allow the Army to increase by 30,000 in 2011 or 2012. Such growth would significantly improve the Army's ability to deploy fully manned units.

I am particularly pleased that we changed the matching fund requirement to a 75–25 percent ratio between the Department of Defense and the states for the National Guard Youth Challenge Program. Other initiatives I would mention are:

The statutory mandate for the Department of Defense to account for all the missing from World War II, the Korean War, the Cold War, the Vietnam War, the Persian Gulf War and other conflicts designated by the Secretary of Defense, and increase the number of identifications from the current 70 per year to 350 per year by 2020; and

Extending TRICARE Reserve Select to members of the Retired Reserve who qualify for a non-regular retirement but have not reached age 60, otherwise known as "grey area retirees."

Continuing our commitment to support our wounded warriors, the bill would:

Establish a database to track service members who have been exposed to blasts to further enhance the care provided to for blast-related health issues, and;

Require medical examinations before service members with post-traumatic stress or traumatic brain injury may be involuntarily separated from the service.

In addition, the bill protects child custody arrangements for deployed parents championed by Congressman MIKE TURNER of Ohio.

With all the good things in this bill, I must again raise my disappointment that we were unable to even debate my amendment at full committee dealing with concurrent receipt, the elimination of the Survivor Benefit Plan and the Dependency and Indemnity Compensation offset, more sadly known as the widow's tax, the extension of health care to early retiring reserve component members, and the use of the misnamed Reserve Fund in the Budget Resolution.

I would note that since the introduction of my amendment, the Democratic leadership has found a way to fund for nine months a very limited concurrent receipt for disabled military retirees. That is a step forward to eliminating some of the injustice inflicted on disabled retirees. It however does nothing to cure the injustice still being suffered by most persons losing their rightly earned benefits because of the remaining concurrent receipt prohibitions.

Had the Democratic leadership seen eliminating these injustices as a priority, they could have allocated the small percentages necessary in the 15 trillion dollars they provided for government spending in 2010 to 2014. This is less than one-sixth of one percent of mandatory spending for this period. Or, they could have used the Reserve Fund authority as proposed in my amendment.

Instead we must settle for a small pittance for a small group of retirees.

I hope that since the authority for this limited concurrent receipt is for only nine months, that the Democratic leadership makes resolving all the concurrent receipt and the Survivor Benefit Plan and Dependency and Indemnity Compensation injustices a real, not symbolic priority, next year. We should focus on eliminating the widow's tax.

In addition, I was disappointed by the fact that, for the second year in a row, we were unable to include my amendment to extend early retirement credit for service for National Guardsmen and Reservists back to September 11, 2001, retrospectively. The prospective retirement credit since January 28, 2008, is a start, but as a 31 year veteran of the Army National Guard I know more needs to be done.

As a nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedom.

With that, Mr. Chair, H.R. 2647 is a strong defense authorization bill. I urge my colleagues to vote "yes" in support of H.R. 2647.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 572 and as chairman of the Committee on Armed Services, I request that during further consideration of H.R. 2647 in the Committee of the Whole, and following consideration of amendment No. 1, printed in House Report 111–182, the following amendments be considered: amendment No. 3, printed in House Report 111–182; amendment No. 4, printed in House Report 111–182; en bloc amendment No. 1; amendment No. 2, printed in House Report 111–182; amendment No. 9, printed in House Report 111–182, as modified; amendment No. 15, printed in House Report 111–182, as modified; en bloc amendment No. 2; amendment No. 20, printed in House Report 111–182, as modified; amendment No. 24, printed in House Report 111–182; amendment No. 34, printed in House Report 111–182; amendment No. 39, printed in House Report 111–182; en bloc amendment No. 3; en bloc amendment No. 4.

Mr. Chairman, at this time I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I rise to invite the chairman to engage in a colloquy with me.

Mr. Chairman, I wish to respectfully convey that I have three concerns with some of the practices employed by the Virtual Army Experience, a high-tech traveling exhibit employed by the Army as a recruiting tool. First, children as young as 13 years old are participating in the Virtual Army Experience, which paints an inaccurate picture of war by glorifying it while sanitizing the real effects. More than a mere video game, it includes interactions with real veterans who appear to be in perfect health. It also requires that the user, regardless of age, share personal information as a condition of participation. I think that we can find common ground on these issues. Specifically, I believe we can agree that the Virtual Army Experience video game must be revalidated to ensure that its age-appropriate rating is accurate in the context of how it's being employed, that the Virtual Army Experience content should be reviewed to ensure it accurately reflects the consequences of war, and that there must be increased transparency with regard to how the personal information of the participants collected during participation will be used by the Army.

Mr. SKELTON. As the gentleman knows, I support the VAE. At the same time, I know it can be improved. I would be happy to work with the gentleman to address the issues that you have so aptly raised.

Mr. KUCINICH. I want to thank the chairman for working with me on this.

Mr. MCKEON. Mr. Chairman, I yield at this time 3 minutes to the gentleman from Ohio (Mr. TURNER), the ranking member on the Strategic Forces Subcommittee.

Mr. TURNER. I would like to thank and congratulate Chairman SKELTON,

Ranking Member MCKEON and his predecessor JOHN MCHUGH, who has been nominated for Secretary of the Army, and lend my support for H.R. 2647, the fiscal year 2010 National Defense Authorization Act. I would also like to thank Mrs. TAUSCHER, Chairwoman of the Strategic Forces Subcommittee. She has provided a strong and thoughtful voice on national security issues. I wish her the very best in her new position as Under Secretary of State for Arms Control and International Security.

This bill contains sound bipartisan provisions that provide key capabilities to our warfighters, strengthens our Nation's strategic forces and sustains the intellectual capital supporting our national security infrastructure.

The National Nuclear Security Administration is provided with the flexibility necessary to increase the long-term reliability, safety and security of our nuclear weapons stockpile. I was disappointed, however, that the bill implements the administration's missile defense cut of $1.2 billion. Given North Korea's widely publicized nuclear missile tests and missile launches, not to mention Iran's recent missile tests, cuts in missile defense challenge common sense. I cannot reconcile why the administration has decided to decrease missile defense funding while daily news reports, substantiated by our own intelligence agencies, articulate an increasing missile threat. Despite the current threat posed by North Korea, including reports of a potential ICBM launch, the committee rejected amendments, many that were offered by myself and my colleagues, to restore missile defense funds. This included providing a modest amount of funds to complete a partially constructed missile interceptor field in Alaska designed to protect the U.S. homeland. Ironically, the bill includes $80 million for dismantling North Korea's missile program. I don't think anyone actually believes that Kim Jong Il is going to allow the Obama administration to enter North Korea and dismantle its nuclear weapons program. Unfortunately, the administration's $1.2 billion cut has set up false choices between protection of the United States homeland and protection of our forward-deployed troops and allies. Both are necessary, and both could have been adequately funded without such deep cuts. I am, however, pleased this bill included key provisions of the bipartisan NATO First bill that my colleague Mr. MARSHALL and I introduced to fortify America's transatlantic security links with our European allies.

I want to thank the chairman for his efforts, including these provisions in this bill. Lastly I would like to thank JANE HARMAN, JOE WILSON and SUSAN DAVIS for their support and assistance as this bill includes strong provisions to enhance sexual assault protections for women in uniform. Also with the chairman's support, this bill includes provisions that would protect the custody rights of our men and women who are serving. Unbelievably, courts across this country have denied our men and women their custody rights as a result of their absence in serving their country. Secretary Gates has committed to work with this committee, and I look forward to his work on this. I would like to encourage support for the 2010 National Defense Authorization Act.

Mr. SKELTON. Mr. Chairman, may I inquire as to the time remaining for each side, please.

The CHAIR. The gentleman from Missouri has 4½ minutes remaining. The gentleman from California has 6½ minutes remaining.

Mr. SKELTON. At this time I yield to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman and the chairman for his leadership and the opportunity to engage in a brief colloquy.

I rise today to ask for your help in improving the care of our wounded warriors. Later this week, I will introduce the Wounded Warrior K–9 Corps Act to establish a program for organizations that provide wounded warriors and disabled veterans with service animals, like physical therapy dogs and guide dogs. There are several organizations around the country that train animals to work with disabled soldiers and veterans. These organizations, like many not-for-profit organizations, are struggling at this moment to collect necessary resources in these difficult economic times. The difference between these organizations and others is that they're giving our soldiers and veterans a service that they have earned. I applaud their private fundraising, and at the same time I realize that this is our responsibility as well. Mr. Chairman, this legislation will allow the government to keep its promise to America's disabled soldiers and veterans and help them retain an excellent quality of life after their service. Thanks to modern medicine, more and more of our brave men and women are able to sustain wounds that may have been fatal in the past. This is a blessing, but it also requires new tools to allow them to return to civilian working life. I have seen these programs in action. I have witnessed the growth of these veterans and wounded soldiers after working with a guide dog or animal that can assist them with physical therapy and lifetime care and support. These programs succeed, and I believe every American who puts on a uniform and risks their lives for our country should have the full support of this Congress in this mission.

Mr. SKELTON. I certainly thank the gentleman from Florida (Mr. KLEIN) for bringing this issue to the floor. As the gentleman knows, the bill under consideration calls for a report on military working dogs. Mr. KLEIN's legislation would surely take the next step with a grant for therapy dogs for disabled soldiers and veterans. I look forward to working with the gentleman from Florida to ensure that Congress stands behind our soldiers as well as our veterans.

Mr. KLEIN of Florida. I thank the chairman of the Armed Services Committee, and I urge my colleagues to support H.R. 2647.

Mr. SKELTON. I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I now yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN), the ranking member on the Oversight and Investigations Subcommittee.

Mr. WITTMAN. Mr. Chairman, I rise in strong support of the National Defense Authorization Act for fiscal year 2010, and I'd like to take a moment to highlight some important aspects of the bill. The members and the staff of the House Armed Services Committee are dedicated to supporting our men and women in uniform, and this bill truly reflects our undying commitment to those servicemembers. I am pleased to see that this bill makes progress towards strengthening our naval power and projection on the high seas. We must continue to develop the industrial base and promote shipbuilding to establish a floor, not a ceiling, of 313 ships in our Navy.

Our Nation's security and forward presence also depends on the timely delivery and deployment of our various naval platforms. Therefore, I urge my colleagues to support the provisions that provide for the construction of a new Virginia-class submarine, research and development funds for the SSBN Ohio-class replacement submarine, and advanced procurement for the new Ford-class carrier. Although this bill provides a temporary waiver for the number of carriers to dip below 11, I have deep reservations about this provision and firmly believe maintaining 11 aircraft carriers is essential to maintaining our long-term naval superiority.

While I support this bill, I do have some concerns about the administration's overall direction for our military and the decision-making process that went into the budget. It is imperative that we preserve the integrity of the congressional oversight through appropriate and efficient transparency. Without a 30-year shipbuilding plan and a 30-year military aviation plan, we are denied a full understanding of the administration's perspective of what the defense of our Nation's interest requires. The strategic risk we accept in this defense authorization bill is equally as important as the dollar figure. The American people rightfully expect that the Members of this Congress are fully aware of the strategic risk associated with the President's budget request.

As we consider strategic threats facing our country today, I urge my colleagues to strongly support a bipartisan amendment that would be offered by the gentleman from Arizona (Mr. FRANKS). This amendment will rightfully restore funding for the Missile

Defense Agency by $1.2 billion. North Korea continues to test its missile capabilities while Iran pursues a nuclear weapons program. Therefore, it is imperative that we provide full funding to our Nation's most crucial missile defense programs.

□ 2345

Keeping Americans safe from terrorists at home is equally important. The American people have spoken and made it very clear that they do not want detainees from Guantanamo brought to the United States. I believe this issue should be openly debated and given a vote within the full House.

Again, I strongly support this bill and look forward to improving some of the provisions on the floor tomorrow. I would like to thanking Ranking Member MCKEON, Chairman SKELTON, and also Mr. MCHUGH for his service.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the chairman very much for his continued leadership and the leadership of the ranking member.

Mr. Chairman, I rise to raise three points, and I'd like to refresh the memory of the chairman. As he well knows, over a period of congressional terms, I brought to his attention the inability of families to publicly acknowledge their loved ones who lost their life in battle coming back from a foreign land as they came into Dover Air Force Base. I want to recognize the fact that this new administration, even though we had a number of legislative initiatives in previous defense authorization bills, have now allowed families to be able to have their loved ones publicly acknowledged as they have come in from losing their life on a foreign field. I think that is an important note, and I hope families of America will recognize that the fallen are respected the moment they hit the soil of the United States.

I also wish to make note of the increased coverage of TRICARE, but I would like to work with the committee as we go forward to expand the number of facilities which our active duty soldiers and others can access. In particular, I would like to see an emphasis on inner-city facilities that would allow or have TRICARE accreditation.

Finally, I would like to acknowledge the GAO study that asked for a strategic response to Afghanistan and Iraq. As someone who has persistently or continuously expressed her opposition to the present Iraq war and the status, I want to keep the pressure on that we begin to downsize but, more importantly, that we have a strategy for doing so that we can do it safely. And then as it relates to Afghanistan to make sure that we also have a strategy so that we can ensure that our troops are, in fact, fighting a battle that we can win. We want peace. We want freedom. But we want to make sure that we can bring our troops home.

I thank the chairman for the time and the ranking member, and I appreciate their leadership on this legislation.

Mr. MCKEON. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Utah, the one that led us in that great debate on the F–22 that saved the day.

(Mr. BISHOP of Utah asked and was given permission to revise and extend his remarks.)

Mr. BISHOP of Utah. I thank the chairman and the ranking member for this bipartisan bill and the wonderful bipartisan amendment the saves our Air Force and moves us forward.

I rise this evening to support the bill H.R. 2647. I commend my friends on both sides of the aisle on the House Armed Services Committee for continuing the tradition of working in a bi-partisan manner to provide for the common defense of this country, and for the dedicated men and women of the armed forces.

However, I do have reservations. It is readily apparent that the Administration has taken a haphazard approach to cutting defense programs, such as missile defense, and the F–22 fighter, as budget drills. There are no studies by any qualified source, including military analysis, that support these reductions as a means of meeting the needs of the military. When asked in committee, for example, if 187 F–22s were what the Air Force needs or merely what the Air Force can afford, the answer was quick and direct; It was what the Air Force was "told" it could afford, and the basis of the decision was political and budgetary, not based on national security.

When the F–22 program requirement was first established, it was based on procurement of 750 aircraft. We on the committee have repeatedly requested that the Department provide us with analysis upon which this budget decision of only 187 planes was based. That analysis still has not been provided, leaving a strong indication that it is a budget drill, pure and simple. I am pleased that a majority of committee members supported an amendment to restore F–22 long-lead procurement funding for 12 additional aircraft in FY10. There were strong indications during markup that many members, a good majority on both sides of the political aisle, would like to have supported full F–22 production of 12 to 20 aircraft in FY10, and not just long lead procurement items.

One of the most disturbing recent developments on the F–22 is the release of a letter signed by Air Force Combat Commander General John D. W. Corley, wherein he verifies in writing that there are NO studies which support the Administration's decision to end the F–22 production at 187 aircraft, and he further maintains that 250 aircraft are necessary to ensure a "moderate risk" level. A copy of his letter was included in the House Committee report to accompany this bill. I urge all of my colleagues to read it. General Corley also states that the Administration developed its F–22 termination plan without even consulting with Air Combat Command. That's very disturbing. The very command with the technical expertise in charge of fighter operations was not even consulted by the Office of the Secretary of Defense? This alone raises very serious questions about the soundness of the Administration's decision. This decision on F–22 will have profound implications on our nation's strength and air dominance 15 and 20 years from now. We cannot afford to go "high risk" at only 187 aircraft. Not with Russia, China and other nations fielding advanced fighter aircraft in the next two years.

It is also ironic that, at a time when the Administration is spending hundreds of billions in tax dollars to create jobs, that it would be so intent upon cutting the F–22, which is responsible for 25,000 direct and 70,000 indirect jobs. Why are good defense jobs any less valuable than those that the Administration claims to have created in the $800 billion Stimulus package? These are good jobs that are producing a vital defense weapon system to protect our homeland, which will be lost unless funding is restored.

The F–22 and F–35 are not duplicative aircraft. They are not interchangeable. They were designed for different, but complimentary roles. We need both, but we also need adequate numbers of both.

I also oppose the cuts proposed by the Administration to missile defense programs such as Ground Midcourse Defense (GMD) and Kinetic Energy Interceptor (KEI). It seems that the "savings" from these cuts, at $1.8 billion, are rather small in comparison to the lost opportunities for further research and development in improving our defense of the homeland against emerging and future missile threats.

These cuts also have devastating impacts on the defense industrial base, especially large defense solid rocket booster production. If allowed to stand, every program associated with large-scale defense solid booster production will be decimated. Someone must pay more attention to the cumulative impact of these different programmatic budget decisions on the solid rocket booster industrial base as a whole. It also seems wasteful that DoD and the Missile Defense Agency (MDA) will not proceed with a planned booster test firing in September of this year with the KEI program when the booster has already been produced and delivered to the test site at Vandenberg AFB. The MDA should move forward with this test that has already been bought and paid for by U.S. taxpayer investment since 2004, and which could result in a significant harvest of scientific data for use on future defense projects.

It is highly ironic that the Administration's announcement to end the Ground Based Interceptors at 30 land-based missiles occurred on the very same day that North Korea conducted its long-range missile test threatening Japan and possibly parts of the United States. Just this past week, with renewed missile threats from North Korea against Hawaii, the Secretary of Defense touted our ground-based interceptors as providing protection, even as the Administration continues to advocate a halt to their production! This is no way to protect the homeland. Secretary Gates has said his recommendation for GMD is "not a forever decision." That's fine, but one cannot quickly restart a production line in the future. And we may not have the luxury of time in the future.

Were any of our 30 interceptors to be fired, there would be no replacements. It is also highly likely that two or more interceptors would be fired at any incoming threat. So potentially one rogue missile threatening Hawaii, or the western U.S. would require the use of two, three or more of our ground based interceptors. The Administration's termination of

GMD allows for no replacements and worse—no defense industrial base capability to easily or quickly restart production of land based interceptors. Again, this is a short-sighted budget decision which endangers our long-term national security.

In conclusion, I urge that the cuts in missile defense be restored in order to adequately defend our homeland now and into the future. There is nothing more fundamental to the very survival of America than the United States military. Everything else is a corollary to that fundamental principle. It is my profound hope that we can work together over the next 3 to 4 years to build the additional F–22s until we reach the 240 to 250 numbers that Air Force planners have repeatedly stated are absolutely necessary.

Mr. MCKEON. Mr. Chairman, I yield now 1 minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the TRICARE Continuity of Coverage for National Guard and Reserve Families Act of 2009, of which I'm a cosponsor and which was amended into the National Defense Authorization Act.

Members of our National Guard and Reserves are eligible for TRICARE health insurance during their service and after the age of 60 but not during the time in between, the time in between when they retire until the age of 60, being referred to as being in the ''gray area. ''

Specifically, ''gray area'' retirees are Reserve component retirees under the age of 60 with more than 20 years of faithful and honorable service who have qualified for retirement at age 60.

The legislation fills in that gray area to ensure that these men and women have the opportunity to purchase TRICARE Standard health care coverage during that time and provides access to the care they deserve. This legislation is important because currently around 50 percent of those serving in Iraq and Afghanistan are Reservists and National Guard. And this option for purchasing TRICARE Standard will serve as an incentive for those Guardsmen and Reservists to continue to serve.

I thank the Armed Services Committee, the chairman, and the ranking member for including this important legislation in the National Defense Authorization Act for Fiscal Year 2010.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield such time as he may consume to Mr. AUSTRIA for the purpose of a colloquy.

Mr. AUSTRIA. I thank Mr. MCKEON for yielding.

I appreciate you and Chairman SKELTON for bringing this important bill to the floor. It does provide what we need for national security and for our men and women who are serving so selflessly in our Nation's defense, and I thank you both for your hard work on this bill.

I was reading the committee report language that accompanies the bill regarding insourcing new and contracted-out functions. And I wanted to bring to your attention some very serious concerns small business owners in my district have raised in regard to this issue.

Small business owners dealing in defense contracting are losing employees to the Federal Government. This practice apparently is becoming a trend in the defense contracting community, a trend that I find deeply troubling.

Mr. MCKEON. Will the gentleman yield?

Mr. AUSTRIA. I certainly will be happy to yield.

Mr. MCKEON. I thank the gentleman for raising this issue.

You are correct, the Defense Department is moving toward reshaping its workforce by reducing the number of service support contractors and replacing them with government employees. We have been told this effort will hire over 13,000 government civilians to replace support contractors at a proposed savings of $900 million.

Mr. AUSTRIA. Let me just say, in my view, that we should not be growing government during this economic crisis. In my opinion, it's already too big. But we certainly should not be increasing the Federal Government at the expense of small businesses, in this particular case, small defense contractors. It's simply not fair and it's not in the best interest of the taxpayer.

Mr. MCKEON. Will the gentleman yield?

Mr. AUSTRIA. I would be happy to yield.

Mr. MCKEON. As you know, Chairman SKELTON and I included in our committee report language that stresses our belief that these insourcing initiatives should not be driven by random goals or arbitrary budget reductions. In the language we also note that these insourcing initiatives should give appropriate consideration to the impacts on the contractor workforce. I'm also very concerned that the estimated cost savings will never be realized.

That said, I would be happy to work with the gentleman from Ohio and any other interested parties as the bill moves forward to revisit the important issue of how to balance the defense workforce: military, civilian employee, and contract.

Mr. AUSTRIA. I thank the gentleman, and I look forward to continuing to work with him on this very important issue.

Mr. MCKEON. Mr. Chairman, we have had, I think, a lot of good input tonight on the bill. I ask that all of our Members tomorrow support the bill.

In the morning we will move into the amendment process. The chairman and his staff have done a tremendous job of helping put the 60-plus amendments that were approved out of the Rules Committee into a process that I think will help us in moving forward in an expeditious manner in the morning. I look forward to that.

Again, I thank the chairman for his graciousness and his leadership in moving the bill to this point.

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

Mr. SKELTON. Mr. Chairman, let me first express my gratitude and admiration to the new ranking member of the Armed Services Committee, Mr. MCKEON. He hit the ground running, a veteran of our committee, and his first baptism of fire was in the markup of the some-17 hours of this bill in committee, and we thank him for his leadership and for his diligence in making this a success.

Tomorrow, under the rule, Mr. Chairman, we will consider the various amendments, four groups of en bloc amendments and several by themselves, according to the rule that's been set forth and the time limits set thereon.

This is an important piece of legislation. It deals with the security of our country, the security of our citizens. It deals with those young men and young women in uniform wherever they may be. It's our job to do our best to support them and this bill does just that.

I thank the members of the committee on both sides of the aisle. They have been magnificent to work with.

Mr. BISHOP of Georgia. Mr. Chair, I rise in support of my amendment to H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. In short, my amendment would provide the Department of Defense, and in particular, the Office of Economic Adjustment, the authority to financially support the development and construction of public infrastructure in communities which are directly impacted by the expansion and growth of military installations.

Mr. Chair, the last Military Base Re-alignment and Closure initiative, which occurred in 2005, coupled with the ongoing transformation of the Army and re-positioning of troops worldwide, has had a tremendous impact on the local communities which house our nation's military installations and facilities.

In its FY2009 Budget Justification, DOD estimated the total one-time cost for the most recent BRAC round in 2005 at nearly $32 billion, of which nearly $23 billion will be for military construction. For FY2009, DOD's budget request was $9.07 billion, while Congress approved $8.77 billion. And just yesterday, the House Appropriations Committee, of which I am a member, approved at total of $7.49 billion for BRAC construction activities.

The Muscogee County School District for example, which is located in my congressional district in Georgia, is estimated to receive 5,000 to 9,000 additional school-aged children as a result of the planned growth and expansion of Ft. Benning. DOD's most recent projections put the number of new school aged children at approximately 3,000 to 4,000. But no matter what the number, there is a consensus that several thousand new children will be attending a school system which currently does not have the facilities to house them.

According to some estimates, nearly 25 local school districts nationwide could be required to accommodate tens of thousands of additional military dependent school-aged children due entirely to DOD actions and decisions. The financial cost to school systems

across the county resulting from the latest round of DOD initiatives could exceed $2 billion over the course of the next several years. This includes the communities surrounding Ft. Bliss [Texas], Ft. Bragg [North Carolina], Ft. Carson [Colorado], Ft Lee [Virginia], as well as several other facilities where major growth is envisioned by DOD.

By providing DOD the authority to develop public infrastructure, including local schools, as provided in my amendment, we begin to address this challenge by providing the Department with expanded authority to assist select communities in addressing their local facility needs.

There is precedent. During Word War II, the Korea and Vietnam wars, our National leaders saw fit to partner with local education agencies to build schools to accommodate children of the military, defense employees and contractors who worked on the military installations. Likewise, the Department supported the construction of schools as a result of the expansion and growth of the military's Kings ay installation.

Mr. Chair, in closing, the enormity and size of the challenges facing communities impacted by DOD personnel movements is overwhelming. This amendment is an important step in providing the Department with the authority to begin to work with these communities in addressing their infrastructure needs—needs which have been created by the Department's own actions.

I urge the House's support for this amendment.

Mr. ABERCROMBIE. Mr. Chair, I have the honor of serving as the Chairman of the Air and Land Forces Subcommittee of our Armed Services Committee. I would like to thank our Chairman, IKE SKELTON, for his great leadership in bringing this outstanding bill to this point. I also welcome the new Ranking Member, BUCK MCKEON, and am confident that he and Chairman SKELTON will make a great team.

I would also like to thank ROSCOE BARTLETT, our subcommittee's ranking member, for all his support and advice in putting our bill together.

This bill is about balancing the capabilities and readiness of our current military forces with desired future required military capabilities.

Our military personnel are at risk each and every day. Our first priority is to make sure those men and women are properly supported by ensuring our military programs adequately support current military requirements.

We are doing everything possible to provide our personnel in Iraq and Afghanistan the equipment they need as well as provide for the equipment needs of our National Guard units here at home, to meet crisis response and potential natural disaster requirements. The subcommittee's jurisdiction includes $82 billion in Department of Defense procurement and research and development in Titles I and II and another $20 billion in Title XV, for overseas contingency operations.

We have made nearly $3 billion in reallocations within the Subcommittee, funding higher priority current requirements, using funds from programs with excessive unexpended balances, delayed execution, and excessive cost growth.

Our Subcommittee increased the unfunded requirements of the Army and Air Force by over $1 billion by reallocating funding from these lower priority projects. The mark also provides an additional $603 million for procurement and research and development of the F136 competitive engine for the F–35 aircraft program. This is largely offset by rebalancing within the F–35 program, by reducing procurement from 32 to 30 aircraft.

Nearly $2.7 billion is authorized for 176 Apache, Kiowa, Black Hawk, and Chinook helicopters and an additional $1.2 billion is provided for helicopter modifications. Our bill:

Fully funds elements of the Future Combat Systems program that will continue in some form, at $2.55 billion;

Provides $2.5 billion for new and upgraded Army ground combat vehicles;

Provides $263 million for research and development of future Army ground combat vehicle upgrades and improvements; and

Provides $600 million for National Guard and Reserve Equipment, above and beyond what is in the budget request.

The change by the National Guard to an operational reserve status, coincident with a reorganization of the Army, has greatly increased the amount of equipment Guard and Reserve units are required to have. While the Department is making improvements and progress in providing improved funding to equip the National Guard and Reserve to enhance its role as an operational reserve, there are a significant number of units that do not have their required equipment.

Given the operational reserve equipage model, a large percentage of nondeployed Army National Guard units are far below Army standards for equipment on hand. Without the right type and amounts of equipment, even the most dedicated and experienced soldier or airman cannot train for combat, or provide adequate assistance when there is a domestic emergency.

The committee continues to work on improving intelligence, surveillance, and reconnaissance, known as ISR capabilities, as well as improving counter improvised explosive device technology, vehicle armor, body armor, and helmet protection. Like many other mission areas in the Department of Defense, there is no apparent nexus for intelligence, surveillance, and reconnaissance joint strategy, requirements coordination, acquisition or deployment focus, where a single lead organization is responsible.

An example that can be cited is the unplanned and expensive proliferation of dissimilar ISR platforms all seeking to provide the same capability.

Coalition forces control the skies in both theaters and has the world's best ISR technology, but does not use this advantage to full advantage.

The Department still fails to provide joint ISR employment plans for both Iraq and Afghanistan. This bill directs the Department to assess the current use of ISR systems in Iraq and Afghanistan and make recommendations on how to more effectively coordinate and use all the systems we have deployed and plan to deploy.

The committee has in the past directed the Department to define joint ISR requirements and develop a long-term strategic plan to make informed acquisition decisions to meet ISR goals. That continues to be a work in progress.

BODY ARMOR

It is widely reported that our soldiers in Afghanistan routinely carry loads of 130 to 150 lbs for a 3-day mission. Personnel can only wear so much armor, beyond which their operational effectiveness is inhibited, which in turn increases their risk of being injured. Two provisions in our bill require the Secretary of Defense, beginning with the fiscal year 2011 budget request, to establish research and development program elements and procurement budget line items for the development and acquisition of body armor and personnel protection enhancements.

The language also strongly encourages the Secretary of Defense to consider establishing a DOD-wide Task Force on par with the MRAP Vehicle Task Force to promote weight reduction initiatives for body armor.

The bill fully funds the President's request of approximately $700 million for body armor.

MINE RESISTANT AMBUSH PROTECTED (MRAP) VEHICLES

With regard to the Mine Resistant Ambush Protected (MRAP) vehicle program, over 16,000 vehicles have been produced in just over two years. Approximately 15,000 vehicles have been fielded and these vehicles continue to save lives daily. Almost $26.0 billion has been provided by Congress for this program.

This bill fully funds the President's request of $5.45 billion for MRAP category vehicles. The request procures approximately 1,000 MRAP All-Terrain Vehicles, a lighter weight version of the current MRAP Vehicle, to be used in Afghanistan. The request also provides operation, maintenance, and sustainment funding as well as necessary funds to address home-station training requirements.

TACTICAL WHEELED VEHICLES

The bill provides $5.25 billion for light, medium, and heavy tactical wheeled vehicles or "Humvees" and "trucks." This funding keeps the industrial base operating at high levels of production and will help address shortfalls in the Guard and Reserve components. In closing, I again want to thank my distinguished chairman and ranking member of the full committee and our subcommittee.

H.R. 2647 is deserving of a "yes" vote from every Member of this body.

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

The CHAIR. All time for general debate has expired.

Mr. SKELTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LUJÁN) having assumed the chair, Mr. ALTMIRE, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, had come to no resolution thereon.

HONORING JOHN CALLAWAY

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

Mr. QUIGLEY. Mr. Speaker, yesterday evening the highly respected radio

and television broadcasting pioneer John Callaway died in Chicago.

After more than 30 years with Chicago's Public Television, John Callaway's extraordinary dedication to honest journalism that served the people will be greatly missed.

John can be credited with many great firsts in the world of televised broadcasting. He was a leader in the nationwide development of CBS news stations and hosted WTTW's Chicago's first evening news analysis.

The former Peabody and Emmy Award winner had said that he hoped his shows would allow the viewer to see the ''fabric and soul of the city.'' Ladies and gentlemen, let me tell you in my city the fabric and soul is often both extraordinary and tragic. For me and many Chicagoans, the airwaves will feel quite empty without John Callaway as the host of channel 11's show ''Chicago's Tonight's Week in Review.'' Tonight he will be remembered not only by his loving wife, Sandra Callaway, and daughters Liz and Ann, but by the citizens of Chicago and the American people.

REVISION TO BUDGET ALLOCATIONS AND AGGREGATES FOR CERTAIN HOUSE COMMITTEES FOR FISCAL YEAR 2010 AND FISCAL YEARS 2010 THROUGH 2014

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

Mr. SPRATT. Madam Speaker, under section 324 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit a revision to the budget allocations and aggregates for certain House committees for fiscal year 2010 and the period of fiscal years 2010 through 2014. This adjustment responds to House consideration of the bill H.R. 2990, the Disabled Military Retiree Relief Act of 2009. A corresponding table is attached.

This revision represents an adjustment for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this revised allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2009	Fiscal year 2010	Fiscal years 2010–2014
Current Aggregates: [1] [2]			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	2,999,049	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Change in the Disabled Military Retiree Relief Act (H.R. 2990):			
Budget Authority	0	178	n.a.
Outlays	0	165	n.a.
Revenues	20	54	317
Revised Aggregates:			
Budget Authority	3,668,788	2,882,295	n.a.
Outlays	3,357,366	2,999,214	n.a.
Revenues	1,532,599	1,653,782	10,500,466

[1] Current aggregates do not include the disaster allowance assumed in the budget resolution, which if needed will be excluded from current level with an emergency designation (section 423(h)).

[2] Current aggregates include a correction to the 2010 outlay adjustment previously done for the supplemental. Outlays are $11 million below the previously reported amount.

n.a. = Not applicable because annual appropriations Acts for fiscal years 2011 through 2014 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2009		2010		2010–2014 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Armed Services	0	0	0	0	35	35
Natural Resources	0	0	0	0	0	0
Oversight and Government Reform	0	0	0	0	0	0
Change in the Disabled Military Retiree Relief Act (H.R. 2990):						
Armed Services	0	0	160	147	188	188
Natural Resources	0	0	0	0	−200	−109
Oversight and Government Reform	0	0	18	18	241	241
Total	0	0	178	165	229	320
Revised allocation:						
Armed Services	0	0	160	147	223	223
Natural Resources	0	0	0	0	−200	−109
Oversight and Government Reform	0	0	18	18	241	241

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. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PETERS, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 30. Concurrent resolution commending the Bureau of Labor Statistics on the occasion of its 125th anniversary; to the Committee on Education and Labor.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

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

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

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.

ADJOURNMENT

Mr. QUIGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, June 25, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

2405. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2008, pursuant to 10 U.S.C. 2010; to the Committee on Armed Services.

2406. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

2407. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on activities during Calendar Year 2008, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

2408. A letter from the Chairman, Federal Reserve System, transmitting the System's report entitled, ''Federal Reserve Credit and Liquidity Programs and the Balance Sheet''; to the Committee on Financial Services.

2409. A letter from the Administrator, Acting Energy Information Administration, Department of Energy, transmitting the Department's report for calendar year 2008 on the country of origin and the sellers or uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors, pursuant to Public Law 102-486, section 1015; to the Committee on Energy and Commerce.

2410. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual Report on the Food and Drug Administration Advisory Committee Vacancies and Public Disclosures, pursuant to Section 712(e) of the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

2411. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual financial report for fiscal year 2008, pursuant to the Animal Drug User Fee Act of 2003; to the Committee on Energy and Commerce.

2412. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report regarding premarket approval of devices that may be used in pediatric patients, pursuant to Public Law 110-85, section 302; to the Committee on Energy and Commerce.

2413. A letter from the Members of the Board, Broadcasting Board of Governors, transmitting proposed legislation to authorize appropriations for the Broadcasting Board of Governors for Fiscal Years 2010 and 2011; to the Committee on Foreign Affairs.

2414. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notice of enhancements or upgrades from the level of sensitivity of technology or capability of the F-16 Advanced Integrated Defensive Electronic Warfare Suite [Transmittal No. 0A-09], pursuant to Section 36(b)(5)(A) of the Arms Export Control Act (AECA); to the Committee on Foreign Affairs.

2415. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a translation of the Department's human rights reports into principal languages and the distribution on post websites, pursuant to Public Law 110-53, section 2122(b); to the Committee on Foreign Affairs.

2416. A letter from the Assistant Director for Policy, OFAC, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Blocked Vessels, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers — received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2417. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-33; Introduction [Docket FAR 2009-0001, Sequence 4] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2418. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-036, Trade Agreements-Costa Rica, Oman, and Peru [FAC 2005-33; FAR Case 2008-036; Item I; Docket 2009-0019, Sequence 1] (RIN: 9000-AL23) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2419. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-032, Contractor's Request for Progress Payments [FAC 2005-33; FAR Case 2005-032; Item II, Docket 2008-0002; Sequence 1] (RIN: 9000-AI47) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2420. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-33; Small Entity Compliance Guide [Docket FAR 2009-0002, Sequence 4] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2421. A letter from the Chief, Endangered Species Listing, FWS, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Quino Checkerspot butterfly (Euphydryas editha quino) [Docket No.: FWS-R8-ES-2008-0006; 92210-1117-0000-B4] (RIN: 1018-AV23) received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2422. A letter from the Deputy Chief, Regulatory Products Division, Department of Homeland Security, transmitting the Department's final rule — Removing References to Filing Locations and Obsolete References to Legacy Immigration and Naturalization Service; Adding a Provision To Facilitate the Expansion of the Use of Approved Electronic Equivalents of Paper Forms [CIS No.: 2405-07; DHS Docket No. USCIS-2007-0005] (RIN: 1615-AB56) received June 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2423. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's report entitled, ''Annual Report to Congress for Fiscal Year 2008'' in reference to the Office of Justice Programs (OJP), pursuant to 42 U.S.C. 3712(b), 3789e Public Law 90-351, section 102(b) and 810; to the Committee on the Judiciary.

2424. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; IJSBA World Finals; Colorado River, Lake Havasu City, AZ [Docket No.: USCG-2008-0320] (RIN: 1625-AA00) received July 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2425. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30659 Amdt. No 3315] received June 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2426. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Non-Transportation Related Onshore and Offshore Facilities [EPA-HQ-OPA-2008-0546; FRL-8919-9] (RIN: 2050-AG49) received June 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2427. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Thirteenth 2009 Annual Report of the Supplemental Security Income Program, pursuant to Section 231 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Ways and Means.

2428. A letter from the Director, Executive Office of the President Office of National Drug Control Policy, transmitting the Office's update on the study of chronic hardcore drug users, pursuant to 21 U.S.C. 1714; jointly to the Committees on Oversight and Government Reform, the Judiciary, Energy and Commerce, and Appropriations.

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 578. Resolution providing for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–184). 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. LEWIS of Georgia (for himself, Mr. HELLER, Mr. CONNOLLY of Virginia, Mr. THOMPSON of Pennsylvania, Mr. BISHOP of New York, Mr. RUSH, Ms. DEGETTE, Mrs. BONO MACK, Mr. HERGER, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mrs. CAPPS, Mr. TOWNS, Mr. PAUL, Mr. CARNEY, Mr. BARTLETT, Mr. BROUN of Georgia, Mr. LANCE, Mr. MASSA, Mrs. HALVORSON, Ms. TITUS, and Mr. LAMBORN):

H.R. 3011. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself, Mr. ABERCROMBIE, Mr. ALTMIRE, Mr. ARCURI, Mr. BACA, Ms. BALDWIN, Mr. BOCCIERI, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. CAPUANO, Mr. CARNAHAN, Mr. CARNEY, Mr. CARSON of Indiana, Mr. CHANDLER, Mr. CHILDERS, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mrs.

DAHLKEMPER, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DOYLE, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. GORDON of Tennessee, Mr. GRAYSON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HOLDEN, Mr. HOLT, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KAGEN, Mr. KANJORSKI, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK of Michigan, Ms. KILROY, Mr. KISSELL, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LIPINSKI, Mr. LOEBSACK, Mr. LYNCH, Mr. MASSA, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MOLLOHAN, Ms. MOORE of Wisconsin, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURTHA, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. PALLONE, Mr. PAYNE, Mr. PERRIELLO, Mr. PETERS, Mr. PETERSON, Ms. PINGREE of Maine, Mr. RAHALL, Mr. ROSS, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHAUER, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SHULER, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STUPAK, Ms. SUTTON, Mr. TIERNEY, Mr. TONKO, Mr. VISCLOSKY, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WELCH, Mr. WILSON of Ohio, Ms. WOOLSEY, Mr. WU, and Mr. SPRATT):

H.R. 3012. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Congress that the role of Congress in trade policymaking should be strengthened, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on 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. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 3013. A bill to amend title 13, United States Code, to provide for the more accurate and complete enumeration of certain overseas Americans in the decennial census; to the Committee on Oversight and Government Reform.

By Mrs. DAHLKEMPER (for herself, Mr. ALTMIRE, Mr. SCHRADER, Ms. VELÁZQUEZ, Mr. SHULER, Ms. CLARKE, Mr. ELLSWORTH, and Mr. NYE):

H.R. 3014. A bill to amend the Small Business Act to provide loan guarantees for the acquisition of health information technology by eligible professionals in solo and small group practices, and for other purposes; to the Committee on Small Business.

By Mr. CONAWAY:

H.R. 3015. A bill to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on Oversight and Government Reform, 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 Mr. BURTON of Indiana:

H.R. 3016. A bill to prohibit the use of certain funds to host Iranian officials for Independence Day celebrations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. BALDWIN, Mr. POLIS, Mr. ANDREWS, Mr. SESTAK, Mr. BLUMENAUER, Mr. DOGGETT, Mr. NADLER of New York, Mr. CLYBURN, Mr. CARSON of Indiana, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mr. CASTLE, Mr. KIRK, Mr. LANCE, Mr. PLATTS, Mrs. BIGGERT, Ms. HARMAN, Mr. HASTINGS of Florida, Mrs. DAVIS of California, Mr. CAPUANO, Mr. SERRANO, Mr. MEEK of Florida, Ms. SCHAKOWSKY, Ms. DEGETTE, Ms. TSONGAS, Mr. STARK, Mr. JACKSON of Illinois, Mr. QUIGLEY, Ms. RICHARDSON, Mr. INSLEE, Mr. DOYLE, Mrs. LOWEY, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. WU, Mr. GRIJALVA, Mr. TIERNEY, Ms. NORTON, Mr. BERMAN, Mr. HONDA, Mr. SCHIFF, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, Mr. GONZALEZ, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. LANGEVIN, Mr. FOSTER, Ms. WASSERMAN SCHULTZ, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. ROYBAL-ALLARD, Mr. WEINER, Mr. PALLONE, Mr. HOLT, Mr. FILNER, Mr. SIRES, Mr. HARE, Mr. WEXLER, Mr. MASSA, Ms. DELAURO, Mr. CLAY, Mr. BRADY of Pennsylvania, Mrs. NAPOLITANO, Mr. MURPHY of Connecticut, Mr. CLEAVER, Mrs. CAPPS, Ms. SLAUGHTER, Mr. MITCHELL, Ms. ESHOO, Mr. CARNAHAN, Mr. SCHRADER, Mr. SMITH of Washington, Ms. LINDA T. SÁNCHEZ of California, Ms. MCCOLLUM, Mr. WELCH, Mr. DINGELL, Mr. LEVIN, Mr. GUTIERREZ, Mr. ELLISON, Mr. MCGOVERN, Mr. WAXMAN, Mr. COOPER, Mr. CUMMINGS, Mr. OLVER, Mr. HIGGINS, Mr. FATTAH, Mr. ISRAEL, Ms. MATSUI, Ms. BEAN, Mr. KILDEE, Ms. SCHWARTZ, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. SHERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, Ms. CASTOR of Florida, Mr. CROWLEY, Mr. ENGEL, Mr. PETERS, Ms. KILROY, Mrs. MCCARTHY of New York, Mrs. MALONEY, Mr. KUCINICH, Ms. LEE of California, Mr. HIMES, Ms. SPEIER, Ms. EDWARDS of Maryland, Mr. HODES, Ms. CLARKE, Mr. MOORE of Kansas, Mr. PAYNE, Mr. HEINRICH, and Ms. ZOE LOFGREN of California):

H.R. 3017. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. SCOTT of Virginia, and Mr. SMITH of Texas):

H.R. 3018. A bill to amend the Controlled Substances Act to address the use of intrathecal pumps; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. UPTON, and Mr. BOUCHER):

H.R. 3019. A bill to amend the National Telecommunications and Information Administration Organization Act to improve the process of reallocation of spectrum from Federal government uses to commercial uses; to the Committee on Energy and Commerce.

By Mr. KISSELL (for himself, Mr. BRIGHT, Mr. GRIFFITH, Mrs. KIRKPATRICK of Arizona, Ms. FOXX, Mr. COBLE, Mrs. MYRICK, and Mrs. LUMMIS):

H.R. 3020. A bill to amend the Emergency Economic Stabilization Act of 2008 to provide for the treatment of dividends paid on shares of preferred stock, held by the Secretary of the Treasury, that were issued by financial institutions which received financial assistance under such Act, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 3021. A bill to repeal the Gun-Free School Zones Act of 1990 and amendments to that Act; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3022. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary, 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. PAUL:

H.R. 3023. A bill to provide for the safety of United States aviation and the suppression of terrorism; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, 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. ROSS (for himself, Mr. TOWNS, Mr. GORDON of Tennessee, Ms. DEGETTE, Mr. LATHAM, Mr. MCGOVERN, Mr. LYNCH, Mr. BARROW, Mr. SIMPSON, Mr. CHANDLER, Mrs. EMERSON, Ms. DELAURO, Mr. COURTNEY, and Mr. PAUL):

H.R. 3024. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries greater choice with regard to accessing hearing health services and benefits; 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. TANNER (for himself, Mr. CASTLE, Mr. BOYD, Mr. COOPER, and Mr. HILL):

H.R. 3025. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON of Mississippi:

H.R. 3026. A bill to amend the United States Public Housing Act of 1937 to establish a predisaster mitigation program to benefit public and assisted housing residents, and for other purposes; to the Committee on Financial Services.

By Mr. THOMPSON of Mississippi:

H.R. 3027. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a grant program for predisaster hazard mitigation enhancement, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi:

H.R. 3028. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a grant program to assist innovative natural disaster first responder programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TONKO:

H.R. 3029. A bill to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle power generation systems; to the Committee on Science and Technology.

By Mr. WALZ (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3030. A bill to establish pilot projects under the Medicare Program to provide incentives for home health agencies to utilize home monitoring and communications technologies; 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 Ms. WATSON:

H.R. 3031. A bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WELCH:

H.R. 3032. A bill to amend the Small Business Act to establish the Office of Environment, Energy, and Climate Change and to establish the Climate Change Center and Clearinghouse to provide support and information on climate change to small business concerns; to the Committee on Small Business.

By Mr. WELCH:

H.R. 3033. A bill to authorize Federal agencies and legislative branch offices to purchase greenhouse gas offsets and renewable energy credits, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and 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. WILSON of Ohio:

H.R. 3034. A bill to amend the Internal Revenue Code of 1986 to adjust the credit percentage for qualifying advanced energy wind projects based on domestic steel content; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Ms. NORTON, Ms. EDWARDS of Maryland, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. CONNOLLY of Virginia, and Mr. WOLF):

H.J. Res. 58. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H. Res. 579. A resolution expressing support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law, and rescinding the invitation to Iranian officials to attend July 4th celebrations at United States embassies and for other purposes; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. ENGEL and Mr. ACKERMAN.
H.R. 159: Mr. TURNER.
H.R. 179: Mrs. DAVIS of California.
H.R. 205: Mr. JOHNSON of Illinois.
H.R. 265: Mr. CARSON of Indiana, Mr. JACKSON of Illinois, Ms. FUDGE, Ms. KILPATRICK of Michigan, Mr. CLEAVER, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Ms. MATSUI, Mr. NADLER of New York, Mr. BERMAN, Ms. EDWARDS of Maryland, and Mr. OLVER.
H.R. 268: Mr. FRANKS of Arizona, Mr. DEAL of Georgia, and Mr. GINGREY of Georgia.
H.R. 270: Mr. TURNER and Mr. RAHALL.
H.R. 303: Mr. COFFMAN of Colorado, Mr. TIBERI, and Mr. TURNER.
H.R. 330: Mr. CLEAVER.
H.R. 332: Mr. SERRANO.
H.R. 333: Mr. TIERNEY, Mr. HODES, and Ms. RICHARDSON.
H.R. 557: Mr. THORNBERRY.
H.R. 571: Mr. LYNCH and Ms. TSONGAS.
H.R. 574: Mr. MORAN of Kansas.
H.R. 613: Mr. TURNER and Mr. CARNEY.
H.R. 621: Mr. BONNER, Mrs. MCMORRIS RODGERS, Mr. RANGEL, Mr. RYAN of Ohio, and Mr. TIBERI.
H.R. 634: Mr. TURNER.
H.R. 658: Mr. SKELTON.
H.R. 662: Mr. HALL of New York.
H.R. 816: Mr. KISSELL.
H.R. 983: Mr. GARY G. MILLER of California.
H.R. 1030: Mr. SMITH of Washington.
H.R. 1064: Ms. PINGREE of Maine, Mr. DICKS, Mr. PATRICK J. MURPHY of Pennsylvania, and Mrs. EMERSON.
H.R. 1111: Mr. COFFMAN of Colorado.
H.R. 1179: Ms. PINGREE of Maine.
H.R. 1207: Mr. LEWIS of California.
H.R. 1245: Mr. MITCHELL and Mr. GORDON of Tennessee.
H.R. 1255: Mr. KING of Iowa and Mr. AL GREEN of Texas.
H.R. 1293: Mr. ROE of Tennessee.
H.R. 1324: Mr. DELAHUNT, Ms. RICHARDSON, Mr. WELCH, Mr. LIPINSKI, Ms. HARMAN, and Mr. TIBERI.
H.R. 1330: Mr. CONNOLLY of Virginia.
H.R. 1339: Mr. HONDA.
H.R. 1347: Mr. LANCE.
H.R. 1428: Ms. MOORE of Wisconsin, Mr. CAO, Mr. ROE of Tennessee, and Mrs. MCMORRIS RODGERS.
H.R. 1430: Mr. HONDA.
H.R. 1454: Mr. BACHUS, Mr. BOUSTANY, and Mr. ROONEY.
H.R. 1458: Mr. UPTON.
H.R. 1479: Mr. STARK.
H.R. 1504: Mr. DAVIS of Illinois.
H.R. 1528: Ms. WOOLSEY and Mr. PAUL.
H.R. 1531: Ms. KAPTUR.
H.R. 1548: Mr. SMITH of Nebraska.
H.R. 1585: Mr. CONYERS.
H.R. 1589: Mr. MCDERMOTT.
H.R. 1596: Mr. MCGOVERN, Mr. CONYERS, Ms. NORTON, Mr. HONDA, Mr. ROSS, Mr. WEXLER, Mr. GEORGE MILLER of California, and Mr. SESTAK.
H.R. 1600: Ms. TSONGAS.
H.R. 1616: Mr. RYAN of Ohio and Mr. ADLER of New Jersey.
H.R. 1618: Mr. CARSON of Indiana and Mr. SIRES.
H.R. 1625: Ms. KAPTUR, Mr. WHITFIELD, Mr. STUPAK, Mr. ACKERMAN, Mr. PETERS, and Mr. UPTON.
H.R. 1646: Mr. LOEBSACK and Ms. KOSMAS.
H.R. 1701: Mr. PAYNE.
H.R. 1705: Mr. DEFAZIO.
H.R. 1729: Mrs. DAVIS of California.
H.R. 1799: Mr. SALAZAR and Mr. NUNES.
H.R. 1835: Mr. KRATOVIL.
H.R. 1849: Ms. JENKINS and Mr. HINOJOSA.
H.R. 1894: Mrs. MCMORRIS RODGERS.
H.R. 1924: Ms. MCCOLLUM.
H.R. 1956: Mr. CASSIDY.
H.R. 1963: Mr. MCGOVERN.
H.R. 1964: Mr. MEEK of Florida.
H.R. 1974: Mr. ETHERIDGE.
H.R. 1993: Ms. KOSMAS.
H.R. 2000: Mr. ANDREWS, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM, Mr. REICHERT, Mr. DOGGETT, and Ms. GIFFORDS.
H.R. 2017: Mr. ROGERS of Michigan and Mr. REYES.
H.R. 2024: Mr. WEXLER.
H.R. 2026: Mr. BOEHNER, Mr. GARY G. MILLER of California, and Mr. MCCAUL.
H.R. 2060: Ms. ZOE LOFGREN of California.
H.R. 2067: Mr. SESTAK, Mr. ISRAEL, and Mr. TONKO.
H.R. 2119: Mr. KING of New York.
H.R. 2137: Ms. WATSON, Mr. LEWIS of Georgia, Ms. BORDALLO, Mrs. MALONEY, and Ms. ROYBAL-ALLARD.
H.R. 2143: Mr. WESTMORELAND.
H.R. 2178: Mr. AL GREEN of Texas.
H.R. 2194: Mr. WU, Mr. MCCLINTOCK, Mr. KING of Iowa, and Ms. SCHAKOWSKY.
H.R. 2254: Mr. CAPUANO, Mr. ACKERMAN, and Mr. MCNERNEY.
H.R. 2262: Mr. QUIGLEY, Mr. SESTAK, and Ms. MCCOLLUM.
H.R. 2293: Mr. WAXMAN.
H.R. 2296: Mrs. MILLER of Michigan, Mr. KINGSTON, Mrs. SCHMIDT, Mr. BARTLETT, Mr. AKIN, and Mr. BOSWELL.
H.R. 2329: Mr. SCHAUER.
H.R. 2347: Mr. TONKO.
H.R. 2348: Mr. TONKO.
H.R. 2353: Mrs. LUMMIS, Mr. ROE of Tennessee, and Mr. PAULSEN.
H.R. 2373: Mr. CARNEY and Mr. LOEBSACK.
H.R. 2404: Ms. SPEIER and Mr. NADLER of New York.
H.R. 2419: Ms. GINNY BROWN-WAITE of Florida, Mr. SMITH of Washington, Mr. GRAYSON, Mr. GORDON of Tennessee, Mr. ELLISON, Ms. SCHWARTZ, Mr. GRIJALVA, and Mr. MCGOVERN.
H.R. 2425: Mr. LOBIONDO, Mr. SESTAK, and Mr. PAULSEN.
H.R. 2448: Mrs. BONO MACK.
H.R. 2452: Mr. LEVIN, Mr. THOMPSON of Mississippi, and Mr. WESTMORELAND.
H.R. 2456: Mr. WALZ, Mrs. NAPOLITANO, Ms. WATERS, Mr. RUSH, Mr. MEEKS of New York, and Mr. FILNER.
H.R. 2478: Mr. LANCE, Mr. BACHUS, Mr. MORAN of Kansas, Mr. MOORE of Kansas, Mrs. MALONEY, Ms. WATSON, Mr. RUSH, Mr. WAMP, Mr. FRELINGHUYSEN, Mr. SMITH of Washington, Mr. SMITH of Texas, Mr. COSTA, Mr. MCCAUL, and Mr. GRIJALVA.
H.R. 2512: Mr. QUIGLEY.
H.R. 2515: Mr. SESTAK.
H.R. 2517: Mr. VAN HOLLEN, Ms. DELAURO, Mr. BAIRD, Mr. COHEN, Mr. ADLER of New Jersey, Ms. EDWARDS of Maryland, Mr. BISHOP of New York, Mr. GONZALEZ, Mr. DOGGETT, and Mr. HODES.
H.R. 2520: Mr. LINDER.
H.R. 2542: Mr. WITTMAN, Mr. MASSA, Mr. DICKS, and Mr. MCMAHON.
H.R. 2543: Mr. BOUSTANY, Mr. BAIRD, and Mr. ROSS.
H.R. 2547: Mr. WALZ.
H.R. 2558: Ms. DELAURO, Mr. BLUMENAUER, and Mr. PLATTS.

H.R. 2560: Mr. LATOURETTE.
H.R. 2563: Mr. LEE of New York.
H.R. 2567: Ms. WOOLSEY and Ms. DEGETTE.
H.R. 2581: Mr. SCOTT of Virginia.
H.R. 2625: Mr. QUIGLEY, Mr. COURTNEY, and Mr. PASCRELL.
H.R. 2632: Mr. BISHOP of New York.
H.R. 2635: Mr. HALL of New York, Ms. ROS-LEHTINEN, and Mr. WELCH.
H.R. 2691: Mr. SESTAK, Ms. KAPTUR, Mr. MCDERMOTT, Mrs. NAPOLITANO, and Mr. KING of New York.
H.R. 2697: Mrs. SCHMIDT, Mr. SIRES, Mr. YOUNG of Alaska, and Ms. ZOE LOFGREN of California.
H.R. 2724: Mr. JACKSON of Illinois and Mr. PRICE of North Carolina.
H.R. 2730: Mr. COURTNEY.
H.R. 2743: Mr. SARBANES, Mr. GORDON of Tennessee, Mr. STEARNS, and Mr. PLATTS.
H.R. 2770: Mr. BURTON of Indiana.
H.R. 2773: Ms. HERSETH SANDLIN and Ms. SCHAKOWSKY.
H.R. 2782: Mr. ROGERS of Kentucky.
H.R. 2793: Mr. BURTON of Indiana, Mr. LAMBORN, and Mr. MCCOTTER.
H.R. 2797: Mrs. SCHMIDT, Mr. ISSA, Mr. MARCHANT, Mr. LAMBORN, Mr. AKIN, Mr. COLE, Mr. POSEY, Mr. FRANKS of Arizona, Mr. MILLER of Florida, Mr. BROWN of South Carolina, Mr. ROGERS of Alabama, Mr. REICHERT, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. DEAL of Georgia, Mr. LATTA, Mrs. BACHMANN, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. PENCE, Mr. SHIMKUS, Mr. BONNER, Mr. BISHOP of Utah, Mr. FORBES, Mr. THORNBERRY, Mr. CARTER, Ms. GRANGER, Mr. NEUGEBAUER, and Mr. SOUDER.
H.R. 2799: Ms. ROS-LEHTINEN, Mr. RUPPERSBERGER, and Mr. CAO.
H.R. 2808: Mr. LUETKEMEYER, Mr. GARY G. MILLER of California, and Mr. MCCAUL.
H.R. 2817: Ms. MCCOLLUM.
H.R. 2835: Mr. HONDA and Mr. COHEN.
H.R. 2844: Mr. ELLISON.
H.R. 2874: Mr. BISHOP of New York and Mrs. LOWEY.
H.R. 2882: Mr. FRANK of Massachusetts and Mr. SCOTT of Virginia.
H.R. 2900: Mr. BARRETT of South Carolina, Mr. SAM JOHNSON of Texas, Mr. SMITH of Nebraska, Mr. LAMBORN, and Mr. FLAKE.
H.R. 2909: Ms. SCHAKOWSKY and Mr. STARK.
H.R. 2914: Mr. BRADY of Texas, Mr. HENSARLING, Mr. COLE, Mr. FLAKE, Mr. POSEY, Mr. LAMBORN, Mr. MARCHANT, Ms. FOXX, Mr. ISSA, Mr. JORDAN of Ohio, Mr. PRICE of Georgia, Mr. SCALISE, Mr. BARTLETT, Mr. TURNER, and Mr. AKIN.
H.R. 2925: Mr. SOUDER.
H.R. 2935: Ms. BORDALLO, Mr. KLEIN of Florida, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mrs. MYRICK, and Mr. LUJÁN.
H.R. 2937: Ms. LEE of California and Mr. MORAN of Virginia.
H.R. 2939: Mr. GRIFFITH, Mr. BERRY, and Mr. NUNES.
H.R. 2941: Mr. MURTHA, Mrs. BONO MACK, and Mr. LATOURETTE.
H.R. 2942: Mr. BURGESS, Mr. WILSON of South Carolina, Mr. LOBIONDO, and Mr. DUNCAN.
H.R. 2959: Mr. ETHERIDGE.
H.R. 2964: Mr. BROWN of South Carolina, Mr. MCCOTTER, and Mr. BURTON of Indiana.
H.R. 2969: Mr. THOMPSON of California.
H.R. 2987: Mr. SESTAK.
H.R. 2990: Ms. SHEA-PORTER, Mr. COURTNEY, Ms. GIFFORDS, Ms. LORETTA SANCHEZ of California, Mr. MILLER of Florida, Mr. ELLSWORTH, Mr. ABERCROMBIE, Mr. HEINRICH, Mr. BRADY of Pennsylvania, Mr. LOBIONDO, Mr. SESTAK, Ms. PINGREE of Maine, Mr. MARSHALL, Ms. TSONGAS, Mr. SNYDER, Mr. JOHNSON of Georgia, Ms. BORDALLO, and Mr. COFFMAN of Colorado.
H.R. 3001: Mr. BRADY of Pennsylvania, Mr. ISRAEL, and Mr. NADLER of New York.
H.R. 3006: Ms. MCCOLLUM.
H.J. Res. 47: Mr. LUETKEMEYER.
H.J. Res. 57: Mr. JOHNSON of Illinois.
H. Con. Res. 44: Mr. MCDERMOTT and Mr. LEWIS of Georgia.
H. Con. Res. 45: Ms. JACKSON-LEE of Texas.
H. Con. Res. 51: Mr. BARTLETT.
H. Con. Res. 154: Ms. SCHAKOWSKY and Mr. KUCINICH.
H. Con. Res. 156: Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, and Mr. JACKSON of Illinois.
H. Con. Res. 157: Mr. WILSON of South Carolina.
H. Res. 90: Mr. FATTAH.
H. Res. 111: Mr. CAO, Mr. CUMMINGS, Mr. GERLACH, and Mr. DONNELLY of Indiana.
H. Res. 241: Ms. LORETTA SANCHEZ of California.
H. Res. 285: Mr. SCHOCK.
H. Res. 333: Mr. KUCINICH.
H. Res. 395: Mrs. LOWEY.
H. Res. 409: Mr. YOUNG of Florida.
H. Res. 443: Mr. CAPUANO.
H. Res. 445: Mr. CALVERT, Mr. ROGERS of Kentucky, Mr. LATTA, Mr. SPRATT, Mr. ROGERS of Alabama, Mr. BISHOP of New York, Mr. KINGSTON, Mr. ORTIZ, Mr. ABERCROMBIE, Mr. REYES, Mr. BOREN, and Mr. ELLSWORTH.
H. Res. 518: Mr. FARR and Mr. SESTAK.
H. Res. 519: Mr. LAMBORN, Mr. STEARNS, Mr. MCCOTTER, and Mr. MCDERMOTT.
H. Res. 531: Mrs. BIGGERT and Mr. DAVIS of Illinois.
H. Res. 549: Mr. MCCOTTER.
H. Res. 550: Ms. KILPATRICK of Michigan, Mr. CAO, and Ms. WATERS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative WAXMAN or a designee at the outset of consideration of H.R. 2454, the American Clean Energy and Security Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative DICKS or a designee to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f) or 9(g) of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2454

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: Page 718, strike line 7 through 20.

Strike part 2 of subtitle E of title IV of the bill (relating to the International Climate Change Adaptation Program).

H.R. 2454

OFFERED BY: MS. HIRONO

AMENDMENT NO. 2: Page 1168, line 21, through page 1169, line 2, amend paragraph (3) to read as follows:

(3) FOREST SERVICE.—Of the amounts made available each fiscal year to carry out this subpart, 5 percent shall be available to the Secretary of Agriculture for use in funding natural resource adaptation activities carried out on national forests and national grasslands under the jurisdiction of the Forest Service and for natural resource adaptation activities on State and private forest lands carried out under the Cooperative Forestry Assistance Act of 1978 and consistent with adaptation activities identified in the State-Wide Assessments and Strategies found in section 8002 of the Food, Conservation and Energy Act of 2008 or in accordance with other forest adaptation plans developed by the State forester through a public consultation processes.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, JUNE 24, 2009 No. 96

Senate

The Senate met at 9:55 a.m. and was called to order by the Honorable DANIEL K. INOUYE, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father in heaven, hallowed be Your Name. Today, give special energy, insight, and patience to the Members of this body. Strengthen them against relentless pressures from constituents, lobbyists, and special interests, as You give them wisdom to resolve their differences without rancor or bitterness. Lord, lead them in the way of compromise that doesn't sacrifice principle or self-respect and that preserves timeless values which serve the common good. Make their consistent communion with You radiate on their faces, be expressed in their character, and be exuded in positive joy. Fill this Chamber with Your spirit and our Senators with Your strength and courage.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. INOUYE 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 24, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. INOUYE, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. INOUYE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

QUORUM CALL

Mr. REID. Mr. President, I suggest the absence of a quorum.

This will be a live quorum. We will, as further stated and under the rule, meet at 10 o'clock for the swearing in of Senators to proceed with the impeachment matter.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names.

[Quorum No. 2 Leg.]

Akaka	Ensign	McCaskill
Alexander	Enzi	McConnell
Barrasso	Feingold	Merkley
Baucus	Feinstein	Mikulski
Bayh	Grassley	Murkowski
Begich	Gregg	Murray
Bennett, Utah	Hagan	Pryor
Bingaman	Harkin	Reid, Nevada
Bond	Hatch	Risch
Boxer	Hutchison	Rockefeller
Brownback	Inhofe	Sessions
Bunning	Inouye	Shelby
Burr	Isakson	Stabenow
Burris	Johanns	Tester
Cantwell	Johnson	Thune
Cardin	Kaufman	Udall, Colorado
Carper	Kerry	Udall, New Mexico
Casey	Klobuchar	Vitter
Chambliss	Kohl	Voinovich
Coburn	Kyl	Warner
Corker	Landrieu	Webb
Cornyn	Leahy	Whitehouse
Crapo	Levin	Wicker
DeMint	Lugar	Wyden
Dodd	Martinez	
Dorgan	McCain	

The ACTING PRESIDENT pro tempore. A quorum is present. Would members of the staff take their seats. Senators who wish to converse will retire to the cloakroom.

I now call upon the Secretary for the majority.

EXHIBITION OF ARTICLES OF IMPEACHMENT AGAINST SAMUEL B. KENT, JUDGE OF THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

The SECRETARY FOR THE MAJORITY. Mr. President, I announce the presence of the managers on the part of the House of Representatives to conduct proceedings on behalf of the House concerning the impeachment of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The ACTING PRESIDENT pro tempore. The managers on the part of the House will be received and assigned to their seats.

The managers were thereupon escorted by the Sergeant at Arms of the Senate, Terrance W. Gainer, to the well of the Senate.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will make a proclamation.

The Sergeant at Arms, Terrance W. Gainer, made the proclamation, as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States, articles of impeachment against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The ACTING PRESIDENT pro tempore. The managers on the part of the House will proceed.

Mr. Manager SCHIFF. Mr. President, the managers on the part of the House of Representatives are present and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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ready to present the Articles of Impeachment, which have been preferred by the House of Representatives against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The House adopted the following resolution which, with the permission of the President of the Senate, I will read:

H. RES. 565

Resolved, That Mr. Schiff, Ms. Zoe Lofgren of California, Mr. Johnson of Georgia, Mr. Goodlatte, and Mr. Sensenbrenner are appointed managers on the part of the House to conduct the trial of the impeachment of Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers on the part of the House may exhibit the articles of impeachment to the Senate and take all other actions necessary in connection with preparation for, and conduct of, the trial, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under House Resolution 279, One Hundred Eleventh Congress, agreed to March 31, 2009, or any other applicable expense resolution on vouchers approved by the Chairman of the Committee on the Judiciary.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

With the permission of the President of the Senate, I will now read the articles of impeachment.

H. RES. 520

Resolved, That Samuel B. Kent, a judge of the United States Court for the Southern District of Texas, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

Incident to his position as a United States district court judge, Samuel B. Kent has engaged in conduct with respect to employees associated with the court that is incompatible with the trust and confidence placed in him as a judge, as follows:

(1) Judge Kent is a United States District Judge in the Southern District of Texas. From 1990 to 2008, he was assigned to the Galveston Division of the Southern District, and his chambers and courtroom were located in the United States Post Office and Courthouse in Galveston, Texas.

(2) Cathy McBroom was an employee of the Office of the Clerk of Court for the Southern District of Texas, and served as a Deputy Clerk in the Galveston Division assigned to Judge Kent's courtroom.

(3) On one or more occasions between 2003 and 2007, Judge Kent sexually assaulted Cathy McBroom, by touching her private areas directly and through her clothing against her will and by attempting to cause her to engage in a sexual act with him.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE II

Incident to his position as a United States district court judge, Samuel B. Kent has engaged in conduct with respect to employees associated with the court that is incompatible with the trust and confidence placed in him as a judge, as follows:

(1) Judge Kent is a United States District Judge in the Southern District of Texas. From 1990 to 2008, he was assigned to the Galveston Division of the Southern District, and his chambers and courtroom were located in the United States Post Office and Courthouse in Galveston, Texas.

(2) Donna Wilkerson was an employee of the United States District Court for the Southern District of Texas.

(3) On one or more occasions between 2001 and 2007, Judge Kent sexually assaulted Donna Wilkerson, by touching her in her private areas against her will and by attempting to cause her to engage in a sexual act with him.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE III

Samuel B. Kent corruptly obstructed, influenced, or impeded an official proceeding as follows:

(1) On or about May 21, 2007, Cathy McBroom filed a judicial misconduct complaint with the United States Court of Appeals for the Fifth Circuit. In response, the Fifth Circuit appointed a Special Investigative Committee (hereinafter in this article referred to as ''the Committee'') to investigate Cathy McBroom's complaint.

(2) On or about June 8, 2007, at Judge Kent's request and upon notice from the Committee, Judge Kent appeared before the Committee.

(3) As part of its investigation, the Committee sought to learn from Judge Kent and others whether he had engaged in unwanted sexual contact with Cathy McBroom and individuals other than Cathy McBroom.

(4) On or about June 8, 2007, Judge Kent made false statements to the Committee regarding his unwanted sexual contact with Donna Wilkerson as follows:

(A) Judge Kent falsely stated to the Committee that the extent of his unwanted sexual contact with Donna Wilkerson was one kiss, when in fact and as he knew he had engaged in repeated sexual contact with Donna Wilkerson without her permission.

(B) Judge Kent falsely stated to the Committee that when told by Donna Wilkerson his advances were unwelcome no further contact occurred, when in fact and as he knew, Judge Kent continued such advances even after she asked him to stop.

(5) Judge Kent was indicted and pled guilty and was sentenced to imprisonment for the felony of obstruction of justice in violation of section 1512(c)(2) of title 18, United States Code, on the basis of false statements made to the Committee. The sentencing judge described his conduct as ''a stain on the justice system itself''.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE IV

Judge Samuel B. Kent made material false and misleading statements about the nature and extent of his nonconsensual sexual contact with Cathy McBroom and Donna Wilkerson to agents of the Federal Bureau of Investigation on or about November 30, 2007, and to agents of the Federal Bureau of Investigation and representatives of the Department of Justice on or about August 11, 2008.

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

Mr. President, the managers on the part of the House of Representatives, by the adoption of the Articles of Impeachment which have just been read to the Senate, do now demand that the Senate take order for the appearance of the said Samuel B. Kent, to answer said impeachment and do now demand his conviction, and appropriate judgment thereon.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, at this time, the oath should be administered in conformance with article I, section 3, clause 6 of the Constitution and the Senate's impeachment rules.

I move that the Senator from Kentucky, Mr. MCCONNELL, be designated by the Senate to administer the oath to the Acting President pro tempore, the Senator from Hawaii, Mr. INOUYE.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Do you solemnly swear that in all things appertaining to the trial of the impeachment of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

The ACTING PRESIDENT pro tempore. I do.

Mr. REID. Mr. President, the oath shall now be administered by the Presiding Officer to all Senators. This is an appropriate time for any Senator who has cause to be excused from service in this impeachment to make that fact known.

If there is no Senator who desires to be excused, I move that the Presiding Officer, Mr. INOUYE, administer the oath to Members of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Senators shall now be sworn. Will Senators all rise and raise your hand.

Do you solemnly swear that in all things appertaining to the trial of the impeachment of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

SENATORS. I do.

The following named Senators are recorded as having subscribed to the oath this day:

Alexander, Barrasso, Baucus, Begich, Bennett (Utah), Bingaman, Bond, Boxer, Brown, Brownback, Bunning, Burr, Burris, Cantwell, Cardin, Carper, Casey, Chambliss, Coburn, Collins, Conrad.

Corker, Cornyn, Crapo, DeMint, Dodd, Durbin, Ensign, Enzi, Feingold, Feinstein, Gillibrand, Graham, Grassley, Gregg, Harkin, Hatch, Hutchison, Inhofe, Inouye, Isakson, Johanns, Johnson.

Kaufman, Kerry, Klobuchar, Kyl, Landrieu, Lautenberg, Leahy, Levin, Lieberman, Lincoln, Lugar, Martinez,

McCain, McCaskill, McConnell, Menendez, Merkley, Mikulski, Murkowski, Murray, Nelson (Nebraska), Nelson (Florida).

Reed (Rhode Island), Reid (Nevada), Risch, Rockefeller, Sanders, Schumer, Sessions, Shaheen, Shelby, Snowe, Specter, Stabenow, Tester, Thune, Udall (Colorado), Udall (New Mexico), Vitter, Voinovich, Warner, Webb, Whitehouse, Wicker, Wyden.

Mr. REID. Mr. President, any Senator who was not in the Senate Chamber at the time the oath was administered to the other Senators will make that fact known to the Chair so that the oath may be administered as soon as possible to that Senator. The Secretary will note the names of the Senators who have been sworn and will present to them for signing a book, which will be the Senate's permanent record of the administration of the oath. I remind all Senators who were administered this oath that they must now sign the oath book, which is at the desk, before leaving the Chamber.

PROVIDING FOR ISSUANCE OF A SUMMONS AND FOR RELATED PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST JUDGE SAMUEL B. KENT

Mr. REID. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. MCCONNELL, I send to the desk a resolution that provides for the issuance of a summons to Judge Samuel B. Kent, for Judge Kent's answer to the Articles of Impeachment against him, and for a replication by the House, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 202) to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Samuel B. Kent.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 202) was agreed to, as follows:

S. RES. 202

Resolved, That a summons shall be issued which commands Samuel B. Kent to file with the Secretary of the Senate an answer to the articles of impeachment no later than July 2, 2009, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than July 7, 2009.

SEC. 5. The Secretary shall notify counsel for Samuel B. Kent of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MCCONNELL. Mr. President, I move to lay the motion on the table.

Without objection, the motion to lay upon the table was agreed to.

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO RECEIVE AND TO REPORT EVIDENCE WITH RESPECT TO ARTICLES OF IMPEACHMENT AGIANST JUDGE SAMUEL B. KENT

Mr. REID. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. MCCONNELL, I send a resolution to the desk on the appointment of an impeachment trial committee and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 203) to provide for the appointment of a committee to receive and to report evidence with respect to the articles of impeachment against Judge Samuel B. Kent.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 203) was agreed to, as follows:

S. RES. 203

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members and chairman and vice chairman respectively to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6. The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account ''Miscellaneous Items'' upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

SEC. 7. The Committee appointed pursuant to section one of this resolution shall terminate no later than 45 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge Samuel B. Kent of this resolution.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MCCONNELL. Mr. President, I move to lay that motion on the table.

Without objection, the motion to lay upon the table was agreed to.

APPOINTMENT OF IMPEACHMENT TRIAL COMMITTEE

Mr. REID. Mr. President, in accordance with the resolution on the appointment of an impeachment trial committee, I recommend to the Chair the appointment of Senators MCCASKILL (chairman), KLOBUCHAR, WHITEHOUSE, UDALL of New Mexico, SHAHEEN, and KAUFMAN.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, in accordance with the resolution on the appointment of an impeachment trial committee, I recommend to the Chair the appointment of Senators MARTINEZ (vice-chairman), DEMINT, BARRASSO, WICKER, JOHANNS, and RISCH.

The ACTING PRESIDENT pro tempore. Pursuant to the resolution of an impeachment trial committee and impeachment rule XI, the Chair appoints, upon the recommendation of the two Leaders, the following Senators to be members of the committee to receive and report evidence in the impeachment of Judge Samuel B. Kent: Senators MCCASKILL (chairman), KLOBUCHAR, WHITEHOUSE, UDALL of New Mexico, SHAHEEN, KAUFMAN, MARTINEZ (vice-chairman), DEMINT, BARRASSO, WICKER, JOHANNS, and RISCH.

The majority leader.

Mr. REID. Mr. President, the Committee on Rules and Administration will be providing its hearing room, SR–301, to the impeachment committee for an organizational meeting at a time to be determined.

The ACTING PRESIDENT pro tempore. The Senate will take further proper order and notify the House of Representatives and counsel for Judge Kent.

Mr. REID. Mr. President, I ask in an orderly fashion that Senators approach the desk for the signing of the resolution of impeachment before they leave the Chamber.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, at 11 o'clock today, there will be a vote on the nomination of Mr. Koh, to be Legal Adviser of the Department of State. I tell all Senators I had a conversation with the Republican leader today. We are doing our best to move to a couple appropriations bills. The first in line is the Legislative Branch appropriations bill, and the next is Homeland Security. We hope we can get on those. The Republican leader said he would do his best to help us do that. I hope that, in fact, is the case. We will keep Members advised as to what we will do the rest of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF HAROLD HONGJU KOH TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield myself such time as I will consume. I intend to yield time to Senator LIEBERMAN and Senator FEINGOLD.

Mr. President, I rise in very strong support of the nomination of Dean Harold Koh to be the Legal Adviser to the Secretary of State. This nomination is, in fact, overdue.

Dean Koh is one of the foremost legal scholars in the country and a man of the highest intellect, integrity, and character. He received a law degree from Harvard, where he was an editor of the Law Review, with two master's degrees from Oxford University where he was a Marshall Scholar.

He clerked on both the DC Circuit Court of Appeals and the U.S. Supreme Court. He has served with distinction in both Democratic and Republican administrations, beginning his career in government in the Office of Legal Counsel in the Reagan era.

I think everybody who has dealt with him and has worked with him on a personal level understands the skill Dean Koh would bring to this job. He has worked with the State Department on a firsthand basis. He served as Assistant Secretary of State for Democracy, Human Rights, and Labor in the Clinton administration—a post for which he was unanimously confirmed by the Senate in 1998.

He left government to teach at Yale Law School, and he went on to serve as dean until his nomination to serve in the current administration. As a renowned scholar and a leading expert on international law, he has published or coauthored eight books and over 150 articles.

Throughout his career, Dean Koh has been a fierce defender of the rule of law and human rights. He understands that the United States benefits as much if not more than any other country from an international system of law where we are governed by the rule of law.

At the same time, his personal commitment to America's security and to the defense of our Constitution are indisputable. Accusations that his views on international or foreign law would somehow undermine the Constitution are simply unjustified and unfounded—completely and totally. As Dean Koh explained in response to a question from Senator LUGAR, who supports his nomination, he said:

> My family settled here in part to escape from oppressive foreign law, and it was America's law and commitment to human rights that drew us here and have given me every privilege in my life that I enjoy. My life's work represents the lessons learned from that experience. Throughout my career, both in and out of government, I have argued that the U.S. Constitution is the ultimate controlling law in the United States and that the Constitution directs whether and to what extent international law should guide courts and policymakers.

So while disagreements on legal theory are obviously legitimate, I regret that some of the accusations and insinuations against Dean Koh have simply gone over any line of reasonableness or decency. Some people have actually alleged that Dean Koh supports the imposition of Islamic Shariah law in America, which it just begs any notion of relevance to what is rational.

Some have questioned Dean Koh for allegedly supporting suits against Bush administration officials involved in abusive interrogation techniques. Well, this is a matter for the Justice Department that he will have no role in as Legal Adviser of the State Department.

Others have actually gone so far as to claim—believe it or not—that he is against Mother's Day. I am happy his mother was at the hearing. He pointed to her and had to go so far as to actually deny that, which is rather extraordinary.

Dean Koh deserves a better debate than he has been given thus far, and all of us are done a disservice when the debate gets diverted to some of the accusations we have heard in this case.

Regardless of any policy differences, everyone in the Senate ought to be able to agree on Dean Koh's obvious competence. We have received an outpouring of support for this nomination from all corners, including from over 600 law professors, over 100 law school deans, over 40 members of the clergy, 7 former State Department Legal Advisers—including the past two Legal Advisers from the Bush administration—and many others.

Perhaps most remarkable has been the enthusiastic support for Dean Koh from those who do not agree with him on some issues who have spoken out on his behalf, including former Solicitor General Ted Olson and former White House Chief of Staff Joshua Bolten. No less a conservative legal authority than Ken Starr wrote:

> The President's nomination of Harold Koh deserves to be honored and respected. For our part as Americans who love our country, we should be grateful that such an extraordinarily talented lawyer and scholar is willing to leave the deanship at his beloved Yale Law School and take on this important but sacrificial form of service to our Nation.

So I think that says it all. That is the kind of Legal Adviser we need at the State Department. I urge my colleagues to support this nomination and to vote for cloture on this nomination.

Mr. President, how much time do we have remaining on our side? At least another 15 minutes.

The PRESIDING OFFICER. There is 3 minutes 40 seconds remaining.

Mr. KERRY. That is the total time we have available?

The PRESIDING OFFICER. That is the total time remaining controlled by the majority.

Mr. KERRY. I divide it evenly between Senator LIEBERMAN and Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak on behalf of the nomination of Harold Koh to be Legal Adviser at the Department of State.

I have known Harold Koh for many years, as a friend and as a neighbor in New Haven, and there is no doubt in my mind that he is a profoundly qualified choice for this important position, and deserving of confirmation.

To state the obvious, Harold is a brilliant scholar and one of America's foremost experts on international law. He also has a distinguished record of service in our government, having worked in both Democratic and Republican administrations and consistently won the highest regard from people across the political spectrum.

However, Harold Koh will bring to this position a deep devotion to our country and an appreciation of the fundamental values for which we stand, drawn from his own personal experience and the experience of his family.

Harold's parents came to this country, like so many before and since, fleeing the evils of dictatorship and seeking freedom. It was this experience that helped forge in Harold his lifelong commitment to democracy and the rule of law.

Harold has of course been a prolific scholar, having authored or coauthored 8 books and more than 150 articles. And in the course of his long academic career, he has quite often exercised his right of free speech.

To tell the truth, there have been occasions when Harold has said or written things that I personally don't agree with. And although he is too gracious to say so, I am sure there have been occasions when I have said or done things that Harold has not agreed with.

But this has never interrupted my respect for Harold—for his intelligence and his integrity, nor I have any doubt about Harold's love for our great nation and its values, and his commitment to uphold our Constitution. To use a word we do not use enough anymore, Harold Koh is a true American patriot who will put our country and our Constitution first.

It is also worth noting that no one who has ever worked with Harold has offered anything but praise for him personally and support for his nomination. In fact, his nomination has attracted a remarkable bipartisan coalition of supporters, including Ted Olson, Ken Starr, and Josh Bolten.

These endorsements reflect the fact that, even those who might not always agree with Harold on every issue, nonetheless respect him enormously and feel he is profoundly qualified to serve in this position.

There is a great deal that we debate in this chamber, but there is really no debate about the importance of the rule of law to our country. That is what Harold Koh's life and career have been all about, and it is that surpassing priority that he will bring to the position of Legal Adviser at the State Department.

For these reasons, I urge my colleagues to support Harold Koh's nomination and to vote for his confirmation.

The cloture vote will occur at 11 o'clock, minutes from now. I speak from a real depth and personal experience with Harold Koh. I know him and have known him for years as a friend and a neighbor in Connecticut. Based on that and all of his professional work, there is no doubt in my mind that he is profoundly qualified to occupy this important position as Legal Adviser at the Department of State. He is a brilliant scholar. He is one of America's foremost experts on international law. He actually is qualified to be the Legal Adviser to the Secretary of State. He has a distinguished record of service in our government, having worked in both Democratic and Republican administrations. He has consistently won the highest regard from people across the political spectrum.

Harold Koh will bring to this position a deep devotion to our country and the appreciation of the fundamental values for which we stand, based on his personal status as the child of immigrants who came to this country, escaping dictatorship, seeking freedom, and contributing mightily to America.

Harold has been a prolific scholar in the course of his long academic career. He has fully exercised his right of free speech. To tell the truth, there have been occasions when Harold has said or written things that I personally don't agree with. Although he is too gracious to say so, I am sure there have been occasions on which I have centered on some things that Harold has not agreed with, but that has never interfered with my respect and admiration for him——

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. LIEBERMAN.—because I have always known, regardless of whether we agree or disagree, Harold Koh is committed to the United States of America, to the Constitution, and the rule of law. What more could we ask for a Legal Adviser to the Department of State.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am so pleased to rise today in strong support of the nomination of Harold Koh to be Legal Adviser at the State Department. I have known Dean Koh for more than 30 years, and I can say without any doubt he is an excellent choice for this position. I say that not just because he is one of my oldest friends but because he is one of the leading legal scholars in the country. He is extraordinarily qualified for this position.

Dean Koh is one of the most intelligent, ethical, and hard-working individuals I have ever encountered. He has spent his career of some 30 years working on public and private international law, national security law, and on human rights. Throughout that time, he has been committed to America's security and to defending our Constitution. He has dedicated his life to upholding the rule of law and strengthening American values.

During his confirmation hearing in the Senate Foreign Relations Committee, Dean Koh effectively responded to all of the charges against him. He made clear that he understands that his role as legal counsel for the State Department would be different from that of an academic, that he would adhere to the constitutional laws of our land, and that of course he does not believe that foreign law can trump the Constitution.

There is no doubt in my mind that Dean Koh will candidly and objectively advise the Secretary of State on existing law, while also ensuring that she receives competent, objective, and honest advice on the legal consequences of her actions and decisions in an effort to support and advance the President's foreign policy agenda.

At the same time, Dean Koh will ensure respect for our national interests and our legal obligations. If confirmed, Dean Koh will serve our President, and this Nation, and defend the Constitution fully and faithfully.

We are long overdue in confirming Dean Koh. I urge my colleagues to vote in favor of cloture so we can move expeditiously to an up or down vote and Dean Koh can begin his service as the State Department's Legal Adviser.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I rise reluctantly to speak against the nomination of Harold Koh to be the Legal Adviser to the State Department. I had a chance to explain some of the reasons yesterday, and for the benefit of our colleagues I wish to cover those and some additional concerns as well with a little more detail.

There is no question that Dean Koh is a brilliant lawyer and he has been a charming advocate for his promotion to this important position. However, I have concluded that he is not the right person for this job, because he has stated what I would consider to be radical views with regard to the role of the United States sovereignty relative to the rest of the world.

For example, he has advocated judges using treaties in customary international law, including treaties that the Senate has not ratified, to bind the United States. If that is not an erosion of U.S. sovereignty, I don't know what it is. Advocating that judges who take an oath to uphold and defend the Constitution and laws of the United States should instead look to international treaties as the source of that law, to me, is a radical and very fundamental shift in what I think most people would expect from our judges.

He said that Federal judges should use their power to ''vertically enforce'' or ''domesticate'' American law with international norms and foreign law. Do we want the top adviser at the State Department supporting the idea that international bodies and unelected Federal officials, not the Congress,

should be the ultimate lawmaking authority for the American people? I don't think so.

This has manifested itself in a number of ways. For example, in an interview that Dean Koh gave on May 10 for the ''News Hour,'' he was asked about, for example, some of the interrogations that took place in places such as Guantanamo. He basically said that the U.S. forces, including our commanders and presumably the intelligence officials who actually conducted interrogations and detentions, violated the Geneva Conventions and should be held accountable for that. Does he believe that U.S. officials should be prosecuted and perhaps convicted of war crimes because they did what the American people asked them to do, consistent with the legal opinions from the Office of Legal Counsel at the Justice Department?

As the Wall Street Journal points out today in an article called ''The Pursuit of John Yoo''—I will read a couple of sentences from it:

> Here's a political thought experiment: Imagine that terrorists stage an attack on U.S. soil in the next 4 years. In the recriminations afterward, Administration officials are sued by families of victims for having advised in legal memos that Guantanamo be closed and that interrogations of al-Qaida detainees be limited. Should these officials be personally liable for the advice they gave to President Obama?

The article goes on to say:

> We'd say no, but that's exactly the kind of lawsuit that the political left, including State Department nominee Harold Koh, has encouraged against Bush administration officials.

Of course, it goes on to talk about the lawsuit brought by Jose Padilla, a convicted terrorist, against lawyers at the Office of Legal Counsel at the Justice Department that is being encouraged, if not facilitated, by Harold Koh, the outgoing dean at the Yale Law School, the person who is being proposed for promotion as a Legal Adviser at the Justice Department.

I think his views, if they were confined to academia and to Yale Law School, would be one thing, but the thought that he would bring and put these what I would consider to be out-of-the-mainstream legal theories and approaches into action as a Legal Adviser at the State Department, to me is a frightening prospect.

He has also, in the course of his writings, taken very extreme views with regard to the second amendment to the Constitution of the United States, part of our Bill of Rights, the right to keep and bear arms. In 2002, and later in Fordham Law Review in May of 2003, he wrote an article called ''The World Drowning In Guns'' in which he argued for a global gun control regime. Do we want the top adviser at the State Department working through diplomatic circles to take away Americans' second amendment rights to the Constitution? I think not.

Third, Professor Koh in 2007 argued that foreign fighters, detainees held by the U.S. Armed Forces anywhere in the world—not just at Guantanamo Bay—are entitled to habeas corpus review in U.S. Federal courts—in civilian courts—just as an American citizen would be, no matter where they were held. Do we want the top adviser at the State Department working to grant terrorists and enemy combatants more rights than they have ever had before under any court interpretation? I think not.

Perhaps most timely, Professor Koh appears to draw moral equivalence between the Iranian regime's political suppression and human rights abuses on the one hand, which we have been watching play out on television, and America's counterterrorism policies on the other hand. In 2007, he wrote:

> The United States cannot stand on strong footing attacking Iran for ''illegal detentions'' when similar charges can be and have been lodged against our own government.

Do we want a Legal Adviser to the State Department who can't see the difference between America defending itself against terrorism and the brutal repression practiced by a theocratic dictatorship? I think not.

I am afraid that Dean Koh is just another in a line of radical nominees by this administration that the Senate should not confirm.

I think back to Don Johnson who was also nominated to the Office of Legal Counsel who said America is not at war post 9/11, and that instead of embracing the provisions of the Constitution that recognize the President's powers as Commander in Chief to protect the American people, we ought to instead resort to a paradigm that says, Well, this is a law enforcement matter. If it is a law enforcement matter, then you are not going to do anything to stop terrorist attacks before they occur; you are merely going to prosecute the terrorists after they kill innocent life.

Just like Don Johnson, who said we are not at war, Harold Koh has encouraged and facilitated the investigation and perhaps prosecution of American military personnel, and who knows who else, including lawyers who have provided legal advice, as well as perhaps the intelligence officials who relied on that advice to get actual intelligence that we have used to deter and indeed to defeat terrorist attacks on our own soil.

I hope my colleagues will join me in voting against cloture on this nomination. Professor Koh may be an appropriate individual for some other job, but when our national security is at stake, and our role relative to the international community, whether we are going to subject ourselves not just to the U.S. Constitution and laws made by the elected representatives of the people here in the Congress but instead to international treaties and international common law that we have not agreed to and that the American people have not consented to, I think this is the wrong job for this nominee. I ask my colleagues to join me in voting against cloture.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to strongly support the nomination of Dean Koh for this position. I have known Dean Koh from his outstanding work at the Yale Law School and from his outstanding contribution as the dean of the Yale Law School. He comes to this position with an extraordinary educational background: summa cum laude of Harvard College, Oxford; Harvard Law School, cum laude. He has had a distinguished career with the Federal Government having served as Assistant Secretary of State from 1998 to 2001. He has done exemplary work at Yale. His father was the first Korean lawyer to study in the United States.

Yesterday, I spoke at some length about Dean Koh and inserted his extraordinary resume in the RECORD. It took many pages to list all of his honorary degrees, all of his publications, and all of his awards. When we search for the best and the brightest to come to Washington, Dean Koh is a perfect match for that description. If his nomination is to be rejected, it certainly will be a signal to people who have an interest in public service that they are better off not treading in these waters because the politics is so thick that even individuals of such extraordinary credentials can be rejected by the Senate.

I strongly urge my colleagues to support this nomination. I have been in this body a while. I have never spoken with such enthusiasm or such determination for the confirmation of a nominee as I have for Dean Koh. I think he will do an outstanding job.

Certainly, the points that have been raised by the distinguished Senator from Texas are worthy of consideration, but there is no showing that any of those ideas will be followed to the extreme to the detriment of the United States, and his qualifications suggest he would be a great asset to the United States of America and the State Department.

The PRESIDING OFFICER. The Senator's time has expired.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We, the undesigned 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 nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

Harry Reid, Mark L. Pryor, Sheldon Whitehouse, Daniel K. Inouye, Russell D. Feingold, Christopher J. Dodd, Roland W. Burris, Richard Durbin, Patty Murray, Jon Tester, Mark Udall, Amy Klobuchar, Jack Reed, Max Baucus, Jeff Merkley, Blanche L. Lincoln, Maria Cantwell, Byron L. Dorgan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Harold Koh, of Connecticut, to be Legal Adviser of the State Department shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant 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 Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 31, as follows:

[Rollcall Vote No. 212 Ex.]

YEAS—65

Akaka	Gregg	Murray
Alexander	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Hatch	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	Martinez	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Gillibrand	Mikulski	

NAYS—31

Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Corker	Johanns	Wicker
Cornyn	Kyl	
Crapo	McCain	

NOT VOTING—3

Byrd	Cochran	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. No applause from the gallery is allowed.

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business and that I be followed by my colleague, Senator ISAKSON.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

TRIBUTE TO DR. BRUCE GRUBE

Mr. CHAMBLISS. Mr. President, I rise to pay tribute to an academic leader and a true public servant—Dr. Bruce Grube. A decade ago, Dr. Grube took the helm of Georgia Southern University in Statesboro, GA. At the end of this month, after 10 years on this job, he will leave Georgia Southern a bigger, better, and considerably richer university, both in terms of its endowment and in its academic achievements, than when he started.

His leadership has been robust. During Dr. Grube's tenure as President of Georgia Southern the school's enrollment has risen almost 23 percent. Nearly 18,000 students are proud to call Georgia Southern their academic home. And while freshman SAT scores were rising some 13 percent on his watch, the university was being catapulted into national prominence. During Dr. Grube's time as president, Georgia Southern was designated a Carnegie doctoral/research university, was featured in the U.S. News and World Report's ''Best Colleges'' guide, and was named one of the Nation's ''Top 100 Best Values'' in education by Kiplinger.

He also oversaw the creation of two new colleges specializing in information technology and public health, presided over a veritable building boom on campus, and brought Georgia Southern into the Internet age with distance learning courses.

Of all his remarkable achievements, perhaps the most significant is that in the decade of Dr. Grube's presidency, the amount of scholarships funded through the Georgia Southern Foundation has doubled. In 1999, the foundation's scholarships totaled $644,000. In 2007, the foundation was able to award $1.3 million to deserving scholars, many of whom may not have been able to start school or complete their degrees without that assistance. And Dr. Grube has led the way in doubling the university's endowment in 9 years' time.

In addition, he has overseen Georgia Southern's rise in the world of collegiate athletics. In the past decade, the Eagles' volleyball, softball, baseball, and golf teams have reached their respective NCAA tournaments. Its football team went to the FCS national championships, and its cheerleading squad captured the national title.

Georgia Southern and the entire university system will miss Dr. Grube's visionary leadership. Fortunately, this political scientist who got his start in the classroom won't be going far. After a little time off, he will return to Georgia Southern to teach in 2010.

Dr. Grube, we certainly wish you and your family the best. Your professional dedication to better education has made Georgia Southern and Georgia a better place in which to live. I am proud to call you my good friend.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am delighted to rise with my colleague from Georgia, Senator CHAMBLISS, and pay tribute to my friend, Dr. Bruce Grube. A lot of times we stand on the floor and say ''my friend,'' when it is a passing statement. Well, it is not for me. I met Dr. Grube in 1989, when he was named the 11th president of Georgia Southern University, and I was with him as recently as commencement last year.

He is a great leader in education in our State, and he will be missed. But he is both remembered and revered and there are three reasons I would like to talk about his distinguished career. No. 1, he did what is most important for college presidents to do—he raised the endowment of the university. In fact, he doubled the endowment of the university. And because of that, as Senator CHAMBLISS said, he doubled the number of scholarships going out to deserving Georgians to come to Georgia Southern University. That is No. 1.

No. 2, as a former chairman of a State board of education and one whose passion is education, I love what Dr. Grube did when he put in the First-Year Experience program at Georgia Southern University, a program designed to make the first-year experience a lasting experience so student retention improved at Georgia Southern and more kids who entered graduated. Since the inception of that program, retention at Georgia Southern University has gone from 66 percent of the freshman class to 81 percent of the freshman class—four out of five returning and getting their degree at Georgia Southern University.

No. 3, among everything else that a president of a university does in terms of responsibility, it is so important that they outreach to the community. When you go to Bulloch County in Statesboro, GA, if you are at Snooky's Restaurant for breakfast, Dr. Grube is there. If you are on campus in the middle of the day, interacting with students under the shade of a Georgia pine tree, Dr. Grube is there. If there is a charitable or benefit program in Bulloch County, Dr. Grube is there. He is the face of Georgia Southern University, and he will be missed—but only for a year because after a brief sabbatical he comes back to teach political science at Georgia Southern University. He returns to his roots, established in his doctorate degree at the University of Texas in political science and carried on for years to come as a distinguished professor of political science at Georgia Southern University.

I am proud to rise with my colleague, Senator CHAMBLISS, to pay tribute to a great Georgian, a great educator, and my personal friend, Dr. Bruce Grube.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I am going to proceed on my leader time which I did not use earlier this morning.

HEALTH CARE WEEK IV, DAY III

Mr. President, when it comes to reforming health care, Republicans believe that both political parties should work together to make it less expensive and easier to obtain, while preserving what people like about our current system.

That is why Republicans have put forward ideas that should be easy for everyone to support, such as reforming medical malpractice laws to get rid of junk lawsuits; encouraging wellness and prevention programs that have already been shown to cut costs; and addressing the needs of small businesses without imposing taxes that will kill jobs.

Unfortunately, Democrats on Capitol Hill have opted against many of these commonsense proposals, moving instead in the direction of a government-run system that denies, delays, and rations care.

So it is my hope that the President uses his prime time question and answer session at the White House tonight to clearly express where he himself comes down on a number of crucial questions.

One question relates to whether Americans would be able to keep the care they have if the Democrat plan is enacted. The President and Democrats in Congress have repeatedly promised Americans they could keep their health insurance. Yet the independent Congressional Budget Office says that just one section of the Democrat bill being rushed through Congress at the moment would cause 10 million people with employer-based insurance to lose the coverage they have.

Another independent study of a full proposal that includes a government-run plan estimates that 119 million Americans, or approximately 70 percent of those covered under private health insurance, could lose the health insurance they have as a consequence of a government plan. America's doctors have also warned that a government plan threatens to drive private insurers out of business. And yesterday, the President himself acknowledged that under a government plan, some people might be shifted off of their current insurance.

So the first question is this: Will the President veto any legislation that causes Americans to lose their private insurance?

The President also said that health care reform cannot add to the already staggering national debt. Yet once again, the Congressional Budget Office has said that just one section of the Democrats' HELP bill would spend $1.3 trillion, while others estimate the whole thing could end up spending more than $2 trillion. And here is how the CBO put it: ''the substantial costs of many current proposals to expand Federal subsidies for health insurance would be much more likely to worsen the long-run budget outlook than to improve it.''

Let me repeat that, Mr. President. The Congressional Budget Office says that some of the proposals in the Democrats' bill would be much more likely to worsen the long-run budget outlook than to improve it.

So the second question is this: Will the President veto a bill that adds to the Nation's already staggering deficit?

The President has said that no middle-class Americans would see their taxes raised a penny. Yet Democrats on Capitol Hill are considering proposals, such as a plan to limit tax deductions for medical costs, that would not only raise taxes on middle class families, but that would hit these families the hardest.

So the third question is this: Will the President veto any legislation that raises taxes on the middle class?

The President has said he supports wellness and prevention programs that have proven to cut costs and improve care by encouraging people to make healthy choices, like quitting smoking and fighting obesity. One such program is the so-called Safeway plan, which has dramatically cut that company's costs and employee premiums. Yet the bill Democrats are rushing through the Senate would actually ban the key provisions of the Safeway program from being implemented by other companies.

So the fourth question is this: Does the President support the HELP Committee bill, which bans providing incentives for healthy behavior, and will he veto legislation that bans these kinds of programs?

Finally, the President has said that government should not dictate the kind of care Americans receive. On this issue, the President has no stronger supporters than Republicans. But Democrats on the HELP Committee rejected a Republican amendment that would have prohibited a Democrat-proposed government board from rationing care or denying lifesaving treatments because they are too expensive.

So the fifth question is this: Does the President support the Republican amendment to prohibit the rationing of care, and will he veto legislation that allows the government to deny, delay, and ration care?

Five questions: Will the President use his veto pen to make sure Americans are not kicked off their current health plans? Will he oppose any legislation that increases the nation's deficit? Will he oppose any bill that raises taxes on middle-class families? Will he reject any bill that excludes commonsense wellness and prevention programs that have been proven to cut costs and improve care? And will he disavow legislation that denies, delays, and rations care?

The American people want Republicans and Democrats to work together to enact health care reform, but they want the right kind of reform not a massive government takeover that forces them off of their current insurance and denies, delays, and rations care. Americans are right to be concerned about what they are hearing from Democrats. It's my hope that the President addresses those concerns tonight once and for all.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, the nomination of Harold Koh concerns me for a number of reasons. Primarily, his view that international law should guide U.S. law and his criticism of our first amendment right to freedom of speech and his opposition to the Solomon amendment, which conditions Federal funding to educational institutions on allowing military recruiting on campus.

The State Department Legal Adviser helps formulate and implement U.S. foreign policy, advises the Justice Department on cases with international implications, influences U.S. positions on issues considered by international bodies, and represents the United States at treaty negotiations and international conferences.

In short, this position requires the utmost deference to the Constitution of the United States. Mr. Koh is a proponent of transnationalism, the belief that Americans should use foreign law and the views of international organizations to interpret our Constitution and to determine our policies.

Mr. Koh has gone so far as to refer to the United States as part of an ''axis of disobedience'' in reference to America's alleged violations of international law.

During his 2003 speech at the University of California at Berkeley, Mr. Koh said:

> When I came to government, the first conclusion I reached was that the rule of law should be on the U.S. side.
>
> That's a system of law—

He is speaking now of international law—

> that we helped to create. So that's why we support various systems of international adjudication. That's why we support the UN system. We need these institutions, even if they cut our own sovereignty a little bit.

Mr. Koh's views on the first amendment again portray a desire to make

American law subservient to international law. In his Stanford Law Review article—the title of which was ''On American Exceptionalism''—Koh stated that our first amendment gives ''protections for speech and religion . . . far greater emphasis and judicial protection in America than in Europe or Asia,'' and he opined that America's ''exceptional free speech tradition can cause problems abroad.'' Furthermore, he stated that the way for the ''Supreme Court [to] moderate these conflicts'' is ''by applying more consistently the transnationalist approach to judicial interpretation.''

This is breathtaking. Is it even consistent with an oath to protect and defend the Constitution? Should we now begin to dismantle a founding principle of our democracy in order to appease the so-called international community, as Mr. Koh advocates? If the Founding Fathers had followed this advice, this country would not be the leading example of freedom in the world it is today and a leader in getting others to protect free speech and assembly and other freedoms—such as are being asserted in Iran today. Conforming our views to the norm, which Mr. Koh acknowledges provides less protection than our Constitution would, therefore, would adversely affect the very international community which Mr. Koh seeks to emulate.

Let me put it another way. People in Iran today are taking to the streets to try to exercise some degree of free speech and assembly and petition their government. Mr. Koh acknowledges that in our Constitution we provide much more protection for those rights than anywhere else, or, I think as he put it, than the mainstream of international law provides. That is true.

I think that is something we should not only adhere to for our own benefit but for the benefit that it provides to others around the world as an example of what they should seek to achieve and because of the moral status it gives the United States to be able to say to the leaders of a country such as Iran: You need to provide free speech and assembly and the right to petition their government, and the fact that you are not doing it is wrong because if we believe we are all created equal, by our Creator, that means we have moral equality as individuals. Everybody in Iran, we believe, would have the same right as anyone else to exercise these God-given rights. And if that is true, it makes no sense to diminish those rights as they have been interpreted by our courts in the United States, interpreting our U.S. Constitution, in order for us to conform to an international norm.

Rather, it makes sense for us to continue to adhere to those high standards and to try to bring other countries along with us. In fact, I would postulate that because of our high standard of rights and the example that our Constitution provides, many countries of the world have actually advanced the cause of free speech and assembly and petitioning their government more than they otherwise would have because they have the example of the United States to look at.

If I think of countries, the revolutions, the Orange Revolution, and the changes in governments in places such as Poland, back when it broke from the Soviet Union, and Ukraine and Georgia and all of the other places in the world where people finally broke free from the shackles of a government that would not permit free speech, what were they seeking to do? To exercise free speech in order to petition their government for individual freedom.

So the United States should jealously guard those rights in our Constitution rather than, as Mr. Koh says, have the United States interpret its Constitution more in line with the mainstream of thinking in the rest of the world.

If you sort of try to apply a mathematical formula, and you average what the rest of the world thinks about free speech, the right of religion, the right to assemble, the right to petition the government, the average is far below what we provide. We are pretty much at the top of the pile in terms of what we protect.

But if we were to follow Mr. Koh's advice, in order to be more accepted in the world, we would draw our standards of protection of individual rights down to the leveled area of the mainstream around the world. If you look around the world today, there are so many dictatorships, totalitarian systems, autocracies—even a country such as China—which provide very little in the way of freedom for their people. If you just took the average based on the population of the world, I know what the mainstream would be. It would not be very much in the way of individual rights.

So we should jealously protect what we have in the United States, which is a constitution that at least thus far has been interpreted to protect those rights jealously, not just for our benefit—though that should be, I submit, the sole purpose of a Supreme Court Judge, for example, deciding Supreme Court cases; what does the Constitution say for the people of America?—but if one is going to consider the international implications, I think it would be exactly the opposite of what Mr. Koh is saying; namely, that we should be concerned that any diminishment of the interpretation of our rights would negatively affect other people around the world.

I do not care if the average is a lower standard. I wish those countries would bring their standards up to ours. But I certainly do not want to conform to some idea of international acceptance or international popularity by bringing ourselves down to their level. This is not what ''American Exceptionalism'' is all about—the title of the piece Mr. Koh wrote.

He has argued in other contexts as well that unique American constitutional provisions should conform to the international view of things. I have been speaking of free speech and assembly, the right to petition your government, to practice religion. We think those are absolutely basic. But there are some other rights in our Constitution. One of them is the second amendment. It is controversial.

Other countries do not have a protection such as the second amendment to the U.S. Constitution. If we want to amend the Constitution, we can do that. But as it stands right now, the second amendment has been upheld by the Supreme Court to apply to every individual in the United States, free from Federal undue interference with respect to the ownership of guns.

But if we adopt Mr. Koh's argument about conforming to international norms, including stricter gun control, it may bring us more in line with some other countries, but it certainly would not be in keeping with the interpretation of the U.S. Supreme Court with respect to that second amendment.

In an April 2002 speech at the Fordham University School of Law, Mr. Koh advocated a U.N.-governed regime to force the United States ''to submit information about their small arms production.'' He believes the United States should ''establish a national firearms control system and a register of manufacturers, traders, importers and exporters'' of guns to comply with international obligations. This would allow U.N. members such as Cuba and Venezuela and North Korea and Iran to have a say in what type of gun regulations are imposed on American citizens.

As the dean of Yale Law School, Mr. Koh was a leader in another effort I think is troublesome. It was an effort to deprive students of the freedom to listen to military recruiters who wanted to explain on campus the benefits of a career in our military services. We all—every one of us in this body—frequently express our gratitude to the people in the U.S. military services who protect us, who put themselves in danger in order to protect the very freedoms we are talking about. Yet as dean of the law school, he would not allow the recruiters for these military institutions to come on campus. Yet he would protect students' freedom to listen to antiwar speakers on campus. But Yale closed its doors to military recruiters primarily because it disagreed with the military's policies on gays, which, by the way, is a policy of the President and the Congress, not just the military.

In court, Mr. Koh and others in Yale's administration challenged the constitutionality of the Solomon amendment. The Solomon amendment is a statute that denies Federal funds to educational institutions that block military recruiters. The Supreme Court unanimously ruled against Mr. Koh's position.

Mr. Koh also led a lawsuit against Department of Justice lawyer John

Yoo for doing what any government lawyer is expected to do: provide his legal opinions to the people he worked for, the policymakers of the U.S. Government.

The Supreme Court has said, in no uncertain terms, that government lawyers need immunity from suit in order to avoid ''the deterrence of able citizens from acceptance of public office'' and the ''danger that fear of being sued will dampen the ardor of . . . public officials in the unflinching discharge of their duties.''

In other words, by encouraging this lawsuit, Mr. Koh was effectively deterring his students from doing precisely what Yale otherwise recommends that they do: enter public service.

Elections have consequences. I understand and generally support the prerogative of the President to nominate individuals for his administration he deems appropriate as long as they are within the spectrum of responsible views. However, because of the importance of his position in representing the United States in the international community with respect to treaties and other agreements, his own words and actions demonstrate to me he is far outside the mainstream in such a way that his appointment as State Department Legal Adviser could damage U.S. sovereignty.

So I oppose his nomination. I urge my colleagues—all of us who take an oath to support and defend the Constitution and who appreciate there are always challenges to America's sovereignty—to closely examine Mr. Koh's record and determine whether he would be a representative not only whom they could be proud of but whom they could rely upon in representing the American public interest.

At the end of the day, our sovereignty depends upon the American people. We govern with the consent of the governed. Our government does not start with rights. We had a group of people in America who gave their government certain limited rights in order for their common good. So the American people are our bosses. They pay our salary. We need to listen to them.

When I talk to my constituents—at least in recent months—I notice a theme that is recurring, and it is troublesome to me first of all because it is the kind of thing that sometimes is influenced by people who have less character than those of us in this body and others who may disagree with each other but seriously approach these issues. It is the idea that little by little the people are losing sovereignty, and that the country of America is giving up its sovereignty to others. Who are the others?

I am not a conspiratorial person. That is why I say some of the people who promote this idea do not do so for the right reasons, and I do not like to see them paid attention to by our constituents. But every time we adhere to a U.N. resolution or sign a treaty with another country or agree to abide by the terms of a trade agreement, or something of that sort, to some extent we are giving up a little bit of our sovereignty. As long as we do all of those things with the consent of the governed and as long as we do it through the representative process where we pass a law or we confirm a treaty, ratify a treaty, it is done in the right way. We may make a mistake, we may go too far sometimes, but that is the decision we make. We have the right to make mistakes too. But when we go outside the legal framework of the country to cede a little bit of our sovereignty, as Mr. Koh says is OK, then we have abused the confidence the American people have placed in us and we have gone beyond our legal ability as representatives of the people to give up this little degree of sovereignty.

What I am concerned about, because of his position, which is the direct link between the United States and all of these international organizations and countries which our country necessarily deals with, is that he cares less about the protection of American sovereignty than the vast majority of the American citizens. In fact, he has a point of view which regards that as less important than conforming to international norms and even being in line with popular opinion internationally. As I said before, it is nice to be liked, but at the end of the day, the United States should not be about popular opinion.

We could probably be more popular with 100 countries in the United Nations if we stopped harping on things such as clean elections and free speech and the right to assembly and so on because my guess is there are probably 50 to 100 countries in the United Nations that don't respect their citizens' rights nearly as much as we do. In fact, the number is probably larger than that. They are uncomfortable with the example of a country such as the United States which sets on such a high pedestal our American citizens' rights, that we not only protect those rights for our citizens, but we hold them out to the rest of the world as something that would be beneficial for their citizens as well. This makes them uncomfortable, and rightly so, because sometimes, as we are seeing in Iran today, people decide that it is a good thing to decide to exercise those rights and they feel the denial of that ability by their governments is wrong. They are even willing to risk their lives, as our forefathers did, to assert those rights. That is how important they are.

How odd it is, therefore, to come across such an intelligent—and he certainly is intelligent—man such as Mr. Koh who has a very different point of view about these important American rights, who believes it is more important for us to be in the mainstream of international thinking even though that mainstream represents a view of rights far less than the United States views our rights; it is far more important for us to be well viewed in the international community than it is to strictly adhere to those rights that are embodied in our Constitution. That is extraordinarily troubling to me. Some of his views are breathtaking as they have been asserted.

I know he has met with some of our colleagues, that he is apparently, in addition to being very intelligent, very charming, and that his essential position is: Well, that is what I said in a speech, but I will recognize my obligations as a member of the administration.

I think we are all informed by our views, and if we care enough about them to speak out in a way that he has, as frequently and as forcefully as Mr. Koh has, it is difficult to believe that all of a sudden, in a moment of his confirmation, he will forget about everything he said and what he believes and conform his representation of the American people to what is a far more mainstream point of view; namely, that we should defend our Constitution to the absolute maximum extent we can, irrespective of the views of other countries around the world. That is why, at the end of the day, as I said, I hope my colleagues will review his record very carefully and will judge and eventually base their vote on his confirmation on what he has said—because he is an intelligent man who knows very well what he has said—and what, therefore, could flow from his words as actions as our representative in the State Department as its Legal Adviser.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes, with the time counting toward the postcloture debate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

METRO COLLISION

Mr. CARDIN. Mr. President, I rise today to offer my condolences to the families and loved ones of those who lost their lives in the tragic collision of two Metro trains this past Monday evening. This accident is the most devastating, by any measure, in Metro's history, and it has affected our entire region. My prayers are with those who lost their lives and my deepest sympathies are with their families, friends, and all those they touched.

I want to take a moment to praise the first responders, who worked tirelessly through the night to rescue the injured and save lives. It is during tragedies such as this that we can fully appreciate the heroism and bravery of our first responders.

At this time, we don't know the cause of the crash, and it may take considerable time for the National Transportation Safety Board to complete its investigation and make a determination. We certainly will do everything we can in this body to assist the National Transportation Safety Board in their investigation, make sure it is thorough and complete, and that we fully understand how this tragedy occurred.

News reports found that the train car that caused the fatal accident was an older model that the Federal safety officials had recommended for replacement. It didn't have the data recorder or modern improvements to stand up to a collision, and it may have been 2 months behind in its scheduled maintenance. Metro officials are replacing these aging cars that date back to the 1970s. These costly replacements are being made but at a pace that is too slow.

Funding shortfalls have caused Metro to make repairs instead of replacing aging equipment or structures throughout the system. Last year, I visited the Shady Grove Station and witnessed firsthand how they literally are using wood planks and iron rods to prop up station platforms. They have been forced to make accommodations to keep the system running in the safest possible manner.

The Washington Metro rail system is the second busiest commuter rail system in America, carrying as many as a million passengers a day. It carries the equivalent of the combined subway ridership of BART in San Francisco, MARTA in Atlanta, and SEPTA in Philadelphia each day. But more than three decades after the first train started running, the system is showing severe signs of age. Sixty percent of the Metro rail system is more than 20 years old. The costs of operations maintenance and rehabilitation are tremendous.

This is not only the responsibility of the local jurisdictions that serve Metro—the State of Maryland, Virginia, and Washington, DC—but there is also a Federal responsibility in regard to these cars. Federal facilities are located within footsteps of 35 of Metrorail's 86 stations. Nearly half of Metrorail's rush hour riders are Federal employees. This is our Metro system. We have a responsibility. Approximately 10 percent of Metro's riders use the Metrorail stations at the Pentagon, Capital South, and Union Station, serving the military and the Congress.

In addition, Metro's ability to move people quickly and safely in the event of a terrorist attack or natural disaster is crucial. The Metro system was invaluable on September 11, 2001, proving its importance to the Federal Government and the Nation during the terrorist attacks of that tragic day.

There is a clear Federal responsibility to this system.

Metro is unique from any other major public transportation system across the country because it has no dedicated source of funding to pay for its operation and capital funding requirements. But we are close to resolving that issue.

I was proud to work alongside Senator MIKULSKI, Senator WEBB, and former Senator John Warner last year to pass the Federal Rail Safety Improvement Act, which was signed into law in October 2008. This law authorizes $1.5 billion over 10 years in Federal funds for Metro's governing Washington Metropolitan Area Transit Authority, matched dollar for dollar by local jurisdictions, for capital improvement. The technical details of this arrangement are nearly complete, and when done, Metro finally will have its dedicated funding sources. I compliment the States of Virginia and Maryland and the District for passing the necessary legislation.

Earlier this year, as a regional delegation, along with our new colleague, Senator MARK WARNER, we requested that the Appropriations Committee provide the first $150 million. While this is a substantial downpayment, it is not nearly enough to fulfill all of Metrorail's obligations. At the time of the bill's passage, Metro had a list of ready-to-go projects totaling about $530 million and $11 billion in capital funding needs over the next decade. Yesterday, I joined with my colleagues from Maryland and Virginia in sending another letter to the chairman and ranking member of the Appropriations Committee reiterating our urgent request for a first-year installment of $150 million in funding for WMATA. Earlier today, I was pleased to announce $34.3 million in additional funding for the purchase of new Metro cars. This was the last installment of a 3-year, $104 million commitment. However, only a steady, major stream of funding will help WMATA make the investments needed to reassure the commuters, locals, tourists, families, and all Americans who ride Metro that the system is as safe and reliable as it can possibly be. I find it unacceptable that the transit system in our Nation's Capital does not have enough resources to improve safety and upgrade its aging infrastructure. While we may not know the cause of Monday's tragic collision for some time, it shined a spotlight on the dire need for improvements and upgrades to the Metrorail's infrastructure.

Again, on behalf of all our colleagues, I extend our deepest sympathies to all those affected by this horrific accident, in particular the families and loved ones of those who were killed. I hope my colleagues will join together, working with the Virginia Senators and Maryland Senators, to ensure that this body does everything it can to make sure a similar tragedy is never repeated.

HATE CRIMES LEGISLATION

Madam President, I next wish to talk about the urgent need to pass the Matthew Shepard Hate Crimes Prevention Act of 2009. We passed this 2 years ago, and unfortunately we were unable to reconcile it with the other body.

In the last 2 years, we have had constant reminders of the need to pass this legislation. Just this past June 15, Steven Johns, a security guard at the U.S. Holocaust Museum, lost his life to a person who was deranged but who also was acting under hate. On February 12, 2008, Lawrence King, a 15-year-old student, lost his life because he was gay. On election night, we saw two men go on a killing spree against African Americans because America elected its first African-American President. In July of last year, four teenagers killed a Mexican immigrant and used racial slurs, making it clear it was a hate crime. In 2007, there were 7,600 reported hate crimes in America—150 in my own State of Maryland. So we need to do something about this. The trends have not been positive. They have been negative. Crimes against Latinos, based upon hate, have increased steadily since 2003. In 2007, we saw the highest number of hate crimes against lesbians, gays, bisexual and transgendered, up 6 percent from the year before. The number of supremacist groups in America has increased dramatically. There has been an increase in anti-Semitism between 2006 and 2007. The list goes on and on.

My point is this: We are seeing a troubling trend in America, with increased violence caused by hate-type activities. We need to act. The Federal Government needs to act. The Matthew Shepard Hate Crimes Prevention Act of 2009 will do just that. It expands the current hate crimes legislation we have on the Federal books so that it covers not just protected Federal activities but all activities in which a hate crime is perpetrated, and it extends the protections against hate crimes generated by gender, disability, gender identity, and sexual orientation. It will supplement what the States are doing. Many States are aggressively pursuing these matters. In fact, 45 States and the District of Columbia have passed their own hate crimes statute, and 31 include sexual orientation as a protected right.

The reason we need the Federal law is that the Federal Government has the resources and the capacity to respond when many times the States cannot. And I want to make it clear that this bill fully protects first amendment rights. This protection is against violent acts, not against speech. Hate crimes not only affect the victim, but they affect the entire community. It is time for us to act, and I hope we will soon pass the Matthew Shepard Hate Crimes Prevention Act of 2009.

HEALTH CARE REFORM

Lastly, I wish to talk about health care reform. There has been a lot of debate in this body, a lot of conversation about health care reform and what we need to do. I hope the only option that is not on the table is the status quo. We cannot allow the current system to continue.

I say that for several reasons. First is the matter of cost. The Nation cannot afford the health care system we have now. Last year, the Nation's health care costs totaled $7,400 for every man, woman, and child in this country, for a total of $2.4 trillion. We spent 15 percent of our gross domestic product on health care in 2006—the highest country by far. Switzerland, which is No. 2, spends 11 percent, and the average of the OECD nations is 8½ percent. We spend approximately twice as much as the industrial nations of the world spend on health care. And we don't have the results to warrant this type of expenditure. Of the 191 countries ranked by the World Health Organization, we are ranked 37th on overall health systems performance—behind France, Canada, and Chile, just to mention a few. We rank 24th on health life expectancies, and we ranked No. 1, by far, on health care expenditures. Between 2000 and 2007, the median earnings of Maryland workers increased 21 percent. Yet health insurance premiums for Maryland families rose three times faster than the median earnings in that same time period.

So we can't afford the cost of health care in America. It is crippling our economy, and our budgets are not sustainable. We are having a hard time figuring out how we are going to bring down the Federal deficit. When we look at the projected numbers, if we don't get health care costs under control, it is going to be extremely difficult to figure out how to balance budgets in the future. We need to bring down the cost of health care if America is going to be competitive in this international competitive environment.

For all those reasons, we need to do it. Yet we know we have 46 million Americans—despite how much money we spend—who don't have health insurance, and that is 20 percent higher than 8 years ago. We are running in the wrong direction. In my State of Maryland, 760,000 people do not have health insurance. Every day, people in Maryland and around the Nation are filing personal bankruptcy because they can't afford the health care bills they have. We have to do something about this.

I wish to thank and congratulate President Obama for bringing forward a reform that I hope will be embraced by this body. It certainly has been embraced by the American people. They understand it. We build on our current system. We want to maintain high quality. And I say that coming from a State that is proud to be the home of Johns Hopkins University and its great medical institution; the University of Maryland Medical Center, with its discoveries; and certainly NIH. This is a State—a nation—that is proud of its medical traditions of quality. We want to maintain choice. I want the constituents in Maryland and around the country to not only choose their doctor and their hospital but to choose the health care plans they can participate in, and we certainly want to make sure this is affordable. So for all those reasons, we want to build on the current system.

Let me talk about one point that has gotten a lot of attention, and that is whether we should have a public option. I certainly hope we have a robust public insurance option, and I say that for many reasons. Public insurance has worked in our system. Just look at Medicare. If the Federal Government did not move for Medicare, our seniors would not have had affordable health care coverage, our disabled population would not have had affordable health care coverage. I don't know of a single Member of this body who is suggesting that we repeal Medicare, and that is a public insurance option.

A public insurance option does not have the government interfering with your selection of a doctor. The doctors and hospitals are private. We are talking about how we collect pay for these bills. And Medicare has worked very well, as has TRICARE for our military community. So we want to build on that experience.

The main reason we want a public insurance option is to keep down cost. That is our main reason. We know Medicare Advantage is a private insurance option within Medicare. I am for a private insurance option in Medicare, but I oppose costing the taxpayers more money because of that. We know Medicare Advantage costs between 12 to 17 percent more for every senior who enrolls in the private insurance option. The CBO—Congressional Budget Office—tells us that cost is $150 billion over 10 years. So this is a cost issue.

I remember taking the floor in the other body when we were talking about Medicare Part D, the prescription drug part of the Medicare system. I urged a public insurance option at that time, on the same level playing field as private insurance so that we could try to keep the private insurance companies honest and have fair competition. We didn't do that. As a result, the Medicare Part D Program is costing the taxpayers more than it should.

So my main reason for saying we need to have a public insurance option is to keep costs down, but it also provides a guaranteed reliable product for that individual who is trying to find an affordable insurance option, for that small business owner who today finds it extremely difficult to find an affordable, reliable product available in the private insurance marketplace. Maybe the private insurance marketplace will be up to the challenge with 46, 47 million more people applying for insurance in America. I want to make sure they are. And having a public insurance option puts us on a level playing field and allows the freedom of choice for the consumer as to what insurance product they want to buy and the freedom of choice to choose an insurance product that allows them to choose their own private doctor and hospital.

There are plenty of positive proposals, and I congratulate the leadership on the Finance Committee and on the HELP Committee for the manner in which they are working to bring down health care costs—first by universal coverage. Universal coverage will bring down health care costs. We know that someone who has no health care insurance uses the emergency room. It costs us a lot of money to use the emergency room. We want to get care out to the community, and with universal coverage it will bring down costs.

Preventive health care saves money. It saves money and it saves lives. It provides better, healthier lives for individuals, but it also saves money. We know that providing a test for a person for early detection of a disease costs literally a couple hundred dollars compared to the surgery that might be avoided which costs tens of thousands of dollars. So this is about cost, about saving lives, and about a better quality of life with preventive health care. I congratulate the committees for really coming together on this issue.

Also, the better use of health information technology will not only save us money in the administrative aspect of health care but actually in the delivery of care. If we know about a person and we can coordinate that person's care, we can bring down the cost of care and prevent medical errors.

For all those reasons, I strongly concur in what our committees are doing currently to reform our health care system to bring down costs.

One last point is the need for us to work together. I do reach out to every Member of this body to say: Look, I don't know of anyone who says our system is what it should be. Everyone agrees we are spending too much money. I haven't talked to a single Senator who believes we can't cut the cost of health care. We have to bring down the cost of health care. I think all of us agree we have to do a better job in preventive care and we have to do a better job of having an affordable product for those who don't have health insurance today. We all agree on that.

Let's listen to each other and work together. This is not a Democratic problem or a Republican problem. It cries out for Democrats and Republicans to work together to solve one of the most difficult problems facing our Nation. I congratulate President Obama for being willing to tackle this problem, and I urge all colleagues to join in this debate so, at the end of the day, we can pass reform that will truly bring down the cost of health care to America, be able to say America still leads the world in medical technology, and allows that care to be available to all the people of our country.

That is our goal. We can achieve it working together, and I look forward to working with my colleagues in achieving that goal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. SESSIONS. Madam President, the individual right to keep and bear arms—I think a fundamental right guaranteed by the explicit text of the second amendment of the U.S. Constitution—is at risk today in ways a lot of people have not thought about.

Although the Supreme Court recently held that the second amendment is an individual right, which is a very important rule, many significant issues remain unresolved, which most people have not thought about.

The Supreme Court, including whoever will be confirmed to replace Justice Souter, will have to decide whether the second amendment has any real force or whether, as a practical matter, to allow it to eviscerate its guarantees.

The second amendment says that ''the right of the people to keep and bear Arms, shall not be infringed.'' ''[T]he right of the people to keep and bear Arms, shall not be infringed.'' I know there is a preamble about a well-regulated militia being important to the security of the State, but the Supreme Court has ruled on that in Heller and said that does not obviate the plain language that the right to keep and bear arms is a right that individual Americans have, at least vis-a-vis the U.S. Government.

Not all the amendments, I would say, are so clearly a personal right. The first amendment, if you will recall, protects freedom of religion and freedom of speech. It talks about restricting Congress: Congress shall make no law with respect to the establishment of a religion or prohibiting the free exercise thereof.

So some could argue that does not apply to the States. It would apply only to the Federal Government because it explicitly referred to it. However, the Supreme Court has held it does apply to the States, and the right of speech and press and religion are applicable to the States and bind the States as well.

In the case of District of Columbia v. Heller, the Supreme Court recently held that the second amendment ''confer[s] an individual right to keep and bear arms.'' This is consistent with the Constitution and was a welcome and long-overdue holding.

Despite this holding, however, many important questions remain. For example, it is still unsettled whether the second amendment applies only to the Federal Government or to the State and local governments as well—a pretty big question. This question will determine whether individual Americans will truly have the right to keep and bear arms because if that is not held in that way, it would allow State and local governments—not bound by the second amendment—to pass all sorts of restrictions on firearms use and ownership. They may even ban the ownership of guns altogether.

So we are talking about a very important issue. Remember, the District of Columbia basically banned firearms. It is a Federal enclave, in effect, with Federal law. And the Supreme Court held that the Federal Government could not violate the second amendment, was bound by the second amendment, and that legislation went too far. But they, in a footnote, noted they did not decide whether it applies to the States, cities, and counties that could also pass restrictions similar to the District of Columbia.

President Obama, who nominated Judge Sotomayor, has a rather limited view of what the second amendment guarantees.

In 2008, he said that just because you have an individual right does not mean the State or local government cannot constrain the exercise of that right—exactly the issues the Supreme Court has not resolved yet. Can States and localities constrain the exercise of that right in any way they would like?

In 2000, as a State legislator, the President cosponsored a bill that would limit the purchase of handguns to one a month.

In 2001, he voted against allowing the people who are protected by domestic violence protective orders—because they felt threatened—he voted against legislation that would allow them to carry handguns for their protection.

So there is some uncertainty about his personal views.

Let's look at Judge Sotomayor, whom the President nominated, and her record on the second amendment. That record is fairly scant, but we do know that Judge Sotomayor has twice said the second amendment does not give you and me and the American people a fundamental right to keep and bear arms.

The opinions she has joined have provided a breathtakingly, I have to say, short amount of analysis on such an important question to the U.S. Constitution. And the opinions she has written lack any real discussion of the importance of these issues, in an odd way.

Judge Sotomayor has gone from sort of A to Z without going through B, C, D, and so forth. For example, in her most recent opinion in January of this year—Maloney v. Cuomo—which asked whether the Supreme Court's protection of the right to bear arms in DC—the Heller case—would apply to the States, she spent only two pages to explain how she reached her conclusion. Her conclusion was that it did not.

The Seventh Circuit dealt with this same question and reached the same conclusion, but they gave the issue the respect it deserved and had eight pages discussing this issue, at a time when Judge Sotomayor only spent about two pages on it and not very much discussion at all.

The Ninth Circuit reached a different opinion. They say the second amendment does apply to individual Americans and does bar the cities of Los Angeles or New York or Philadelphia from barring all hand guns because you have an individual constitutional right to keep and bear arms. So the Ninth Circuit disagreed, and they had 33 pages in discussing this important issue.

Further, in deciding that the second amendment applies to the people, the majority in the Supreme Court dedicated, in Heller, 64 pages to this important issue. Including dissents and concurrences on that decision, the entire Court generated 157 pages of opinion. Judge Sotomayor wrote only two pages in a very important case as important as Heller. Judge Sotomayor's lack of attention and analysis is troubling.

These truncated opinions also suggest a tendency to avoid or casually dismiss constitutional issues of exceptional importance. Other examples might include the New Haven firefighters case, Ricci v. DeStefano, which is currently pending before the Supreme Court on review, and the fifth amendment case of Didden v. Village of Port Chester, which was recently discussed in the New York Times. It dealt with condemnation of a private individual's property. All those were serious constitutional cases. They had the most brief analysis by the court, which is odd.

I do not think it is right for us to demand that we know how a judge will rule on a case in the Supreme Court. I am not going to ask her to make any assurances about how she might rule. But I do think it will be fair and reasonable to ask her how she reached the conclusions she reached and perhaps why she spent so little time discussing cases of fundamental constitutional importance.

I am not the only one who has been troubled by the second amendment jurisprudence of Judge Sotomayor. As I mentioned previously, the Ninth Circuit disagreed with her opinion and held that the second amendment is a fundamental right applicable to the States and localities.

Additionally, in a June 10 editorial, the Los Angeles Times—a liberal newspaper—disagreed with her view in Maloney as to whether the second amendment applies against States and localities.

Moreover, in a June 10 op-ed in the Washington Times, a leading academic argued that the decision in Maloney was flawed.

So these are critical questions that will determine whether the people of the United States have a fundamental right guaranteed by the Constitution to keep and bear arms. So I think it is important and it is more than reasonable for the Senators to analyze the opinions on this question and to inquire as to how the judge reached her decisions and what principles she used in doing so.

I would say we are moving forward with this confirmation process. It is a

difficult time for us in terms of time. There are now only eight legislative days before the hearings start. There is a lot of work to be done, a lot of records that have not yet been received. So our team and Senators are working very hard, and we will do our best to make sure we have the best hearings we have ever had for a Supreme Court nominee.

I see my colleague, Senator HATCH, in the Chamber, who is a fabulous constitutional lawyer and former chairman of this Judiciary Committee. I was honored to work for him, serve under him, when he was our leader. I know whatever he says on these subjects is something the American people need to listen to because he loves this country, he loves our Constitution, and he understands it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleague for his comments. He knows how deeply I respect him and how proud I am that he is the Republican leader on the Judiciary Committee. He will do a terrific job, and has been doing a terrific job, ever since he took over.

Considering a Supreme Court nominee is one of this body's most important responsibilities. I come at this wanting to support whomever the President nominates. The President has the right to nominate and appoint, and we have a right, it seems to me, to vote up or down one way or the other and determine whether we will consent to the nomination. We can also give advice during this time.

Only 110 men and women have so far served on our Nation's highest Court, and President Obama has now nominated Judge Sonia Sotomayor to replace Justice David Souter. Our constitutional rule of advise and consent requires us to determine whether she is qualified for this position by looking at her experience and, more importantly, her judicial philosophy.

President Obama has already described his understanding of the power and role of judges in our system of government. He has said he will appoint judges who have empathy for certain groups and that personal empathy is an essential ingredient for making judicial decisions. Right off the bat, President Obama's vision of judges deciding cases based on their personal feelings and priorities is at odds with what most Americans believe. A recent national poll found that by more than three to one, Americans reject the notion that judges may go beyond the law as written and take their personal views and feelings into account.

Judge Sotomayor appears to have endorsed this subjective view of judging. In one speech she gave several times over nearly a decade, she endorsed the view that there is actually no objectivity or neutrality in judging, but merely a series of perspectives. She questioned whether judges should even try to set aside their personal sympathies and prejudices in deciding cases, a view that seems in conflict with the oath of judicial office which instead requires impartiality.

We must examine Judge Sotomayor's entire record for clues about her judicial philosophy. She was, after all, a Federal district court judge for 6 years and has been a Federal appeals court judge for nearly 11 more. While we were told that this is the largest Federal judicial record of any Supreme Court nominee in a century, we are being allowed the shortest time in recent memory to consider it. The 48 days from the announcement to the hearing for Judge Sotomayor is more than 3 weeks—more than 30 percent—shorter than the time for considering Justice Samuel Alito's comparable judicial record. There was no legitimate reason for this stunted and rushed timetable, but that is what the majority has imposed on us and that is where we are today.

I wish to take a few minutes this afternoon to look at Judge Sotomayor's judicial record on a very important issue to me and, I think, many others in this body: the right to keep and bear arms protected by the second amendment to the Constitution.

Some can be quite selective about constitutional rights—prizing some, while ignoring others. Some even trumpet rights that are not in the Constitution at all as more important than those that are right there on the page. It appears that Judge Sotomayor has taken a somewhat dim view of the second amendment. Two issues related to the scope and vitality of the right to keep and bear arms are whether it is a fundamental right and whether the amendment applies to the States as well as to the Federal Government. On each of these issues, Judge Sotomayor has chosen the side that served to limit, confine, and minimize the second amendment. She has done so without analysis, when it was unnecessary to decide the case before her, and even when it conflicted with Supreme Court precedent or her own arguments.

In a 2004 case, for example, a Second Circuit panel including Judge Sotomayor issued a short summary order affirming an illegal alien's conviction for drug distribution and possession of a firearm. The case summary and headnotes supplied by Lexis take up more space than the three short paragraphs proffered by the court. Judge Sotomayor's court rejected a second amendment challenge to New York's ban on gun possession in a single sentence relegated to a footnote with no discussion, let alone any analysis of the issue whatsoever. In fact, the court neither described the appellant's argument nor indicated how the district court had addressed this constitutional issue, but merely cited a Second Circuit precedent for the proposition that the right to possess a gun is ''clearly not a fundamental right.''

That is pretty short shrift for a constitutional claim. Last year, in the District of Columbia v. Heller, the Supreme Court held that the second amendment right to keep and bear arms is an individual rather than a collective right. But the Court also noted that by the time of America's founding, the right to have arms was indeed fundamental, and that the second amendment codified this preexisting fundamental right. Several months later, a Second Circuit panel including Judge Sotomayor affirmed a conviction under State law for possessing a weapon. Citing a 1886 Supreme Court precedent, the Second Circuit held that under the Constitution's privileges and immunities clause, the second amendment applies only to the Federal Government, not to the States. Whether correct or not, that holding was obviously enough to decide the issue in that particular case. Judge Sotomayor's court, however, went beyond what was necessary to further minimize the second amendment by once again characterizing it as something less than a fundamental right. The court said that there need be only a so-called rational basis to justify a law banning such weapons, a legal standard it said applies where there is no fundamental right involved. The court simply ignored and actually contradicted the Supreme Court's decision in Heller by treating the second amendment as protecting less than a fundamental right. In fact, the very 1886 precedent Judge Sotomayor's court cited to hold that the second amendment limits only the Federal Government recognized the preconstitutional nature of the right to bear arms. Her court never addressed these contradictions.

The Seventh Circuit has since also held that under the privileges and immunities clause, the second amendment limits only the Federal Government. But the Ninth Circuit last month held that under the Constitution's due process clause, the second amendment does indeed apply to the States. These courts gave this issue much more analysis than did Judge Sotomayor's court and neither found it necessary to address whether the right to keep and bear arms is fundamental. I wish Judge Sotomayor's court had shown similar restraint.

It appears that Judge Sotomayor has consistently and even gratuitously opted for the most limiting, the most minimizing view of the second amendment. No matter how distasteful, this result would be legitimate if it followed adequate analysis, if it properly applied precedent, and if it was necessary to decide the cases before her. In that event, it would not like it but probably could not quarrel with it. But as I have indicated here, this is not the case. There was virtually no analysis, her conclusion conflicted with precedent, and was unnecessary to decide the cases before her. This is not the picture of a restrained judge who has set aside personal views and is focusing on applying the law rather than on

reaching politically correct results. These are serious and troubling issues which go to the very heart of the role judges play in our system of government. These are elements not from her speeches but from her cases that give shape to her judicial philosophy. We have a written Constitution which is supposed to limit government, including the judiciary. We have the separation of government power under which the legislative branch may employ empathy to make the law, but the judicial branch must impartially interpret and apply the law. We have a system of self-government in which the people and their elected representatives make the law and define the culture. It is no wonder that most Americans believe that judges must take the law as it is, not as judges would like it to be, and decide cases impartially. That is exactly what judges are supposed to do if our system of ordered liberty based on the rule of law is to survive.

President George Washington said that the right to keep and bear arms is ''the most effectual means of preserving peace.''

Justice Joseph Story, in his legendary commentaries on the Constitution, called this right the ''palladium of the liberties of a republic.''

I, for one, am glad that our Founders did not give short shrift to this fundamental individual right.

Let me close my remarks this afternoon by saying that these are some of the questions that need answers, issues that need clarification, and concerns that need to be satisfied as the Senate examines Judge Sotomayor's record. Perhaps such answers, clarification, and satisfaction exist. My mind is open, and I look forward to the hearing in which these and many other matters no doubt will be raised. These are important issues that can't be shunted aside as though they are unimportant, and Judge Sotomayor needs to answer some of these issues and questions that we are raising as we go along.

I told her that we will ask some very tough questions and that she is going to have to answer them. She understands that, and I appreciate that.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I rise today to follow up on some of the comments made by my colleagues who had come to the floor to talk about the nomination of Judge Sotomayor to the Supreme Court of the United States.

Any confirmation the Senate considers is important but none more so than a lifetime appointment to the most distinguished judicial office in our Nation.

Now that the President has nominated Judge Sotomayor, it is the Senate's job to give advice and consent. As Alexander Hamilton told the Constitutional Convention:

> Senators cannot themselves choose—they can only ratify or reject the choice of the President.

I take this role very seriously, as do all of my Senate colleagues. In fact, just 3½ years ago, on this very floor, one of our colleagues in the Senate at the time rose and gave the following views on a then-pending Supreme Court nomination. I will quote for you what he said:

> There are some who believe that the President, having won the election, should have complete authority to appoint his nominee and the Senate should only examine whether the Justice is intellectually capable and an all-around good person; that once you get beyond intellect and personal character, there should be no further question as to whether the judge should be confirmed. I disagree with this view. I believe firmly that the Constitution calls for the Senate to advise and consent. I believe it calls for meaningful advice and consent and that includes an examination of the judge's philosophy, ideology, and record.

The Senator who made those remarks was then-Senator Obama. He spoke those words in January 2006 on this floor when the Senate was debating the confirmation of now-Supreme Court Justice Samuel Alito.

I, like the President, believe it is the Senate's constitutional duty to thoroughly review all nominees to the Federal bench, especially those who will have a lifetime appointment to the highest Court in our Nation. This review should be thorough and fair and cover a nominee's background, judicial record, and adherence to the Constitution. This is especially true with the voluminous judicial record Judge Sotomayor has compiled, with over 3,600 Federal district and appellate level decisions. The Senate must also work to ensure that the nominee will decide cases based upon the bedrock rule of law as opposed to their own personal feelings and political views.

As part of this confirmation process, I had the opportunity this morning to meet with Judge Sotomayor. Like many in this body, I agree that she has an impressive background, as well as a compelling personal story. But what we have to do is examine and look at her record when it comes to her understanding of the Constitution, especially as it relates to the second amendment right to bear arms, and that is an area where I have significant concerns.

While sitting on the Second Circuit Court of Appeals, Judge Sotomayor consistently advanced a narrow view of the second amendment and did so with little explanation or reasoning. For example, twice, Judge Sotomayor has ruled that the second amendment is not a ''fundamental right.'' The first time she did so with a one-sentence footnote, and most recently it was simply stated as fact without any explanation or reasoning being provided. Judge Sotomayor's views on whether the second amendment right to bear arms is a fundamental right are so important because the Supreme Court has made this determination a key element in deciding whether to apply parts of the Bill of Rights, such as the second amendment, to State and local governments.

This question, also known as incorporation, is likely to be the next second amendment issue the Supreme Court will consider because the circuit courts of appeal are split, and the Supreme Court specifically noted that they were not deciding this issue in the landmark District of Columbia v. Heller decision, which was decided last year.

What is most troubling to me, though, is that these second amendment cases point out a disturbing trend that legal experts have expressed about Judge Sotomayor: That she has a record of avoiding or casually dismissing difficult and important constitutional issues. It doesn't take an attorney to notice that Judge Sotomayor's discussion of incorporation, a challenging and constitutionally significant issue, consists of just a few paragraphs. In contrast, the opinions for both the Ninth Circuit and the Seventh Circuit discuss the issue at length and, in doing so, give this important issue the attention and analysis it deserves. While I understand that writing styles can and do vary, even in the writing of judicial opinions, I am still concerned about the apparent lack of thoughtfulness and thorough reasoning in her decisions.

Another example of a Judge Sotomayor opinion that appears to be unnecessarily short and inadequately reasoned is the Ricci v. DeStefano case, or more popularly known as the New Haven firefighter promotion case. In this case, a three-judge panel, which included Judge Sotomayor, published an unusually short and unsigned opinion that simply adopted the lower district court's ruling without adding any original analysis. Even one of Judge Sotomayor's own mentors, Judge Jose Cabranes, commented that the Ricci opinion ''contains no reference whatsoever to the constitutional claims at the core of this case'' and that the ''perfunctory disposition [of the case] rests uneasily with the weighty issues presented by this appeal.'' Without careful reasoning being provided, critics and supporters alike have been left to wonder on what basis these decisions have been made. I am left with concerns about these rulings and whether they are based upon personal views and feelings rather than the rule of law.

My short meeting with Judge Sotomayor this morning did not provide either of us with enough time to address these issues and these concerns at length, and that is why, like many colleagues, I will be monitoring closely the confirmation hearings that are set to occur next month. During those hearings, it is my hope that the members of the Judiciary Committee will take the necessary time to explore and thoroughly examine her positions and legal reasoning, especially on the second amendment, in greater detail.

I, like many of my colleagues, am anxious to see this process move forward. We also understand the weight that is attached to the constitutional role of the Senate when it comes to advice and consent. When you consider a

lifetime appointment to the highest Court in the land, you better make sure that you do your homework and that you thoroughly and completely and fairly examine the record.

I hope the Judiciary Committee—and I know they will—will conduct this in a way which is consistent with the tone that ought to be a part of this. It ought to be a civil discussion. It also needs to be thorough because we are talking about a lifetime appointment to the Supreme Court. Whoever ends up on that Court will be faced with a great many issues, all of which have lasting consequences for this great Republic.

In my view, it is important that we have judges who are put on the Supreme Court who understand that the role of the judiciary in our democracy is not to play or take sides; it is to be the referee, the umpire, to be someone who applies the Constitution, the laws of the land, fairly to the facts in front of them in the cases they will hear. I certainly hope that, as we have an opportunity to more thoroughly review the record of this nominee, the members of the Judiciary Committee and all of the Members of the Senate will take that responsibility very seriously. That will be the criteria and the filter by which I look at this nominee—whether or not, in my view, she exercises an appropriate level of judicial restraint and doesn't view the role of a judge in our judiciary system in this country to be that of an activist, someone who expresses personal feelings or tries to advance a particular political agenda, but someone who, in terms of philosophy and temperament, is committed to that fundamental principle of judicial restraint, which is a hallmark of our democracy and has been for well over 200 years.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. 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. THUNE. Mr. President, I didn't have an opportunity to address the Koh nomination this morning. We had a cloture vote on the nomination of Harold Koh to be the next State Department Legal Adviser. I wish to express some of the views and concerns I have. Obviously, cloture was invoked this morning, and my guess is that he will ultimately be confirmed. We have an opportunity in a postcloture period to talk a little bit about this nominee.

I have to say this is an important position. If confirmed, Mr. Koh would be the top lawyer at the State Department and would be involved in the negotiation, the drafting, and the interpretation of treaties and U.N. Security Council resolutions. He would also represent the United States in other international negotiations, at international organizations, and before the International Court of Justice. To put it simply, he would be viewed as the top legal authority for the United States by the international community.

Similar to Judge Sotomayor, Mr. Koh highlights an alarming trend which I think we see in some of President Obama's nominees. They have impressive backgrounds, but when their records are examined in detail, there are substantive questions about their understanding of the Constitution. For example, Mr. Koh has said repeatedly, including at his confirmation hearing, that he believes the congressionally authorized 2003 U.S. invasion of Iraq ''violated international law'' because the United States had not received ''explicit United Nations authorization'' beforehand. He also said that the U.S. Supreme Court should ''tip more decisively toward a transnationalist jurisprudence'' as opposed to basing decisions on the U.S. Constitution and laws made pursuant to it.

His views on the second amendment are also extremely worrisome. In a speech called ''A World Drowning in Guns,'' which was given at Fordham University Law School in 2002 and later published in the Law Review, he explains why he believed there should be a global gun control regime and admits that ''we are a long way from persuading government to accept a flat ban on the trade of legal arms.''

He concludes his speech with this statement:

> When I left the government several years ago, my major feeling was of too much work left undone. I wrote for myself a list of issues on which I needed to do more. One of those issues was the global regulation of small arms.

Given, again, that Mr. Koh will be the top legal adviser at the State Department on both domestic and international issues, I have concerns, because of statements such as these, that he could place his own personal agenda ahead of the needs of our country and the Constitution.

So we will have an opportunity probably—we have had the cloture vote on the nomination, but I wanted to express for the record my concerns about this nominee and the types of statements he has made in the past, the type of agenda he has expressed support for, and how, in my view, it contradicts many of the basic constitutional freedoms and rights—the second amendment being one—that I would raise as a major concern but also this notion that transnational jurisprudence—that the Supreme Court ought to tip more decisively in that direction. That is a cause for great concern.

I hope that on final disposition of this nominee, the Senate will vote to reject this nomination. It is, in my view, dangerous to the national security interests of the United States and some of our basic constitutional freedoms when he rules in the way he has in the past and continues to issue statements that, in my view, are very troublesome. I will be opposing this nomination, and I hope my colleagues will as well.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. DURBIN. It is my understanding we are postcloture, speaking on the nomination of Harold Koh to be Legal Adviser for the Department of State; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Mr. President, earlier today the Senate voted to invoke cloture and move forward with this nomination. Sixty-five Senators recognized the extraordinary qualifications that Mr. Koh will bring to the State Department. Yet in the last few weeks, some Senators on the other side of the aisle have done everything they can to slow down the work of the Senate, even going so far as to delay the consideration of a bill to promote tourism in America. That is a noncontroversial bill with 11 Republican cosponsors but a bill that could only get two Republican Senators to support it when we asked to move it forward.

Unfortunately, the same thing is happening with the nomination of Mr. Koh. This is a nomination which is not controversial for most Members of the Senate—65 supported going forward. Yet the Republicans are insisting, as they have the right to do under Senate rules, that we delay for maybe up to 30 hours before we actually get to the vote. If we are going to waste that much time on a noncontroversial nomination for a person to become Legal Adviser to the State Department, the people of this country have a right to ask what is the goal of the Republicans in doing this?

There is a lot we need to do in the Senate. There is a lot the American people are counting on us to do, measures we should be considering. I have a bipartisan measure on food safety. I have been working on this for over 10 years. There is not a week that goes by that there is not some new press report about something dangerous: pet food, cookie dough—you name it. All of these things have been in the headlines over the last several years, and we can do a better job making sure the items we purchase at our local stores for our families, for our pets, are safe; making sure the things we import from other countries are safe. But we cannot even get to that measure because there is a strategy on the Republican side of the aisle to stop us, to delay as much as possible to try to make sure the Senate does as little as possible.

In the last election, the people of this country said: We think it is time for change in this town of Washington. We are sick and tired of this partisan bickering and this waste of time and Democrats banging heads with Republicans. Why don't you all just roll up your sleeves and be Americans for a change and try to solve the problems? You may not get it completely right, but do your best and work at it. Spend some time on it.

Look at what we have, an empty Chamber. This Senate Chamber should be filled with debate on critical issues, but it is not because, unfortunately, this is a procedural strategy on the other side of the aisle which is slowing us down.

This man whose nomination is before us should have just skated through here. This is an extraordinarily talented man. Mr. Harold Koh has a long and distinguished history of serving his country and the legal profession. During the Reagan administration, a Republican President's administration, he was a career lawyer in the Office of Legal Counsel at the Department of Justice; in 1998, unanimously confirmed as the U.S. Assistant Secretary of State for Democracy, Human Rights and Labor, a bureau in the State Department that champions many of our country's most cherished values around the world.

Mr. Koh's academic credentials are amazing—a Marshall Scholar at Oxford, graduate of Harvard Law School, editor of the Harvard Law Review, and he went on to be a clerk at the Supreme Court across the street, which is about as good as it gets coming out of law school.

Since the year 2004, Harold Koh has served as dean of the Yale Law School. Mr. Koh was a Marshall Scholar at Oxford. He has been awarded 11 honorary degrees and 30 human rights awards.

I don't know that you could present a stronger resume for a man who wants to serve our country, to be involved in public service and step out of his professional life as a lawyer in the private sector, with law schools. He has been endorsed by leaders, legal scholars from both political parties, including the former Solicitor General, Ted Olson, former Independent Counsel Ken Starr, former Bush Chief of Staff Josh Bolton, seven former Department of State Legal Advisers, including three Republicans, more than 100 law school deans, and 600 law school professors from around the country. What more do we ask for someone who wants to serve this country?

Several retired high-ranking military lawyers have written: If the U.S. follows Koh's advice, as State Department Legal Adviser:

[It] will once again be the shining example of a Nation committed to advancing human rights that we want other countries to emulate.

Here is an excerpt from a recent letter for support Ken Starr sent to Senators KERRY and LUGAR. I have had my differences with Ken Starr. Politically we are kind of on opposite sides. Here is what he said of Dean Koh, who is being considered by this empty Senate Chamber as we burn off 30 hours. He wrote:

My recommendation for Harold comes from a deep, and long-standing, first-hand knowledge. We have been vigorous adversaries in litigation. We embrace different perspectives about a variety of different substantive issues. As citizens, we no doubt vote quite differently. But based on my two decades of interaction with Harold, I am firmly convinced that Harold is extraordinarily well qualified, to serve with great distinction in the post of legal adviser. . . . Harold's background is, of course, the very essence of the American dream. . . . Harold embraces, deeply, a vision of the goodness of America, and the ideals of a nation, ruled, abidingly, by law.

There is overwhelmingly bipartisan support for Harold Koh. Usually these nominations are done routinely late at night when there are few people on the floor, and when we are going through a long series of things to do. Someone with this kind of background does not even slow down as they move through the Senate on to public service.

But, unfortunately, the strategy on the other side of the aisle is to slow things down, do as little as possible this week. I sincerely hope that when the time comes, when the 30 hours have run, when the Republicans have finally decided they do not want to delay the Senate any longer, they will bring Mr. Koh's nomination to a vote.

I enthusiastically support his nomination and encourage my colleagues to join me in voting him out of the Senate quickly so he can continue his record of public service.

HEALTH CARE REFORM

Mr. President, you are well aware from your State of Oregon and from my State of Illinois how much this health care reform debate means to everybody we represent. When you ask the American people what we can do about health insurance, 94 percent of people across America overwhelmingly support change in our current health care system. Some 85 percent of the people across this country, Democrats, Republicans, and Independents, say that the health care system needs to be fundamentally changed.

This is the time to do it. This is the President to lead us in doing it. We had better seize this moment. If we do not, if we miss it, we may never have another chance for years and years to come. That is unfortunate.

Democrats want to build on what is good about the current system. It is interesting that so many people would say we should change the health care system, but about three out of four people say: I kind of like my health insurance.

So what we have to do first is to say we are going to keep the things in the current system that work, and only fix those things that are broken. If you have a health insurance plan that you like and you trust it is good for you and your family, you need to be able to keep it. We should not be able to take it away from you. We do not want to. That is the starting point. And then when we start to fix what is broken in the system, we address some issues that I think are really critical.

Health insurance companies today can deny you coverage because of an illness you might have had years ago, exclude coverage for what they call preexisting conditions, which sadly we all know about, or charge you vastly more because of your health status or your age.

We want to make sure that the end of the day, after health care reform, we keep the costs under control, make sure you have a choice of your doctor, make certain you have privacy in dealing with your doctors so that the doctor-patient relationship is protected and confidential.

We want to protect quality in the system, to make certain we bring out the very best in medical care, and not reward those who are doing things poorly. We believe we can do this on a bipartisan basis, with both parties working together.

Some of the critics of this effort basically are in denial that we need to change our health care system. I do not think they are taking the time to look at it closely. Whether you talk to people, average families, or small businesses, large corporations, you understand that the cost of health care now is spinning out of control, and if we do not do something dramatic and significant about it, it will become unaffordable.

I had a group of people in my office who were in the communications industry. They are union workers. They are worried because every year when they get more money per hour for working, it always goes to health insurance. They learn each year there is less coverage: pay more, get less.

We have got to do something about containing the cost of a system that is the most expensive health care system in the world. We spend, on average, more than twice as much as the next country on Earth for health care for Americans. We have great hospitals and doctors. We have amazing technology and pharmacies. But the bottom line is, other countries get better results for fewer dollars.

So the first item we must address is bringing down the cost of health care, stop it from going through the roof, so that families and businesses can afford it, and government can afford it as well.

The second thing we have to make sure we do is protect the choice of individuals for their doctor and their hospital, their providers. There are limitations now. In my home town of Springfield, IL, my health insurance plan tells me there is one preferred hospital of the two I can choose, and I know if I do not go to that hospital, I can end up with a bill I have to pay personally. So there are limitations under the current system, and that is to be expected.

But we want to limit those to as few as possible so people are able to come forward and have the basic choice they want in physicians.

Then there is a question about how to keep the costs under control. If we are going to build this new health care reform on private health insurance, the obvious question is: Will there be a government health insurance plan such as Medicare available as an option so you can look at all of the private health insurance plans you might buy, and also consider the government health insurance plan, the public health insurance plan, as an option?

This is controversial. Health insurance companies say, if we have to compete with a government plan, they will always charge less and we will not be able to compete. Others argue that if you do not have at least one nonprofit entity offering health insurance, then basically the private health insurance plans will continue to be too expensive; they will not have the kind of competition they need to bring about real savings.

Many people on the other side of the aisle have come to the floor and criticized the idea of a public interest health insurance plan. They argue it is government insurance, government health care. But most Americans know that government health care is not a scary thing in and of itself. There are 40 million Americans under Medicare. That is a government health care program. Millions of Americans are protected by Medicaid for lower income people in our country. That has a government component too.

Our veterans come back from war and go to the Veterans' Administration, a government health program. I have not heard a single Republican come to the floor and say: We need to eliminate Medicare, eliminate Medicaid, close the VA hospitals, because it is all government health care. No. For most people being served by these programs, they believe they are godsends and they do not want to lose them.

Yesterday, the minority leader, the Republican Senator from Kentucky, came to the floor and talked about a future which is fictitious. He said: A government plan where care is denied, delayed, and rationed.

Those are fighting words, because no one wants their coverage denied, they do not want to wait in a long line for surgery, and they do not want to believe they are victims of rationing. It is important for them to have medical care given to them.

The language we hear from the other side of the aisle is language we are all too familiar with. The miracle of the Internet is that people can come up with a written document now, and by pressing a button or clicking a mouse, they can send that document to lots of different people.

A couple of months ago, a Republican strategist named Frank Luntz wrote a 28-page memo to give to Republican Senators on how to defeat health care. Dr. Luntz—he calls himself ''doctor''—Dr. Luntz said: Whatever they come up with, here is the way to beat it.

He had not seen the health care reform plan that President Obama might support or the Democrats might produce. But he says: This is how we stop them from passing anything, how we delay things, deny things. And he used those words. He said: We have got to use words that Americans will identify with, buzzwords like ''deny,'' ''delay,'' ''ration.'' And those are the words we hear every week now from the other side of the aisle.

The reason I mentioned the Internet is it turns out somebody punched the wrong button on their computer, clicked the wrong mouse button, and the next thing you know that memo spread across Washington. Everybody has it.

So we have seen the play book. We kind of know the plays they are running. We know their speeches before they give them. But they still come down and give these speeches over and over again.

I guess the starting point is this: Some of my colleagues and friends on the other side of the aisle want to keep the current health care system. They think it is fine. They do not want to change it. Well, I do not join them, and most American people do not join them either.

There are winners in the current system. There are people making a lot of money under the current health care system. Health insurance companies were one of the few sectors in the economy last year, 2008, that showed profitability when most American companies that were not health insurance companies were not profitable. So were oil companies, incidentally. But the health insurance companies that are making a lot of money do not want to see this system changed. It is a good, profitable system for them. By and large, they want to keep it the way it is. There are some providers who are doing quite well under the system, some specialists are making a lot of money, some hospitals are making a lot of money. They want to keep it as it is.

But we know we cannot. It is unsustainable. It is too expensive for individuals, families, and for businesses and for government, for us not to get the cost under control.

The Republican resistance to change in health care reform is not surprising. Last week we had a cloture vote and 30 hours of debate to proceed to the consideration of a bipartisan noncontroversial bill. We have been through cloture votes and delays all of this week. We are in the middle of one right now. That is why those who are visiting the Capitol are wondering where all of the Senators are. This is a situation where the Republicans have decided they are going to force us to wait 30 hours before we do something, a waste of time that we cannot afford, and we have faced it before.

We have to understand that we need to have health care reform. The President is right that this opportunity comes around so rarely.

We have pretty good health insurance as Members of Congress. But I want to make it clear for the record, we do not have ''special'' health insurance. I have heard that argument being made. If you can get the same health insurance the Senator has, you would be set for life. We have great health insurance. But it is the same health insurance available to all Federal employees, 2 million Federal employees; 8 million employees and their families. We have a Federal health benefits program. We have an open enrollment each year to pick, in my case, from nine different health insurance plans available to me in my home State of Illinois for my wife and myself. That is a luxury most people can only dream of. All Federal employees have it, and so do Members of Congress, because we are considered Federal employees. But it is something most Americans do not have and we can make available to small and large businesses alike. It is important that we do this.

I hope we can get some support, some support from the other side of the aisle. Today in America, while we are going about our business, 14,000 Americans will wake up and realize something: Yesterday they had health insurance and today they do not. Every day in America, 14,000 Americans lose their health insurance.

I cannot imagine what life is like without health insurance. There was a time in my life when I did not have it. It was scary. I was a brandnew married father, baby on the way, and no health insurance. It happened. We made it through with a lot of bills that we took years to pay off. That goes back a long time.

Currently, if you are without health insurance, you are one diagnosis or one accident away from being wiped out. So going after bringing the cost of health insurance down is our first priority, but the second is to make sure everybody has some basic form of health insurance.

We have to understand that those of us who have health insurance pay more for our health insurance because some 47 million Americans do not have it. They present themselves to the doctors and hospitals, and in this caring Nation, we treat them and their bills are then absorbed by a system that spreads them around for all of the rest of us to pay. It is about $1,000 a year. It is a hidden tax for families, $1,000 more each year on health insurance premiums to take care of the uninsured in our country.

So now we have a chance to bring the uninsured into coverage. By bringing them into coverage, we will not only give them peace of mind, make them part of the system, we will reduce that $1,000 hidden tax every family pays who has health insurance. So we have an opportunity to do something positive about health insurance.

For those who are following this debate closely, they probably heard this mentioned by others, but I want to make a point of it. There is an important article for people to read, and they can go online to find it. It is from the June 1st New Yorker magazine.

A man who is a surgeon in Boston, an Indian American, whose name is Dr. Atul Gawande, wrote an article about health care in America today. I will not go into detail about what he found, but it is an eye opener because he went to one of the most expensive cities in America when it comes to treating Medicare patients. It is McAllen, TX. He could not figure out why in McAllen, TX, they were spending about $15,000 a year for Medicare patients—dramatically more than other towns in Texas and around the country.

What he found, unfortunately, is that many of the doctors in that city were treating elderly patients by running up their charges, by ordering unnecessary tests, by ordering hospitalizations and things that were not being ordered in other cities. The reason is, there was a financial incentive. The more tests, the more procedures, the more hospitalizations they can charge to Medicare, the more the doctor was paid.

Well, Dr. Gawande went down and met with the doctors and confronted them with it. There was no other explanation. That was it.

Then he went to Mayo Clinic in Rochester, MN—a place I respect very much, a place that has treated my family and treated them well. He found out the cost for treating Medicare patients in Rochester, MN, is a fraction of what it is in McAllen, TX.

At the Mayo Clinic it is cheaper to treat a Medicare patient than it is in McAllen, TX. Why? Well, it turns out it is pretty basic. The doctors who are on the staff of the Mayo Clinic are paid a salary. They are not paid by the patient or by the procedure. So their interest is not in running up a big medical chart of tests. Their interest is getting that patient well, and doing it effectively. They do it with fewer procedures and less money spent and better results at the end of the day.

So now we have a choice in this health care debate: Do we want to continue the example of McAllen, TX, which is abusing the system, charging too much, and not giving good health care results, or do we want to move to a Mayo Clinic model, one that basically is much more efficient and effective, keeps people healthier, at lower cost? I hope the answer is obvious. It is to me. I would like to see us move toward incentives such as the Mayo Clinic system.

The President spoke to the American Medical Association in Chicago last week. It was a mixed review. They were very courteous to him. There were a few people dissatisfied with his remarks, but it is a free country. We can expect that. Some of those doctors in that room understand it is time for change and some of them do not. Some of them think change is going to be bad for them and bad for our country. But most of us understand if we work together in good faith, conscientiously, we can change this health care system for the better, reduce its costs, preserve our choice of doctors and hospitals, make certain quality is rewarded, and also make certain we cover those 46 or 47 million uninsured Americans and come up with a health care system that does not break the bank—not for families, not for businesses, and not for governments in the future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Ms. KLOBUCHAR. Mr. President, I will be joined on the floor today by some of my fellow women Senators to talk about the President's nominee for the Supreme Court. I will note that some of my colleagues on the other side of the aisle came to the floor yesterday to, as one news report described it, ''kick off their campaign against her.'' So we wanted to take this opportunity to get the facts out to correct any misconceptions and to set the record straight.

The Supreme Court confirmation hearing for Judge Sotomayor will begin on July 13, but my consideration of her will not begin then. I began considering her the day she was announced because, as a member of the Judiciary Committee, I wish to learn as much as I can about President Obama's choice to fill one of the most important jobs in our country.

Even though there are many questions that will be asked and many areas we will want to focus on, I wish to speak today about how Judge Sotomayor appears to me based on my initial review. After meeting with her and learning about her, I am very positive about her nomination. Judge Sotomayor knows the Constitution, she knows the law, but she also knows America.

I know Americans have heard a lot about her background and long career as a judge. But it is very important for us to talk about what a solid nominee she is because we have to keep in mind that there have been accusations and misstatements, many made by people outside of this Chamber on TV and 24/7 cable. There have been misstatements.

It came to me a few weeks ago when I was in the airport in the Twin Cities in Minnesota. A guy came up to me on a tram in the airport and said: Hey, do you know how you are voting on that woman?

I said that I want to listen to her and see how she answers some of the questions.

He said: I am worried.

I said: Why? She is actually pretty moderate.

He said: She is always putting her emotions in front of the law.

I said: Do you know that when she is on a panel with three judges—which they often do on the circuit court where she sits now, and they have her and two other judges—95 percent of the time she comes to an agreement with the Republican-appointed judge on the panel? You must be thinking the same thing about those guys because you cannot just say that about her.

That incident made me think we really need to set the record straight here about the facts, that we should be ambassadors of truth and get out the truth about her record and the kind of judge we are looking for on the U.S. Supreme Court. We need to make sure she gets the same civil, fair treatment other nominees have been given.

Judge Sotomayor's story is a classic American story about what is possible in our country through hard work. She grew up, in her own words, in modest and challenging circumstances and worked hard for every single thing she got. Many of you know her story. Her dad died when she was 9 years old, and her mom supported her and her brother. Her mom was devoted to her children's education. In fact, her mom was so devoted to her and her brother's education that she actually saved every penny she could so that she could buy Encyclopedia Britannica for her kids. I remember when I was growing up that the Encyclopedia Britannica had a hallowed place in the hallway. I now show my daughter, who is 14, these encyclopedias from the 1960s, and she doesn't seem very interested in them. They meant a lot to our family and also to Judge Sotomayor.

Judge Sotomayor graduated from Princeton summa cum laude and Phi Beta Kappa, and she was one of two people to win the highest award Princeton gives to undergraduates. She went on to Yale Law School, which launched her three-decades-long career in the law. So when commentators have questions about whether she is smart enough—you cannot make up Phi Beta Kappa. You cannot make up that you have these high awards. These are facts.

Since graduating, the judge has had a varied and interesting legal career. She has worked as a private sector civil litigator, she has been a district court and an appellate court judge, and she taught law school.

The one experience of hers that particularly resonates for me is that, immediately graduating from law school, she spent 5 years as a prosecutor at the Manhattan district attorney's office, which was one of the busiest and most well thought of prosecutor's offices in our country. At the time, it paid about half as much as a job in the private

sector, but she wanted the challenge and trial experience, she told me when we met, and she took the job as a prosecutor. Before I entered the Senate, I was a prosecutor. I managed an office of about 400 people in Minnesota, which was the biggest prosecutor's office in our State. So I was very interested in this experience we had in common.

One of the things that I learned and that I quickly learned that she understood based on our discussions is that, as a prosecutor, the law is not just some dusty book in your basement. After you have interacted with victims of crime, after you have seen the damage crime can do to a community, the havoc it can wreak, after you have interacted with defendants who are going to prison and you have seen their families sitting in the courtroom, you know the law is not just an abstract subject; you see that the law has a real impact on real people.

As a prosecutor, you don't just have to know the law, you have to know people, you have to know human nature. Sonia Sotomayor's former supervisor said that she was an imposing and commanding figure in the courtroom who would weave together a complex set of facts, enforce the law, and never lose sight of whom she was fighting for. Of course, she was fighting for the people in those neighborhoods, the victims of crime. Judge Sotomayor's experience as a prosecutor tells me she meets one of my criteria for a Supreme Court nominee: She is someone who deeply appreciates the power and impact that laws have and that the criminal justice system has on real people's lives. From her first day at that Manhattan district attorney's office, Judge Sotomayor learned that the law is not just an abstraction.

In addition to her work as a prosecutor, I have also learned a lot about Judge Sotomayor from her long record as a judge. She has been a judge for 17 years—11 years as an appellate judge and 6 years as a trial judge. President George H.W. Bush—the first President Bush—gave her the first job she had as a Federal judge. She was nominated by a Republican President. The job was to be a district judge in the Southern District of New York. Her nomination to the Southern District was enthusiastically supported by both New York Senators, Democratic Senator Daniel Patrick Moynihan and Republican Senator Alfonse D'Amato.

If you watch TV or read newspapers or blogs, you know that Judge Sotomayor has been called some names. It always happens in these Supreme Court nominations—the nominees are called names by talking heads on TV and on the radio. In most cases, these commentators may have read a case or two of hers or, even worse, a speech and took a sentence or so out of context, and they have decided they are entitled to make a sweeping judgment about her judicial fitness based on a few words taken out of context.

I think just about everything in a nominee's professional record is fair game to consider. After all, we are obligated to determine whether to confirm someone to an incredibly important position with lifetime tenure. That is a constitutional duty I take very seriously. But that said, when people get upset about a few items and a few speeches a judge has given, I have to wonder, do a few statements someone made in public, for which they said they could have used different words, do those trump 17 years of modest, reasoned, careful judicial decisionmaking? I don't think so.

If we want to know what kind of a Justice she will be, isn't our best evidence to look at the type of judge she has already been? Here are the facts. As a trial judge, Sonia Sotomayor presided over roughly 450 cases on the Second Circuit and participated in more than 3,000 panel decisions. She has authored more than 200 appellate opinions. In cases where she and at least one Republican-appointed judge sat on a three-judge panel, she and the Republican-appointed judge agreed 95 percent of the time, as I mentioned. The Supreme Court has only reviewed five cases where she authored the decision and affirmed the decision below in two of them. The vast majority of her cases have not been in any way overturned or reversed by a higher court.

It is worth noting that this nominee, if confirmed, would bring more Federal judicial experience to the Supreme Court than any Justice in 100 years.

With that, I see one of my colleagues, the Senator from New Hampshire. We will have a number of women Senators here today. I will come back and finish my remarks sometime in the next half hour. I think it is very important that Senator SHAHEEN, the Senator from New Hampshire, be able to say a few words about the nominee.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am delighted to be here this afternoon to join my friend and colleague from the State of Minnesota, Senator KLOBUCHAR, in supporting the nomination of Judge Sonia Sotomayor to be a Justice of the Supreme Court.

Everyone in New Hampshire was very proud 19 years ago when former President George Bush nominated New Hampshire's own David Souter as an Associate Justice of the Supreme Court. Every action Justice Souter has taken since he began service to our Nation's highest Court has only reinforced that pride. So when Justice Souter announced in early May that he intended to retire at the end of his term and return home to New Hampshire, I took particular interest in whom President Obama would select to fill David Souter's seat.

I believe the President has made a thoughtful and outstanding choice in nominating Judge Sonia Sotomayor.

Judge Sotomayor has had a distinguished career as a Federal judge. As has been widely noted, if confirmed, she would bring more Federal judicial experience to the Supreme Court than any Justice in 100 years. Today, David Souter is the only member of the Supreme Court with prior experience as a trial court judge. Sonia Sotomayor, too, would be the only Justice with experience as a trial court judge. I happen to agree with Senator KLOBUCHAR. I think it is important that at least one of the nine Supreme Court Justices have that experience. It is trial judges, after all, who day-in and day-out must apply the legal principles enunciated in Supreme Court opinions.

Judge Sotomayor also served 5 years as a local prosecutor and practiced law for 7 years as a trial attorney with a law firm. Judge Sotomayor, because of her experience, will be ever mindful of the need to provide those in the courtroom with clear and practical decisions. More important, she will understand how Supreme Court opinions affect real human beings.

As a trial judge, every day Judge Sotomayor directly faced innocent victims of crime, vicious perpetrators of crime, and occasionally the wrongfully accused. She directly faced injured parties seeking civil redress and civil defendants who may have made honest mistakes. She had to answer: What is the right verdict? What is the right length of incarceration? What is the right level of damages? These are not easy decisions. I know that because my husband was a State trial court judge for 16 years. Trial court judges must be able to live with the justice they mete out. To do it well, it takes more than an understanding of the law, it takes an understanding of people. Judge Sotomayor has a great understanding of both.

I had the pleasure of meeting with Sonia Sotomayor the day she fractured her ankle. I said to her as she came into my office: Boy, you are tough. She said: I grew up in the Bronx; we had to be tough. She handled that painful injury with grace and humor. She has a first-rate temperament and also a first-rate intellect. After growing up in a public housing project in the South Bronx, she excelled at both Princeton and Yale Law School.

I believe Judge Sonia Sotomayor is an excellent choice to replace David Souter as a Supreme Court Justice. She deserves a fair and a thorough hearing without delay. I look forward to that hearing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague, Senator SHAHEEN, for her remarks and for her reminiscence of meeting with the judge and once again the judge showing how she perseveres in the face of adversity.

I wish to talk a little bit more—I was ending my last comments talking about how, in fact, this nominee would bring more Federal judicial experience to the Supreme Court than any Justice

in 100 years. I had earlier noted my exchange with someone in an airport, where he wondered if she was worthy of this, if she was able to apply the facts, apply the law.

Clearly, when you look at this experience she brings and you compare it to any of these other nominees on the Supreme Court, she stands out. She stands out not only because of her unique background, as she overcame obstacles to get here, but she stands out as to her experience, all those years as a prosecutor, all those years as a Federal judge. That makes a difference.

I wish to address one other point that has been made about Judge Sonia Sotomayor in her capacity as a judge. It is something Senator SHAHEEN mentioned, this temperament issue. There have been some stories and comments, mostly anonymous, I note, that question Judge Sotomayor's judicial temperament. According to one news story about this topic, Judge Sotomayor developed a reputation for asking tough questions at oral arguments and for being sometimes brusque and curt with lawyers who were not prepared to answer them. So she was a little curt, one anonymous source said. Where I come from, asking tough questions and having very little patience for unprepared lawyers is the very definition of being a judge. I cannot tell you how many times I have seen judges get very impatient with lawyers who were not prepared and who did not know the answer to a question. As a lawyer, you owe it to the bench and to your clients to be as well prepared as you possibly can be.

As Nina Totenberg said on National Public Radio, if Sonia Sotomayor sometimes dominates oral arguments at her court, if she is feisty, even pushy, then she would fit right in on the U.S. Supreme Court.

I would add this to that comment. Surely, we have come to a time in this country where we can confirm as many gruff, to-the-point female judges as we have confirmed gruff, to-the-point male judges. Think how far we have come with this nominee.

When Sandra Day O'Connor graduated from law school 50-plus years ago, the only offer she received from a law firm was for a position as a legal secretary. She had this great background, a very impressive background, and yet the only offer she received was as a legal secretary.

Judge Ginsburg, who now sits on the Court, faced similar obstacles. When she entered Harvard in the 1950s, she was only 1 of 9 women in a class of more than 500. One professor actually asked her to justify taking a place that would have gone to a man in that class in Harvard. Mr. President, 9 women, 500 spots, and someone actually asked her to justify the fact that she was there. I suppose she could justify it now, saying she is now on the U.S. Supreme Court. Later Justice Ginsburg was passed over for a prestigious clerkship despite her impressive credentials.

Looking at Judge Sotomayor's long record as a lawyer, a prosecutor, and a judge, you can see we have come a long way.

She was confirmed by this Senate for the district court. She was nominated at that point by the first President Bush.

She was confirmed by this Senate for the Second Circuit, and she now faces a confirmation hearing before our Judiciary Committee and confirmation, again, for a position with the U.S. Supreme Court.

I will tell you this, after learning about Judge Sotomayor, her background, her legal career, her judicial record, similar to so many of my colleagues, I am very impressed. To use President Obama's words, I hope Judge Sotomayor will bring to her nomination hearing and to the Supreme Court, if she is confirmed, not only the knowledge and the experience acquired over the course of a brilliant legal career but the wisdom accumulated from an inspiring life's journey.

Actually today, Justice O'Connor was on the ''Today Show.'' She was asked about her work on the Court and what it was like. She was actually asked about Judge Sotomayor. She was asked: When you retired, you let it be known you would like a woman to replace you and you were sort of disappointed when a woman didn't replace you. So what is your reaction to Judge Sotomayor's nomination?

Justice O'Connor said: Of course, I am pleased that we will have another woman on the Court. I do think it is important not to just have one. Our nearest neighbor, Canada, also has a court of nine members and in Canada there is a woman chief justice and there are four women all told on the Canadian court.

Then she was asked: Do you think there is a right number of women who should be on the Court?

Justice O'Connor, this morning, said: No, of course not.

But then she pointed out: But about half of law graduates today are women, and we have a tremendous number of qualified women in the country who are serving as lawyers and they ought to be represented on the Court.

She was also asked later in the interview about opponents of Judge Sotomayor who have brought up this term ''activist judge.''

She was asked: I know that is a term you have railed against in the past. What is it about the term that you object to?

She answered: I don't think the public understands what is meant by it. It is thrown around by many in the political field, and I think that probably for most users of the term, they are distinguishing between the role of a legislator and a judge, and they say a judge should not legislate. The problem, of course, Justice O'Connor says, is at the appellate level, the Supreme Court is at the top of the appellate level. Rulings of the Court do become binding law. So it is a little hard to talk in terms of who is an activist.

I, again, ask people to look at Judge Sotomayor's opinions. When I talked with her about this, she talked about how she uses a set formula, laying out the facts, laying out the law, showing how the law applies to the facts, and then reaching a decision.

We can also look at her record where, in fact, when she was on a three-judge panel with two other judges, when you look at her record of what she agreed with judges who had been appointed by a Republican President, 95 percent of the time they reached the same decision. So unless you believe those Republican-appointed judges are somehow activist judges, then I guess you would say she is an activist judge. But I think when you look at her whole record, you see someone who is moderate, sometimes coming down on one side and sometimes coming down on another.

I can tell you, as a former prosecutor, I did not always just look at whether I agreed with the judge if I was trying to figure out if someone would be a good judge. I would look at whether they applied the laws to the facts, whether they were fair. Sometimes our prosecutor's office would not agree with a judge's decision. We would argue vehemently for a different decision. In the end, when we evaluated these judges, when we decided whether we thought they were a fair person to have on a case, we looked at that whole experience, we looked at that whole experience to make a decision about whether this was a judge who could be fair.

That is what I think when you look at her record—and I am looking very much to her hearing, where we are going to explore a number of these cases—again, colleagues on one side of the aisle will agree with one case or disagree with another, and the other side of the aisle would have made a decision one way or the other.

You have to look at her record as a whole. When you look at her record, you will see someone of experience, someone thoughtful, someone who makes a decision based on the facts and based on the law.

I am very much looking forward to these hearings. I know that some of my colleagues are coming to the Chamber as we speak. I am looking forward to their arrival as we become, as I said, ambassadors of truth to get these facts out as so many things have been bandied about in names and other things that get into people's heads. I think it important for all those watching C–SPAN right now and for all of those who are in the galleries today, that people take these facts away with them—the facts of her experience, that in over 100 years of judicial experience, when you look back 100 years, she has more experience on the bench than any of the Justices who were nominated. You have to go back 100 years to find someone with that much experience. You look at that work she has done as

a prosecutor, you look at the work she has done throughout her whole life, where she basically came from nothing, worked her way up, got into a good college, got into a good law school, did it on her own, with maybe a little help from her mom who bought the ''Encyclopedia Britannica.''

As I said at the beginning, this is a nominee who not only understands the law, understands the Constitution but also understands America.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I am pleased that my colleague from Louisiana, Senator LANDRIEU, who has spoken many times in the past about the importance of fair judges and strong judges, is here today to discuss this nominee.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague for her passionate remarks about this particular nominee. I am happy to join many of my colleagues in supporting a woman I consider to be an extraordinarily accomplished woman, and I commend President Obama for his selection.

As the Senate Judiciary Committee prepares for its confirmation hearing, I wished to come to the floor to express my strong support for this nominee. As we all know, the Supreme Court serves as the highest tribunal in the Nation. As the final arbitrator of our laws, the Supreme Court Justices are charged with ensuring the American people achieve the promise of equal justice under our law and serving as interpreters of our Constitution. It is a very important charge.

It is our duty as Senators to ensure that the members of this High Court, which we are asked to confirm, serve as impartial, fairminded Justices who apply our laws, not merely their ideology. The American people deserve no less.

A number of my colleagues have expressed concerns regarding this nominee. Those are not concerns I share. Having reviewed her resume, her academic credentials, having reviewed her time on the bench on the Second Circuit, as well as in a trial capacity, she has an expansive judicial record, and I think that provides evidence of the kind of Justice she will be on the Supreme Court.

She has been described as a ''fearless and effective prosecutor.'' She has served for 6 years as a trial judge in New York, as I said, on the Federal district court, and 11 years on the circuit court of appeals. So she has been in the courtroom on both sides of the bench representing a variety of clients, and she has written extensively. I think that record reflects the kind of balance, fairminded, intellectual rigor we are looking for.

Talking about Democratic and Republican Parties, she has been appointed by both a Democratic administration and a Republican administration. So clearly there were some things that were seen in her and her service by President George Bush as well as President Bill Clinton.

She has participated in over 3,000 decisions. She has written over 400 signed opinions on the Second Circuit. If confirmed, Judge Sotomayor would bring more Federal judicial experience to the Supreme Court than any Justice in 100 years. That is a very strong and powerful statement, and I think a compelling statement, to the Members of this body.

I had, as many of us have, the opportunity to meet with Judge Sotomayor in my office earlier this month. In addition to having an impressive professional resume, her personal journey as a young woman from a struggling, very middle-class background from the Bronx also captured my attention. She came up the hard way, with a lot of hard knocks but with a loving and supportive family around her to lead her and guide her. Tutors and teachers saw in this young girl a tremendous amount of promise and potential, and she has most certainly lived up to the promise her mother and grandmother and others saw in her at a young age.

I believe she is the kind of person who will bring not only extraordinary intellect and character and credibility but a tremendous breadth of experience that will be very helpful in dealing with the issues the Court has before it today and will in the near future. She has not only been a champion in many ways, but her life has been an inspiration to all Americans, proving that with determination and hard work anything is possible.

Finally, it goes without saying that she is a historic choice that will bring a wealth of experience and added diversity to the Nation's highest Court. When confirmed, she will become only the third woman to serve on the Nation's highest court and the first Hispanic Justice in the history of the United States. This is truly a remarkable turning point. I wish she could receive, because of her outstanding resume—not just because of her gender and background and culture. I believe her resume should garner the support of a broad range of Members of this body. Hopefully, that is the way it will come out in the final vote. She most certainly, from my review, deserves our support, and I look forward to doing what I can to process her nomination as it is debated by the full Senate.

I thank my colleague from Minnesota, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I thank my colleague Senator LANDRIEU for her very kind and thoughtful remarks about the nominee.

We are now joined by the Senator from Missouri, Senator MCCASKILL, who as a former prosecutor I am sure will shed some light on the subject.

I also thank the Senator from Kansas for allowing us to take an additional 5 minutes.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I thank my friend, the Senator from Minnesota, for helping to get us organized this afternoon to spend a little time talking about an outstanding Federal judge.

I also thank my colleague from Kansas for giving us a few minutes to make these remarks.

I will confess that I wasn't familiar with Judge Sotomayor before she was nominated. I started looking at her resume, and there are so many things in her resume that are, frankly, amazing that you can get distracted by—where she went to school, where she got her law degree, and the fact that she has been at several levels of the Federal bench; and also, of course, that she had a very big job with complex litigation in a law firm. But the part of her resume that spoke to me was her time as an assistant district attorney in New York.

I don't know that most Americans truly understand the difference between a State prosecuting attorney and a Federal prosecuting attorney. Those of us who have spent time in the State courtrooms like to explain that we are the ones who answer the 911 calls. When you are a State prosecutor, you don't get to pick which cases you try. You try all of the cases. When you are a State prosecutor, you don't have the luxury of a large investigative staff or maybe a very light caseload. It would be unheard of for a Federal prosecutor to have a caseload of 100 felonies at any given time, but that is the caseload Judge Sotomayor handled as an assistant district attorney during her time in the District Attorney's Office in New York.

When she came to the prosecutor's office, ironically it was almost exactly the same year I came to the prosecutor's office as a young woman out of law school. I was in Kansas City; she was in New York. I know what the environment is in these prosecutors' offices. There are a lot of aggressive type A personalities, and it is very difficult to begin to handle serious felony cases because everybody wants to handle the serious felony cases. In only 6 months, Judge Sotomayor was promoted to handle serious felony cases in the courtroom. She prosecuted every type of crime imaginable, including the most serious crimes that are committed in our country.

She had many famous cases. One was the Tarzan murderer, where she joined

law enforcement officers in scouring dangerous drug houses for evidence and witnesses. After a month of trial, she convicted Richard Maddicks on three different murders and he was sentenced to 67 years to life in prison.

A New York detective had a hard time finding a New York prosecutor willing to take his child pornography case. Judge Sotomayor stepped up, winning convictions against two men for distributing films depicting children engaged in pornographic activities. These were the first child pornography convictions after the Supreme Court had upheld New York's law that barred the sale of sexually explicit films using children.

After her time as a prosecutor, she eventually became a trial judge. A trial judge is an unusual kind of experience for a Supreme Court Justice. But keep in mind what the Supreme Court Justices do: They look at the record of the trial. They are trying to pass on matters of law that emanate from the courtroom. What a wonderful nominee we have, one who has not only stood at the bar as a prosecutor but also sat on the bench ruling on matters of evidence, ruling on matters of law. I am proud of the fact that she has this experience. If she is confirmed, or when she is confirmed, she will be the only Supreme Court Justice with that trial judge experience, because she is replacing the only Supreme Court Justice with that experience—Judge Souter.

This is a meat-and-potatoes moderate judge. This is a judge who has agreed with Republicans on her panels 95 percent of the time. This is a judge who has the kind of experience that will allow her to make knowing and wise decisions on the most important matters that come in front of our courts in this country.

We have a ''gotcha'' mentality around here. We all engage in it at one time or another. It is gotcha, gotcha, gotcha. It is an outgrowth of the political system of this grand and glorious democracy we all participate in. It is not my favorite part, but it is real. Justice Sotomayor will become a Supreme Court Justice, after having gone through a gotcha process. We are going to hear a lot of gotchas over the coming weeks. But at the end of the day, this is a smart, proud woman who has fought her way through a system against tremendous odds to show that she has integrity, grit, intellect, and the ability to pass judgment in the most difficult intellectual challenges that face a Supreme Court Justice.

I am proud to support her nomination, and I look forward to the day—and I am confident that the day will come—she will take her place on the highest Court in the land.

Mr. President, I again thank the Senator from Kansas for his indulgence, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, again I thank the Senator from Kansas, and also Senator MCCASKILL, Senator SHAHEEN, and Senator LANDRIEU, who spoke today. I also know that Senators GILLIBRAND, FEINSTEIN, MIKULSKI, BOXER, and MURRAY will be speaking, or may have already and will be in the next few weeks on this nominee, as will many of my colleagues.

I appreciate this time, Mr. President. We are very excited about this upcoming hearing, and we are glad to be here as ambassadors for the truth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I believe under a previous agreement I have time allotted at the present time; is that correct, if I could inquire of the Chair.

The PRESIDING OFFICER. The Senator may be recognized under cloture.

Mr. BROWNBACK. Mr. President, I rise today to discuss the nomination of Judge Sonia Sotomayor to the U.S. Supreme Court. I had the opportunity to meet with Judge Sotomayor 2 weeks ago. I was in the Senate when she was previously before this body on the Second Circuit Court nomination, and I appreciated the chance to meet with her recently.

I have also appreciated the chance to review her record in depth and also to hear my colleagues speak about Judge Sotomayor, because it represents the distinction that I think is very important to note here. My colleague from Missouri just spoke, and she was talking about the wonderful qualifications of Judge Sotomayor and the candidate's background and experiences that she brings. She has a very interesting, a very American story to tell of her background. It is a compelling story. She is the daughter of immigrants who overcame diversity to go to two of the Nation's best universities. I admire that, and I admire the things they pointed out in their presentation of her background and what she has done. I think those are all admirable characteristics.

But what we are doing here is picking somebody to be on the U.S. Supreme Court, and what their judicial philosophy is that they will take with them. It isn't all just about the background or the experience. It is about the judicial philosophy that comes forward, and that is what my colleagues didn't discuss. So that is what I want to discuss here this afternoon.

I have had the chance to review Judge Sotomayor's records. In 1998, the Senate voted to promote Judge Sotomayor to the appellate court. I voted against her at that time because I was concerned not about her background, not about her qualifications, but I was concerned that she embraced an activist judicial philosophy. That is what I want to talk about today, because that is what we are deciding when we put somebody on the Supreme Court—what is the judicial philosophy this person carries with them.

It is not necessarily about their own background or their qualifications. Those are important to review, but at the heart is what is the judicial philosophy. Is this a person who supports an activist judiciary getting into many areas in which the American public doesn't think they should go into or is it a person who believes in more of a strict constructionist view, that the Court is there to be an umpire and not an active player in policy development? Are they an umpire who calls the balls and strikes, and not how do we do law; how do we rewrite what is here?

I think the Court loses its lustre when it gets into becoming an active player in policy development instead of being a strict umpire of policy development. Unfortunately, what I saw in Judge Sotomayor in 1998 was somebody who embraced an activist judicial philosophy. During a 1996 speech at Suffolk University Law School 2 years before the Senate voted on her nomination to the Second Circuit, Judge Sotomayor said:

> The law that lawyers practice and judges declare is not a definitive capital ''L'' law that many would like to think exists.

Translated, that is to say the law is not set. It is mobile, as moved by judges, not by legislatures. This is not the rule of law. This is the rule from the bench. This is the rule of man, and it makes our law unpredictable. That is not good for a society like ours which is based on the rule of law, not the rule by a person.

Any nominee to the Federal bench, and especially to the U.S. Supreme Court, must have a proper understanding and respect for the role of the Court—for the role they would assume. The Court must faithfully hold to the text of the Constitution and the intent of the Founders, not try to rewrite it based on ever changing cultural views. This is at the heart of what a judge does.

Democracy, I believe, is wounded when Justices on the high Court, who are unelected, invent constitutional rights and alter the balance of governmental powers in ways that find no support in the text, the structure, or the history of the Constitution. Unfortunately, in recent years, the courts have assumed a more aggressive political role. In many cases, the courts have allowed the left in this country to achieve through court mandates what it cannot persuade the people to enact through the legislative process. The Constitution contemplates that the Federal courts will exercise limited jurisdiction. They should neither write nor execute the law.

This is very basic in our law and goes back to the very Founders. As Chief Justice John Marshall said in his famous 1803 case, Marbury v. Madison, that every law student has studied at length, the role of the court is simple. It is to ''say what the law is.'' It is not to write the law. It is not to rewrite the law. It is to ''say what the law is,'' what did the legislature pass, when it needs interpretation. It is not about

writing it. It is not about the mobility, that the law isn't with a capital ''l,'' and we can move it here based on these factors that we think are different with the cultural environment and we may have to move it over here in 10 years because the environment has changed and the law changes with it.

If the law changes, it is by legislatures. It is not by the court. That is why Marbury v. Madison said the law is to ''say what the law is,'' not to rewrite it.

In Federalist 78, Alexander Hamilton wrote this—law students study this as well:

> Whoever attentively considers the different departments of power must perceive that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatsoever. It may truly be said to have neither FORCE nor WILL but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

The court is to have judgment. A judge is to have judgment, not write the law.

In Hamilton's view, judges could be trusted with power because they would not resolve divisive social issues—that is for the legislature to do—short-circuit the political process, or invent rights which have no basis in the text of the Constitution.

I have long believed the judicial branch preserves its legitimacy with the public and has its strength with the public through refraining from action on political questions. This concept was perhaps best expressed by Justice Felix Frankfurter, a steadfast Democrat appointed by President Franklin Delano Roosevelt. Justice Frankfurter said this:

> Courts are not representative bodies. They are not designed to be a good reflex of a democratic society. Their judgment is best informed, and therefore most dependable, within narrow limits. Their essential quality is detachment, founded on independence. History teaches that the independence of the judiciary is jeopardized when courts become embroiled in the passions of the day and assume primary responsibility in choosing between competing political, economic and social pressures. Primary responsibility for adjusting the interests which compete in the situation before us of necessity belongs to the Congress.

That is to quote Justice Frankfurter.

I recall a private meeting I had with then-Judge Roberts, before assuming the position of Chief Justice, when he had been nominated to be Chief Justice—a wonderful Justice on the Supreme Court who then-Senator Obama voted against. Senator Obama voted against the confirmation of John Roberts, voted against the confirmation of Samuel Alito to the Supreme Court based, I believe, primarily on judicial philosophy because they believed in strict constructionism; that a court was to be a court and not a legislative body. Then-Senator Obama voted against both John Roberts and against Samuel Alito.

In my meeting with Judge Roberts, he talked about baseball and about the courts and his analogy to baseball. He gave a great analogy, I thought, when he said:

> It is a bad thing when the umpire is the most watched person on the field.

Imagine that, watching a baseball game and the thing you are watching the most is the umpire because the umpire is both umpire and a player. How confusing, how difficult, and what a wrong way to have a game. He, of course, Judge Roberts, was alluding to the current situation in American governance where the legislature can pass a law, the executive sign it, but everybody waits, holding their breath to see what the courts will do with it.

Unfortunately, Judge Sotomayor seems to me far too interested in being both an umpire and active player. Prior to becoming a Federal judge, Sonia Sotomayor spent more than a decade on the board of directors of the Puerto Rican Legal Defense and Education Fund. A September 25, 1992, article in the New York Times referred to Judge Sotomayor as ''a top policy maker'' on the group's board.

In 1998, the group brought suit against the New York City Police Department, claiming that a promotion exam was discriminatory because the results gave a disproportionate number of promotions to White police officers. As a judge on the appellate court, Judge Sotomayor was involved in a nearly identical case, Ricci v. Destefano, involving a group of White firefighters seeking promotion in New Haven, CT. City officials in New Haven decided to void the results of the exam because it had a disparate impact on minorities. Judge Sotomayor agreed with the city's decision, and we are now waiting on a ruling from the Supreme Court.

> Sotomayor's work as an activist challenging the New York Police Department's test results in 1998 is evidence that she may have allowed personal biases to guide her decision to rule against New Haven firefighters. I hope we can find out more in her confirmation interviews and in her hearings. But I am also troubled by the number of amicus briefs filed by the fund in support of what are radical positions on pro-abortion issues during the time Sotomayor was on this same board.

Six briefs were filed taking positions outside of the mainstream in support of abortion rights in prominent cases such as in Webster v. Reproductive Health Services or in Ohio v. Akron Center for Reproductive Health. In that Ohio v. Akron case, the Court upheld Ohio's parental consent laws. These are laws that say, before a minor can have an abortion, they must have parental consent.

Joining the majority opinion were moderate Justice Sandra Day O'Connor and liberal Justice John Paul Stevens. Yet the group that Judge Sotomayor was associated with filed a brief opposing this parental notification law, saying ''any efforts to overturn or in any way to restrict the rights in Roe v. Wade,'' they opposed any restriction, even allowing parents of a minor child to have parental notification that their child was going to go through this major medical procedure. She took a stand opposed to that parental right that most of the American public, 75 percent of the American public supports; that parental right of that notification. She opposed it.

According to the New York Times:

> The board monitored all litigation undertaken by the fund's lawyers, and a number of those lawyers said Ms. Sotomayor was an involved and ardent supporter of their various legal efforts during her time with the group.

I am also deeply concerned that Judge Sotomayor will bring this radical agenda to the Court.

Judge Sotomayor has given speeches and written articles promoting judicial activism. The President who appointed her said judges should have ''the empathy to recognize what it's like to be a young teenage mom; the empathy to understand what it is like to be poor or African-American or gay or disabled or old,'' and that difficult cases should be decided by ''what is in the Justice's heart.''

While I think it is admirable to have empathy, a Justice and a person who sits on the bench is to decide this based on the law. That is what they are to decide it upon, not an interpretation or rewriting of the law.

The President's view of the role of a Judge on the Court is not shared by Justices Marshall or Frankfurter, nor is it the view of Hamilton and the drafters of the Constitution.

The oath that all Supreme Court Justices take says:

> I will administer justice without respect to persons, and do equal right to the poor and to the rich.

That is the oath they take. The Justice is to be blind and just to hear the case and decide it based on the facts and what the law is and say what the law says, not what they wish it to be nor what is in their heart. It is to be blind and it is to hold these and to weigh these equally and fairly to determine the truth and to determine the outcome in the case.

The President is asking his nominees to ignore, in essence, their oath. I fear Justice Sotomayor is all too eager to comply.

In her writings, Judge Sotomayor has rejected the principle of impartiality and embraces a rather novel idea that a Judge's personal life story should come into play in the courtroom. In a 2001 speech at the UC Berkeley Law School, which was later published, Judge Sotomayor dismissed the

idea that ''judges may transcend their personal sympathies and prejudices and aspire to achieve a greater degree of fairness and integrity based on the reason of law,'' by saying that ''ignoring our differences as women or men of color we do a disservice both to the law and society.''

I am not sure why Judge Sotomayor believes the law is somehow different when interpreted by people of a different gender, but I think Judge Sotomayor is absolutely wrong and we do a disservice to law and society when we don't transcend our personal sympathies and prejudices and base our decisions upon the facts and the law.

Judge Sotomayor's view is contrary to the words engraved upon the Supreme Court's entrance which state ''equal justice under law.''

In the same 2001 speech, Judge Sotomayor made the following astonishing statement:

> Personal experiences affect the facts judges choose to see. . . . I simply do not know what the difference will be in my judging. But I accept there will be some.

When Judge Sotomayor says that ''personal experiences affect the facts judges choose to see,'' does that mean she is willing to ignore other facts? Is justice blind or is it actually interpreting and seeing which facts to pick and which facts not to pick?

The role of judges is to examine all the facts of a particular case, not solely the facts that deliver a desired outcome or solely the facts that the judge can relate to based on his or her personal biography. It is dangerous for this body to consent to elevating a judge who believes that justice equates with picking winners and losers based upon his or her own personal biases. That is not judging.

I hope my colleagues understand this 2001 speech at Berkeley was not an isolated incident. In a 1994 speech, Judge Sotomayor used language nearly identical to that of the 2001 speech, saying judges should not ignore their differences as women and people of color and to do so would be a disservice to the law and society. In 1994, Judge Sotomayor discussed the impact that more women on the bench will have on the ''development of the law.''

''Development,'' like this is about the writing of the law. If that is the case, that is done by the Congress not by the courts. Judges do not make law, and under no circumstances should they be under the impression they do.

Judge Sotomayor sees judges as lawmakers, as both umpire and player. In the 2005 appearance at Duke Law School, she said: ''The court of appeals is where policy is made.''

I wonder how Alexander Hamilton would respond. I think he would wholly disagree with that interpretation. Unfortunately, Judge Sotomayor's writings and statements lead me to believe that she is a proponent, a clear proponent, of an activist judiciary. I cannot support her nomination. I will vote no when it comes before the full Senate.

I ask unanimous consent that her speech in the Berkeley La Raza Law Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Berkeley La Raza Law Journal, 2002]

RAISING THE BAR: LATINO AND LATINA PRESENCE IN THE JUDICIARY AND THE STRUGGLE FOR REPRESENTATION

Judge Reynoso, thank you for that lovely introduction. I am humbled to be speaking behind a man who has contributed so much to the Hispanic community. I am also grateful to have such kind words said about me.

I am delighted to be here. It is nice to escape my hometown for just a little bit. It is also nice to say hello to old friends who are in the audience, to rekindle contact with old acquaintances and to make new friends among those of you in the audience. It is particularly heart warming to me to be attending a conference to which I was invited by a Latina law school friend, Rachel Moran, who is now an accomplished and widely respected legal scholar. I warn Latinos in this room: Latinas are making a lot of progress in the old-boy network.

I am also deeply honored to have been asked to deliver the annual Judge Mario G. Olmos lecture. I am joining a remarkable group of prior speakers who have given this lecture. I hope what I speak about today continues to promote the legacy of that man whose commitment to public service and abiding dedication to promoting equality and justice for all people inspired this memorial lecture and the conference that will follow. I thank Judge Olmos' widow Mary Louise's family, her son and the judge's many friends for hosting me. And for the privilege you have bestowed on me in honoring the memory of a very special person. If I and the many people of this conference can accomplish a fraction of what Judge Olmos did in his short but extraordinary life we and our respective communities will be infinitely better.

I intend tonight to touch upon the themes that this conference will be discussing this weekend and to talk to you about my Latina identity, where it came from, and the influence I perceive it has on my presence on the bench.

Who am I. I am a ''Newyorkrican.'' For those of you on the West Coast who do not know what that term means: I am a born and bred New Yorker of Puerto Rican-born parents who came to the states during World War II.

Like many other immigrants to this great land, my parents came because of poverty and to attempt to find and secure a better life for themselves and the family that they hoped to have. They largely succeeded. For that, my brother and I are very grateful. The story of that success is what made me and what makes me the Latina that I am. The Latina side of my identity was forged and closely nurtured by my family through our shared experiences and traditions.

For me, a very special part of my being Latina is the mucho platos de arroz, gandoles y pernir—rice, beans and pork—that I have eaten at countless family holidays and special events. My Latina identity also includes, because of my particularly adventurous taste buds, morcilla,—pig intestines, patitas de cerdo con garbanzo—pigs' feet with beans, and la lengua y orejas de cuchifrito, pigs' tongue and ears. I bet the Mexican-Americans in this room are thinking that Puerto Ricans have unusual food tastes. Some of us, like me, do. Part of my Latina identity is the sound of merengue at all our family parties and the heart wrenching Spanish love songs that we enjoy. It is the memory of Saturday afternoon at the movies with my aunt and cousins watching Cantinflas, who is not Puerto Rican, but who was an icon Spanish comedian on par with Abbot and Costello of my generation. My Latina soul was nourished as I visited and played at my grandmother's house with my cousins and extended family. They were my friends as I grew up. Being a Latina child was watching the adults playing dominos on Saturday night and us kids playing lotería, bingo, with my grandmother calling out the numbers which we marked on our cards with chick peas.

Now, does any one of these things make me a Latina? Obviously not because each of our Carribean and Latin American communities has their own unique food and different traditions at the holidays. I only learned about tacos in college from my Mexican-American roommate. Being a Latina in America also does not mean speaking Spanish. I happen to speak it fairly well. But my brother, only three years younger, like too many of us educated here, barely speaks it. Most of us born and bred here, speak it very poorly.

If I had pursued my career in my undergraduate history major, I would likely. provide you with a very academic description of what being a Latino or Latina means. For example, I could define Latinos as those peoples and cultures populated or colonized by Spain who maintained or adopted Spanish or Spanish Creole as their language of communication. You can tell that I have been very well educated. That antiseptic description however, does not really explain the appeal of morcilla—pig's intestine—to an American born child. It does not provide an adequate explanation of why individuals like us, many of whom are born in this completely different American culture, still identify so strongly with those communities in which our parents were born and raised.

America has a deeply confused image of itself that is in perpetual tension. We are a nation that takes pride in our ethnic diversity, recognizing its importance in shaping our society and in adding richness to its existence. Yet, we simultaneously insist that we can and must function and live in a race and color-blind way that ignore these very differences that in other contexts we laud. That tension between ''the melting pot and the salad bowl''—a recently popular metaphor used to described New York's diversity—is being hotly debated today in national discussions about affirmative action. Many of us struggle with this tension and attempt to maintain and promote our cultural and ethnic identities in a society that is often ambivalent about how to deal with its differences. In this time of great debate we must remember that it is not political struggles that create a Latino or Latina identity. I became a Latina by the way I love and the way I live my life. My family showed me by their example how wonderful and vibrant life is and how wonderful and magical it is to have a Latina soul. They taught me to love being a Puerto Riqueña and to love America and value its lesson that great things could be achieved if one works hard for it. But achieving success here is no easy accomplishment for Latinos or Latinas, and although that struggle did not and does not create a Latina identity, it does inspire how I live my life.

I was born in the year 1954. That year was the fateful year in which Brown v. Board of Education was decided. When I was eight, in 1961, the first Latino, the wonderful Judge Reynaldo Garza, was appointed to the federal bench, an event we are celebrating at this conference. When I finished law school in 1979, there were no women judges on the Supreme Court or on the highest court of my

home state, New York. There was then only one Afro-American Supreme Court Justice and then and now no Latino or Latina justices on our highest court. Now in the last twenty plus years of my professional life, I have seen a quantum leap in the representation of women and Latinos in the legal profession and particularly in the judiciary. In addition to the appointment of the first female United States Attorney General, Janet Reno, we have seen the appointment of two female justices to the Supreme Court and two female justices to the New York Court of Appeals, the highest court of my home state. One of those judges is the Chief Judge and the other is a Puerto Riqueña, like I am. As of today, women sit on the highest courts of almost all of the states and of the territories, including Puerto Rico. One Supreme Court, that of Minnesota, had a majority of women justices for a period of time.

As of September 1, 2001, the federal judiciary consisting of Supreme, Circuit and District Court Judges was about 22% women. In 1992, nearly ten years ago, when I was first appointed a District Court Judge, the percentage of women in the total federal judiciary was only 13%. Now, the growth of Latino representation is somewhat less favorable. As of today we have, as I noted earlier, no Supreme Court justices, and we have only 10 out of 147 active Circuit Court judges and 30 out of 587 active district court judges. Those numbers are grossly below our proportion of the population. As recently as 1965, however, the federal bench had only three women serving and only one Latino judge. So changes are happening, although in some areas, very slowly. These figures and appointments are heartwarming. Nevertheless, much still remains to happen.

Let us not forget that between the appointments of Justice Sandra Day O'Connor in 1981 and Justice Ginsburg in 1992, eleven years passed. Similarly, between Justice Kaye's initial appointment as an Associate Judge to the New York Court of Appeals in 1983, and Justice Ciparick's appointment in 1993, ten years elapsed. Almost nine years later, we are waiting for a third appointment of a woman to both the Supreme Court and the New York Court of Appeals and of a second minority, male or female, preferably Hispanic, to the Supreme Court. In 1992 when I joined the bench, there were still two out of 13 circuit courts and about 53 out of 92 district courts in which no women sat. At the beginning of September of 2001, there are women sitting in all 13 circuit courts. The First, Fifth, Eighth and Federal Circuits each have only one female judge, however, out of a combined total number of 48 judges. There are still nearly 37 district courts with no women judges at all. For women of color the statistics are more sobering. As of September 20, 1998, of the then 195 circuit court judges only two were African-American women and two Hispanic women. Of the 641 district court judges only twelve were African-American women and eleven Hispanic women. African-American women comprise only 1.56% of the federal judiciary and Hispanic-American women comprise only 1%. No African-American, male or female, sits today on the Fourth or Federal circuits. And no Hispanics, male or female, sit on the Fourth, Sixth, Seventh, Eighth, District of Columbia or Federal Circuits.

Sort of shocking, isn't it. This is the year 2002. We have a long way to go. Unfortunately, there are some very deep storm warnings we must keep in mind. In at least the last five years the majority of nominated judges the Senate delayed more than one year before confirming or never confirming were women or minorities. I need not remind this audience that Judge Paez of your home Circuit, the Ninth Circuit, has had the dubious distinction of having had his confirmation delayed the longest in Senate history. These figures demonstrate that there is a real and continuing need for Latino and Latina organizations and community groups throughout the country to exist and to continue their efforts of promoting women and men of all colors in their pursuit for equality in the judicial system.

This weekend's conference, illustrated by its name, is bound to examine issues that I hope will identify the efforts and solutions that will assist our communities. The focus of my speech tonight, however, is not about the struggle to get us where we are and where we need to go but instead to discuss with you what it all will mean to have more women and people of color on the bench. The statistics I have been talking about provide a base from which to discuss a question which one of my former colleagues on the Southern District bench, Judge Miriam Cederbaum, raised when speaking about women on the federal bench. Her question was: What do the history and statistics mean. In her speech, Judge Cederbaum expressed her belief that the number of women and by direct inference people of color on the bench, was still statistically insignificant and that therefore we could not draw valid scientific conclusions from the acts of so few people over such a short period of time. Yet, we do have women and people of color in more significant numbers on the bench and no one can or should ignore pondering what that will mean or not mean in the development of the law. Now, I cannot and do not claim this issue as personally my own. In recent years there has been an explosion of research and writing in this area. On one of the panels tomorrow, you will hear the Latino perspective in this debate.

For those of you interested in the gender perspective on this issue, I commend to you a wonderful compilation of articles published on the subject in Vol. 77 of the Judicature, the Journal of the American Judicature Society of November–December 1993. It is on Westlaw/Lexis and I assume the students and academics in this room can find it.

Now Judge Cedarbaum expresses concern with any analysis of women and presumably again people of color on the bench, which begins and presumably ends with the conclusion that women or minorities are different from men generally. She sees danger in presuming that judging should be gender or anything else based. She rightly points out that the perception of the differences between men and women is what led to many paternalistic laws and to the denial to women of the right to vote because we were described then ''as not capable of reasoning or thinking logically'' but instead of ''acting intuitively.'' I am quoting adjectives that were bandied around famously during the suffragettes' movement.

While recognizing the potential effect of individual experiences on perception, Judge Cedarbaum nevertheless believes that judges must transcend their personal sympathies and prejudices and aspire to achieve a greater degree of fairness and integrity based on the reason of law. Although I agree with and attempt to work toward Judge Cedarbaum's aspiration, I wonder whether achieving that goal is possible in all or even in most cases. And I wonder whether by ignoring our differences as women or men of color we do a disservice both to the law and society. Whatever the reasons why we may have different perspectives, either as some theorists suggest because of our cultural experiences or as others postulate because we have basic differences in logic and reasoning, are in many respects a small part of a larger practical question we as women and minority judges in society in general must address. I accept the thesis of a law school classmate, Professor Steven Carter of Yale Law School, in his affirmative action book that in any group of human beings there is a diversity of opinion because there is both a diversity of experiences and of thought. Thus, as noted by another Yale Law School Professor—I did graduate from there and I am not really biased except that they seem to be doing a lot of writing in that area—Professor Judith Resnik says that there is not a single voice of feminism, not a feminist approach but many who are exploring the possible ways of being that are distinct from those structured in a world dominated by the power and words of men. Thus, feminist theories of judging are in the midst of creation and are not and perhaps will never aspire to be as solidified as the established legal doctrines of judging can sometimes appear to be.

That same point can be made with respect to people of color. No one person, judge or nominee will speak in a female or people of color voice. I need not remind you that Justice Clarence Thomas represents a part but not the whole of African-American thought on many subjects. Yet, because I accept the proposition that, as Judge Resnik describes it, ''to judge is an exercise of power'' and because as, another former law school classmate, Professor Martha Minnow of Harvard Law School, states ''there is no objective stance but only a series of perspectives—no neutrality, no escape from choice in judging,'' I further accept that our experiences as women and people of color affect our decisions. The aspiration to impartiality is just that—it's an aspiration because it denies the fact that we are by our experiences making different choices than others. Not all women or people of color, in all or some circumstances or indeed in any particular case or circumstance but enough people of color in enough cases, will make a difference in the process of judging. The Minnesota Supreme Court has given an example of this. As reported by Judge Patricia Wald formerly of the D.C. Circuit Court, three women on the Minnesota Court with two men dissenting agreed to grant a protective order against a father's visitation rights when the father abused his child. The Judicature Journal has at least two excellent studies on how women on the courts of appeal and state supreme courts have tended to vote more often than their male counterpart to uphold women's claims in sex discrimination cases and criminal defendants' claims in search and seizure cases. As recognized by legal scholars, whatever the reason, not one woman or person of color in any one position but as a group we will have an effect on the development of the law and on judging.

In our private conversations, Judge Cedarbaum has pointed out to me that seminal decisions in race and sex discrimination cases have come from Supreme Courts composed exclusively of white males. I agree that this is significant but I also choose to emphasize that the people who argued those cases before the Supreme Court which changed the legal landscape ultimately were largely people of color and women. I recall that Justice Thurgood Marshall, Judge Connie Baker Motley, the first black woman appointed to the federal bench, and others of the NAACP argued Brown v. Board of Education. Similarly, Justice Ginsburg, with other women attorneys, was instrumental in advocating and convincing the Court that equality of work required equality in terms and conditions of employment.

Whether born from experience or inherent physiological or cultural differences, a possibility I abhor less or discount less than my colleague Judge Cedarbaum, our gender and national origins may and will make a difference in our judging. Justice O'Connor has

often been cited as saying that a wise old man and wise old woman will reach the same conclusion in deciding cases. I am not so sure Justice O'Connor is the author of that line since Professor Resnik attributes that line to Supreme Court Justice Coyle. I am also not so sure that I agree with the statement. First, as Professor Martha Minnow has noted, there can never be a universal definition of wise. Second, I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life.

Let us not forget that wise men like Oliver Wendell Holmes and Justice Cardozo voted on cases which upheld both sex and race discrimination in our society. Until 1972, no Supreme Court case ever upheld the claim of a woman in a gender discrimination case. I, like Professor Carter, believe that we should not be so myopic as to believe that others of different experiences or backgrounds are incapable of understanding the values and needs of people from a different group. Many are so capable. As Judge Cedarbaum pointed out to me, nine white men on the Supreme Court in the past have done so on many occasions and on many issues including Brown.

However, to understand takes time and effort, something that not all people are willing to give. For others, their experiences limit their ability to understand the experiences of others. Others simply do not care. Hence, one must accept the proposition that a difference there will be by the presence of women and people of color on the bench. Personal experiences affect the facts that judges choose to see. My hope is that I will take the good from my experiences and extrapolate them further into areas with which I am unfamiliar. I simply do not know exactly what that difference will be in my judging. But I accept there will be some based on my gender and my Latina heritage.

I also hope that by raising the question today of what difference having more Latinos and Latinas on the bench will make will start your own evaluation. For people of color and women lawyers, what does and should being an ethnic minority mean in your lawyering? For men lawyers, what areas in your experiences and attitudes do you need to work on to make you capable of reaching those great moments of enlightenment which other men in different circumstances have been able to reach. For all of us, how do change the facts that in every task force study of gender and race bias in the courts, women and people of color, lawyers and judges alike, report in significantly higher percentages than white men that their gender and race has shaped their careers, from hiring, retention to promotion and that a statistically significant number of women and minority lawyers and judges, both alike, have experienced bias in the courtroom?

Each day on the bench I learn something new about the judicial process and about being a professional Latina woman in a world that sometimes looks at me with suspicion. I am reminded each day that I render decisions that affect people concretely and that I owe them constant and complete vigilance in checking my assumptions, presumptions and perspectives and ensuring that to the extent that my limited abilities and capabilities permit me, that I reevaluate them and change as circumstances and cases before me requires. I can and do aspire to be greater than the sum total of my experiences but I accept my limitations. I willingly accept that we who judge must not deny the differences resulting from experience and heritage but attempt, as the Supreme Court suggests, continuously to judge when those opinions, sympathies and prejudices are appropriate.

There is always a danger embedded in relative morality, but since judging is a series of choices that we must make, that I am forced to make, I hope that I can make them by informing myself on the questions I must not avoid asking and continuously pondering. We, I mean all of us in this room, must continue individually and in voices united in organizations that have supported this conference, to think about these questions and to figure out how we go about creating the opportunity for there to be more women and people of color on the bench so we can finally have statistically significant numbers to measure the differences we will and are making.

I am delighted to have been here tonight and extend once again my deepest gratitude to all of you for listening and letting me share my reflections on being a Latina voice on the bench. Thank you.

Mr. BROWNBACK. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. BROWN. I thank the Chair.

(The remarks of Mr. BROWN pertaining to the introduction of S. 1343 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LUGAR. Mr. President, today the Senate considers the nomination of Harold Koh to be Legal Adviser to the Department of State. After reading his answers to dozens of questions, attending his hearing in its entirety, meeting with him privately, and reviewing his writings, I believe that Dean Koh is unquestionably qualified to assume the post for which he is nominated. He has had a distinguished career as a teacher and advocate, and he is regarded widely as one of our Nation's most accomplished experts on the theory and practice of international law. He also has served ably in our government as a Justice Department lawyer during the Reagan administration and as Assistant Secretary of State for Democracy, Human Rights, and Labor from 1998 to 2001.

The committee has received innumerable letters of support for the nominee attesting to his character, his love of country, and his respect for the law. He enjoys support from the lawyers with whom he has worked, as well as those including former Solicitor General Kenneth Starr—whom he has litigated against.

Both in private meetings and in public testimony, Dean Koh has affirmed that he understands the parameters of his role as State Department Legal Adviser. He understands that his role will be to provide policymakers objective advice on legal issues, not to be a campaigner for particular policy outcomes. He also has affirmed that as Legal Adviser, he will be prepared to defend the policies and interests of the U.S. Government, even when they may be at odds with positions he has taken in a private capacity. In applying laws relevant to the State Department's work, he has stated clearly that he will take account of and respect prior U.S. Government interpretations and practices under those laws, rather than considering each such issue as a matter of first impression.

Finally, I believe Dean Koh respects the role of the Senate and the Congress on international legal matters, especially treaties. He has promised to consult with us regularly and fully, not just when treaties come before the Senate, but also on the application of treaties on which the Senate has already provided advice and consent, including any proposed changes in the interpretation of such treaties.

Absent extraordinary circumstances, President Obama and Secretary of State Clinton should be able to choose the individuals on whom they will depend for legal analysis, interpretation, and advice. Given Dean Koh's record of service and accomplishment, his personal character, his understanding of his role as Legal Adviser, and his commitment to work closely with Congress, I support his nomination and believe he is well deserving of confirmation by the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for 18 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHORT SELLING

Mr. KAUFMAN. Mr. President, I rise again to speak out about the problems in the financial markets caused by abusive short selling activities, which includes naked short selling and rumor mongering. It can also include abuse of the credit default market by planting false suggestions that an issuer's survival is in doubt. My focus today, however, is on the first element—naked short selling.

Let me be clear about my main point. The public believes and the SEC has yet to discount that the effects of abusive naked short selling practices helped cement the demise of Bear Stearns and Lehman Brothers, as well as made it significantly harder for banks to raise critical capital in the throes of this financial crisis. It is no exaggeration to say that abusive short

selling at a critical moment further endangered our financial system and economy and thereby help lead to taxpayer bailouts that have totaled hundreds of billions of dollars. We are still waiting for the SEC's enforcement response. It is likely we will continue to wait, as I will discuss, because current rules are ineffective and unenforceable.

There is still a critical need for better SEC regulations that would help the enforcement division to do its job and stop naked short selling that is abusive and manipulative dead in its tracks.

Yes the SEC in April proposed five versions of a return to the uptick rule, which I believe never should have been repealed in the first place, at least without putting something effective in its place. The uptick rule, which simply required stock traders to wait for an uptick in price before continuing to sell a stock short, was in effect for 70 years—that is 7–0 years—until it was repealed in June of 2007. The comment period for the reinstatement of some form of the prior uptick rule is complete, and it is disappointing, but not surprising, to see that many on Wall Street now oppose that modest step. I continue to urge the SEC to move forward on that front.

As I have consistently maintained in my communications with the SEC, however, reinstating some form of the uptick rule alone puts too narrow a frame on the problems associated with naked short selling. The problem at its root is that the current rules against naked short selling are both inadequate and impossible to enforce. A strict preborrow requirement would address the problem and end it once and for all. Yet the SEC still has done nothing to propose a preborrower rule. If we end up with no uptick rule and no preborrow requirement, the SEC will be bending to the will of an industry that has shown recklessness but clearly lacks remorse.

There is a fierce urgency to fix this problem. Today, the financial markets are teetering on the brink of either continuing with a bull market rally or falling back substantially in what would be the continuation of a severely painful bear market. If the markets of certain stocks fall back precipitously again and if the bear market raiders act again using abusive naked short selling practices to damage and possibly destroy the stocks of banks and other companies, the SEC will have a lot of explaining to do—unless we see responses from the agency in the near term.

I have been writing the SEC and talking about this issue on the Senate floor since March 3. It is now June 24, and the SEC has still done nothing. It is time for the SEC to act.

Let me review the history of this issue and the evidence.

Naked short selling occurs when a trader sells a financial instrument short without first borrowing it or even ensuring it can be borrowed. This converts our securities and capital markets into nothing more than gambling casinos since the naked seller purports to sell something he doesn't own, and may never own, in the expectation that prices of the instruments sold will decline before ever settling the trade. Because this activity requires no capital outlay, it also inspires naked short sellers to flood the market with false rumors to make the prediction a self-fulfilling one.

This practice often leads to fails to deliver. If the seller does not borrow the security in time to make delivery to the buyer within the standard 3-day settlement period, the seller ''fails to deliver.'' Sometimes fails to deliver can be caused by human or mechanical errors, but those types of fails are only a small portion of the actual number of fails to deliver our markets confront continually.

Selling what you do not own and have not borrowed gives a seller a free ride. It effectively says: Show me the money now and you will get your stock sometime in the future. By analogy, it is very much like giving access to the Super Bowl on the day of the game—in other words, giving someone a ticket to the Super Bowl on the day of the game—in return for a promise that the spectator will ultimately produce a ticket long after the big event has occurred.

It is well known that abusive short selling has been linked to the downfall of two major financial firms—Bear Stearns and Lehman Brothers.

According to Bloomberg News:

> Failed trades correlate with drops in share value, enough to account for 30 to 70 percent of the declines in Bear Stearns, Lehman, and other stocks last year.

Let me repeat that. ''Failed trades,'' according to Bloomberg News, ''correlate with drops in share value, enough to account for 30 to 70 percent of the declines in Bear Stearns, Lehman, and other stocks last year.''

The huge increase in naked short selling exacerbated the financial crisis. Listen to this. In January 2007, 550 million shares failed to deliver. By January 2008, 1.1 billion shares failed to deliver. And in July of 2008, 2 billion shares failed to deliver.

These fails to deliver drove stock value down further than the market would have done by diluting stock prices. According to Clinton Under Secretary of Commerce Robert Shapiro in his recent comprehensive study:

> Before Bear Stearns collapsed, its fails to deliver went from less than 100,000 to 14 million, significantly diluting the values of its stock.

As the Coalition Against Market Manipulation stated:

> Just as counterfeit currency dilutes and destroys value, these phantom shares deflate share prices by flooding the market with false supply.

For example, according to EuroMoney, on March 14, 2008, ''128 percent of Bear Stearns' outstanding stock was traded.'' Let me repeat that. On March 14, 2008, 128 percent of Bear Stearns outstanding stock was traded. How can more than 100 percent be traded? It can only occur because of the absence of required borrowers and naked short selling. Without a preborrow requirement, in 1 day, multiple locates allow the same single share of a stock to be sold over and over. And without effective rules or enforcement, millions of shares of stock are sold short and not delivered as required.

Lehman Brothers also faced a similar abnormal increase in fails to deliver before its collapse.

According to Bloomberg:

> As Lehman Brothers struggled to survive last year, as many as 32.8 million shares in the company were sold and not delivered to buyers on time. . . .That was more than a 57-fold increase over the prior year's peak of 567,518 failed trades . . .

Many banks that help to drive the U.S. economy are particularly at risk from abusive short selling practices due to the importance of investor confidence in maintaining their capital.

On September 19, 2008, the SEC implemented a temporary emergency order barring all short selling to protect 799 financial companies, which included many banks, because of the damage naked short selling had done in destroying their company and investor values. But barring all short selling is like throwing the baby out with the bathwater. Proper short selling provides the marketplace with greater liquidity and the prospect of meaningful price discovery.

Naked short selling practices led to market disequilibrium and the SEC recognizing that the only way to protect these companies from unnecessary devaluation was to implement a ban. Many of these companies later moved under the Troubled Assets Relief Program, TARP.

While new regulations issued by the SEC last fall were the first steps to protect companies, the SEC has not done nearly enough. If naked short selling is not policed and rules against market manipulation are not enforced effectively, naked short selling will continue to harm TARP banks and companies. If stronger regulations are not implemented, abusive short selling will impair the government's ability to invest taxpayer money into TARP banks and return them to health and thus limit the effects of the government's economic recovery plan.

The SEC began addressing these issues 10 years ago with a concept release that eventually became known as Regulation SHO, a set of rules that has been amended several times. But a price extracted by Regulation SHO was the elimination of the 70-year-old uptick test.

Reg SHO intended to curb naked short selling by requiring would-be short sellers to have merely a reasonable expectation they can deliver the stock when it must be delivered and imposing a post-trade requirement that would-be short sellers actually

preborrow securities for future trades only if too many fails have already occurred. This is somewhat akin to a ''one free bite at the apple'' approach, something regulators attempt to avoid. The reason is because, in practice, it turns out to be a ''free bite at the apple'' each time a manipulative trader switches brokers—something a manipulative trader can easily do with no penalty.

But this rule has proved effectively unenforceable according to former SEC Commissioner Roel Campos and others. Current SEC regulations allow traders to short a stock if the trader ''reasonably believes that it can locate and borrow the security by the settlement day.''

Reasonableness includes merely glancing at a list of easy to borrow stocks, with no need to continue to locate even if the list is faulty. Let me repeat. Reasonableness includes merely glancing at a list of easy to borrow stocks, with no need to continue to locate even if this list is faulty. That rule, the mother of all loopholes, is much too vague to have any real effect. Any trader who passed Finance 101 could provide proof that he or she ''reasonably believed'' the shorted stocks could be located. In fact, the provision of a false locate is beneficial for generating commissions on the trade.

Ultimately, many commentators and I believe the SEC cannot bring cases against the gravest violators of this rule, because it does not have the means to prove intent. The rule is, in effect, unenforceable. The SEC has, in fact, not brought a single enforcement case for naked short selling. We must change the rules so the SEC Enforcement Division can do its job.

Even former SEC Chairman Christopher Cox said the SEC is:

> . . . concerned that the persistent failures to deliver in the market for some securities may be due to loopholes in Regulation SHO.

It is too difficult to prove a trader's motives necessary for proving a fraud violation. I strongly believe the SEC needs to strengthen its rules, surveillance, and the enforcement regarding naked short selling to prevent market manipulation and loss of investor confidence.

Again, according to Robert Shapiro:

> . . . there is considerable evidence that market manipulation through the use of naked short sales has been much more common than almost anyone has suspected, and certainly more widespread than most investors believe.

Furthermore, indicators the SEC typically uses to determine the effects of abusive short selling do not accurately reflect the extent of the problem. The so-called Threshold List provided by the SEC tracks sustained fails to deliver of over 10,000 shares, accounting for at least 5 percent of a company's outstanding shares.

According to Shapiro, this list does not capture the naked short sales that occur frequently that are under this threshold, and it does not capture the large volume of short interests that can spike during the 3-day settlement period. Nor does it capture any trades that occur outside of the Depository Trust and Clearing Corporation, so-called ex-clearing trades.

Let us look to other countries. Other countries have taken proper steps to make sure rules that prevent naked short selling are clear and easy to enforce. According to EuroMoney, naked short selling is:

> . . . a situation specific to the U.S. markets.

Alan Cameron, head of clearing, settlement and custody client solutions at BNP Paribas Securities Services in London, says he has seen little to indicate similar instances of fails to deliver in Europe. Some European countries such as Spain impose strict fines on failures to deliver. It's not an issue here in Europe.

Therefore, I strongly believe that the SEC must adopt new policies in order to protect the damage to investor confidence and, yes, the damage to our economic recovery that is being caused by naked short selling.

Today, along with Senators ISAKSON and TESTER, and Representative CAROLYN MALONEY, who cochairs the Joint Economic Committee, I wrote to SEC Chairman Mary Schapiro on this subject. Our letter urged that the Commission establish a pilot program to study whether a strict preborrow agreement would work effectively to end the problem of naked short selling. Such a pilot program would lead to the collection of data about stock lending and borrowing and the costs and benefits of imposing a preborrow requirement on all short sales.

Recently, Senators LEVIN, GRASSLEY, and SPECTER, in connection with the release of a General Accountability Office study analyzing recent SEC actions to curb abusive short selling, called for the SEC to consider imposing a strict preborrow requirement on short sales as the best way to end abusive short selling.

I strongly agree. As I have said, a preborrow requirement would address the problem at its most fundamental level and it should be urgently considered by the SEC as it rethinks its regulations and enforcement approach in this area.

Moreover, the system by which stocks currently are loaned and borrowed can and should be greatly improved, improving efficiency and producing cost savings. For example, centralized systems for loaning and borrowing stocks might better enable the SEC to impose fair rules on stock loans and borrowers in connection with short sales as well as enhance the SEC's ability to provide regulatory oversight to prevent naked short selling.

As one commentator has written in EuroMoney in December 2008, the:

> . . . SEC knows it has to introduce the preborrow rule if it wants to eliminate fails to deliver for good. As long as there are companies on the Regulation SHO list, then the problem is not being solved. The only sustainable solution to making naked short-selling is a rule requiring both pre-borrow and a hard delivery. . . . for Bear Stearns: only a pre-borrow could put a brake on the naked short-selling.

I urge the SEC to invite a balanced group of commentators, including members of the investing public, to air these issues publicly as it continues efforts to draft and promulgate additional rules to end abusive short selling.

I know there are critics of a preborrow requirement who claim it would limit liquidity. This is not so, and there is no meaningful evidence to support this argument. Indeed, the recent study by Robert Shapiro disproves the claim. Other knowledgable sources, such as Harvey Pitt, former SEC Chairman and founder of LendEQS, an electronic stock loan transaction firm, believe the opposite would occur, because lending would increase.

In Hong Kong, the imposition of a preborrow requirement has been quite successful. Hong Kong implemented the preborrow rule after the Asian financial crisis of 1997 to 1998, when its markets collapsed. In late 2008, while the United States saw an exponential increase in fails to deliver, Hong Kong avoided large spikes in short sales almost completely. Other countries, such as Australia and many other EU members, have also successfully maintained preborrow requirements for years. The United States must urgently address the issue of abusive short selling. If we want to protect our markets, investors, and companies from caustic manipulation, we need better rules.

In closing, I urge the SEC to act decisively, both by following through and reimposing the substance of the prior uptick rule and through a pilot program to study the effects of a strict preborrow requirement. It is way past time to put an end to naked short selling, once and for all.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent we proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

15TH ANNIVERSARY OF THE PROGRESSIVE LEADERSHIP ALLIANCE OF NEVADA

Mr. REID. Mr. President, I rise to call to the attention of the Senate the 15th anniversary celebration of the Progressive Leadership Alliance of Nevada, also known as PLAN. PLAN is a

consortium of more than 25 organizations in Nevada that strives for social, economic, and environmental justice throughout the State. PLAN is dedicated to improving the future of all Nevadans by fostering relationships and building bridges between our communities. By working with diverse constituencies, PLAN is involved in impacting policy decisions in our great State of Nevada.

The Progressive Leadership of Nevada was established in 1994 as a nonprofit organization focusing on advocacy and education. Among its many accomplishments, this outstanding coalition helped Nevada become the 11th State in our Nation to enact the Employment Non-Discrimination Act and the 13th State to extend hate crimes legislation. Additionally, PLAN was instrumental in making Nevada's tax system more equitable, passing death penalty reforms, and increasing human services funding.

I commend the Progressive Leadership Alliance of Nevada for its 15 years of continued support and achievements on behalf of the Silver State. Thanks to the leadership of everyone at PLAN, Nevada continues to ensure protections and advancement of all citizens.

THE TRAVEL PROMOTION ACT OF 2009

Mr. GRAHAM. Mr. President, today I rise to recognize the importance of the tourism industry to our country and the State of South Carolina, and to express my support for the passage of initiatives like the Travel Promotion Act of 2009 and a spouse travel tax deduction that seek to bolster an industry that is a vital component to the economies of so many communities and States.

South Carolina is home to some of the most unique destinations for leisure or business travel in the world. From the trails of Table Rock Mountain in the Blue Ridge, to the quaint mill villages throughout the South Carolina National Heritage Corridor, to a kayak excursion in the Congaree Swamp National Park, to a horse carriage ride through the streets of historic Charleston, the Palmetto State is a wealth of natural, cultural, recreational and historic opportunities for any visitor. Golf Digest magazine selected 11 of South Carolina's more than 500 golf courses as some of the top 100 public courses in the Nation for 2009. Conde Nast Traveler magazine named Charleston as the No. 2 destination in the country, rounding out 16 consecutive years as one of the magazine's top 10 travel destinations in America. The list goes on. The one-of-a-kind history, landscape and culture of our State help all visitors to understand our pride in the motto ''Smiling Faces, Beautiful Places.''

The sum of these treasures is an economic engine that drives the prosperity of our State. The tourism industry is the second largest industry in the State of South Carolina. In 2007, the industry generated $17.2 billion and employed more than 12 percent of the State's workforce. Not only does tourism generate more than $100 billion in tax revenue and employ more than 7 million individuals nationwide, but the industry also encourages investment, attracts new business, and enhances the quality of life for local residents. Tourism is truly the lifeblood for many communities not only in South Carolina but throughout America.

Unfortunately, the economic downturn is taking its toll on the tourism industry. I remain concerned with the impact that the recession continues to have on the decisions of domestic and international leisure travelers, and on business meetings travel. Families and individuals are tightening their belts, afraid to spend hard-earned money in an unpredictable economy that could still worsen. International travel to the United States has declined since September 11, 2001, despite the weak dollar enabling most overseas travelers to do and see even more in our country.

Domestic business travel accounts for about one-fifth of all trips to South Carolina each year. More and more companies are hesitant to book perfectly legitimate corporate meetings and conferences in destinations like Greenville and the South Carolina coast for fear that they will be singled out for irresponsible spending during an economic recession. According to a Meetings and Conventions magazine study, more than half of those interviewed believed that recent harsh criticism against meetings and events has influenced their companies' decisions to hold such events. We must not allow the irresponsible behavior of some to damage public opinion regarding business travel for responsible organizations.

In the first 3 months of 2009, hotel occupancy in South Carolina was down more than 12 percent, with losses in all of our traditional tourist and business meeting destinations. Tourism-related tax revenue is down 5 percent from this time last year. These are only a couple of real numbers that directly impact employment and local economies in South Carolina, a State currently suffering from one of the highest unemployment rates in the Nation at 12.1 percent.

While I believe the economy will rebound eventually, consumer confidence is not showing sufficient signs of improvement. We must encourage international travelers, Americans, and American business to continue to travel for leisure and to hold appropriate destination corporate meetings and conferences, despite the downturn in the economy. I remain committed to exploring new ways to accomplish this goal in the U.S. Senate.

I recently signed on as a cosponsor to S. 1023, the Travel Promotion Act, as I believe it is a significant step in restoring and encouraging overseas travel to the United States. While I supported a measure for the Senate to proceed to this legislation last week, I was unable to support cloture on S. 1023 as I do not believe the majority provided the minority with sufficient opportunity to offer amendments. My vote was unrelated to the substance of the legislation, and I am disappointed that the Senate was unable to complete action on the bill this week.

The Travel Promotion Act facilitates collaboration between various stakeholders in the tourism industry so that they may share ideas on how best to promote travel to America. South Carolina welcomes about 1 million international travelers each year. While this number may be low compared to other tourism destinations, overall South Carolina benefits greatly from their visits as international travelers tend to stay longer and spend more in our hotels, restaurants, shops, cultural sites and more. Through this legislation, I am hopeful that efforts to encourage travel to our country will benefit South Carolina.

To encourage business travel nationally, I authored legislation, S. 261, which would allow for a spouse to deduct travel expenses such as transportation, food and lodging expenses, when traveling with his or her spouse on business travel. Business travel accounts for more than 20 percent of all travel in South Carolina. I strongly believe that restoring this tax deduction would encourage additional travel and subsequent exploration of work-travel destinations. It is my hope that Congress will act on this legislation in a timely manner.

Now is an opportune time to travel, as nearly all tourism destinations are offering packages and deals to entice families and corporate meetings to choose their respective areas. Hotel rates are some of the lowest we have seen in years, while gas prices remain affordable. I am hopeful that families and corporations will take advantage of this opportunity, and consider South Carolina for their next destination.

It is vital that Congress recognize the importance of the tourism industry to our country, and encourage all Americans to continue to travel. I look forward to working with my colleagues on new ways to support the tourism industry.

ADDITIONAL STATEMENTS

COMMENDING MAJOR GENERAL THOMAS F. DEPPE

• Mr. BAUCUS. Mr. President, today I join my colleague Senator TESTER in recognizing and paying tribute to MG Thomas F. Deppe, Vice Commander of Air Force Space Command, and his wife Eileen for their lifetime of service and unfaltering dedication to the U.S. Air Force and our great Nation.

As both an airman and leader, spanning 42 years of military service, General Deppe's contributions to our Nation's strategic deterrence and space

missions were critical to the warfighter, global economy and safety of our families. General Deppe's leadership was an essential element in winning the Cold War and vital to Air Force Space Command's support of combat operations around the world to include Operations Enduring Freedom, Iraqi Freedom, the global war on terrorism and overseas contingency operations.

General Deppe began his illustrious Air Force career by graduating from Basic Military Training School in 1967. In September of 1967, General Deppe was introduced to the Air Force through missile instrumentation electronics technical training. This training led to a series of aircraft munitions assignments and rounded out his enlisted service with an Air Force recruiting position, achieving the enlisted rank of technical sergeant. In 1977, General Deppe received his commission through the Officer Training School. This led him to his first assignment in Montana at Malmstrom Air Force Base. General Deppe's Air Force journey as an officer would take Eileen and him through a series of wing, air staff and joint assignments relating to strategic and tactical missile and space systems. He operated the ground-launched cruise missile in Europe and later served as the commander of the 351st Organizational Missile Maintenance Squadron in Missouri at Whiteman Air Force Base. Additionally, he commanded the 90th Logistics Group at Francis E. Warren Air Force Base, WY, and the 341st Space Wing in Montana. While assigned to the National Military Command Center, he directed actions during the early days of Operation Iraqi Freedom and the Space Shuttle Columbia recovery effort.

Mr. TESTER. Mr. President, General Deppe went on to command the Air Force's land-based strategic deterrent force at 20th Air Force in Wyoming before his present assignment as the Vice Commander of Air Force Space Command.

During General Deppe's tenure as Vice Commander, Air Force Space Command, he provided inspirational leadership to over 39,000 personnel responsible for a global network of satellite command and control, communications, missile warning, and space launch facilities and ensured the combat readiness of America's ICBM force. Exploiting his unique blend of operational experience and staffing acumen, General Deppe championed the implementation of a new management headquarters construct through Air Force Space Command's ''Lanes-In-The Road'' initiative. The results clearly aligned the command's headquarters organizations with its own functional concepts as well as the operational mission areas outlined in the U.S. Air Force Concept of Operations. In addition, he guaranteed the future viability of the Air Force Nuclear Enterprise by driving major system revitalization initiatives, to include the Air Force chief of staff-approved creation of an ICBM weapons instructor course at the U.S. Air Force Weapons School. He was instrumental in successfully implementing visionary space mission area initiatives with wide-ranging national and international implications, to include the launch and range enterprise transformation effort, the commercial and foreign entities support pilot program and the operational expansion of on-orbit global positioning system and wideband global satellite communications capabilities. Finally, General Deppe oversaw the command's lead role to stand-up the 24th Air Force to execute the Air Force's cyberspace mission.

General Deppe's impeccable service is characterized by his Master Missileer Badge, Command Space Badge, Space Professional Level III certification, operational space experience in nuclear operations and spacelift, weapon systems expertise in the Minuteman II, Minuteman III and Peacekeeper ICBMs, Hound Dog and Quail Air-Launched Cruise Missiles, the Ground-Launched Cruise Missile and the Atlas III, Titan IV, Delta II and Delta III boosters.

Today Senator BAUCUS and I have mentioned but a few of MG Thomas F. Deppe's many achievements. General Deppe is a visionary, steadfast military leader and honorable man. I know my colleagues join us in paying tribute to him and his wife Eileen and their children, Lisa, Tom and Ken, for the 42 years they have dedicated to our country and to the betterment of the U.S. Armed Forces. General Deppe, thank you for your service to our Nation, and we wish you well.●

100TH ANNIVERSARY OF RICHVALE, CALIFORNIA

● Mrs. BOXER. Mr. Presdient, I am pleased to recognize the 100th anniversary of the community of Richvale, CA. In 1909, settlers from the Midwest began to arrive by train and horse-drawn carriages to this town with hopes of creating a close-knit community. Over the last century, Richvale has grown from a small settlement town of a few families to the heart of rice country in northern California.

As families settled in this small Butte County town in the early 1900s, California's rice industry began to take shape. Richvale became an early producer of rice in the State with the support of local churches, general stores, and blacksmith shops. The strong sense of community, as well as ideal soil and climate conditions, led to the success of the region's dominance in growing rice. The Richvale community worked together closely to develop irrigation systems, soil improvement, conservation techniques, and formed cooperatives with their neighbors to store and dry their crops to increase their yields and fight agricultural-related pests and diseases. These practices served as a model for other rice growers as the industry began to grow throughout the Upper Sacramento Valley. The Rice Experiment Station, that has been in operation since 1912 and conducts innovative rice improvement research and seed production, is located just south of Richvale and is credited with much of the California rice industry's international success.

Richvale's thriving commercial rice production continued as many of the men went to serve their country during World Wars I and II. The women of Richvale kept the industry alive by taking control of the responsibilities that included the day-to-day work, as well as the business side of the farming operations.

Richvale continues to thrive as a cornerstone in California's rice country, while still maintaining their smalltown character that drew early settlers to the region. I commend the Richvale community for their success in both the rice industry and for serving as an example of the success that a small community of dedicated neighbors can accomplish when they come together around a common goal. I wish Richvale another 100 years of success.●

CONGRATULATING BALLARD HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Ballard High School in Louisville, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Ballard High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Ballard High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING BOWLING GREEN HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Bowling Green High School in Bowling Green, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Bowling Green High School has earned

national recognition for the fine performance of its students and faculty.

I am proud of the students of Bowling Green High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING BROWN HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Brown High School in Louisville, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Brown High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Brown High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING DUNBAR HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Dunbar High School in Lexington, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Dunbar High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Dunbar High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING DUPONT MANUAL HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate DuPont Manual High School in Louisville, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 precent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1of 15 schools from Kentucky on this list, DuPont Manual High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of DuPont Manual High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING HOLMES HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Holmes High School in Covington, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Holmes High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Holmes High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING OLDHAM COUNTY HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Oldham County High School in Buckner, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Oldham County High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Oldham County High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING RYLE HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Ryle High School in Union, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Ryle High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Ryle High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING SOUTH OLDHAM HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate South Oldham High School in Crestwood, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, South Oldham High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of South Oldham High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

CONGRATULATING WOODFORD COUNTY HIGH SCHOOL

● Mr. BUNNING. Mr. President, I would like to take this time to congratulate Woodford County High School in Versailles, KY.

Newsweek magazine recently published a list of the top 1,500 public schools in the country. The 15 schools that made the list from Kentucky rank among the top 6 percent of public schools in the Nation. What is even more impressive is that Kentucky had three more schools ranked this year than in 2008, showing improvement in our State's schools. Placing as 1 of 15 schools from Kentucky on this list, Woodford County High School has earned national recognition for the fine performance of its students and faculty.

I am proud of the students of Woodford County High School. Their commitment to education is an example for the entire Commonwealth and I take pride in recognizing them on the floor of the U.S. Senate.●

REMEMBERING WARREN H. ABERNATHY

• Mr. GRAHAM. Mr. President, I ask my fellow colleagues to join me in honoring the memory of a dedicated servant and leader, Warren H. Abernathy. After a lifetime of unprecedented service to his State and Nation as a World War II veteran and a 49-year staffer of Senator Strom Thurmond, Mr. Abernathy passed away in Spartanburg, SC, on June 22, 2009, at the age of 85.

While he will be remembered by most as a ''private man who wanted to make a difference,'' I will remember him as a larger than life figure who greeted everyone with a smile. He was a World War II veteran who was prepared to make the ultimate sacrifice on behalf of our freedom. After a lifetime of duty, he retired as colonel with the U.S. Army Reserves.

Born and raised in Spartanburg, Mr. Abernathy attended Spartanburg High School, Wofford College, and graduated from Spartanburg Methodist College and the University of South Carolina. He later received a master's in business administration from Command and General Staff College at Fort Leavenworth, KS, and in September of 1992 he received an honorary doctorate of humane letters from Voorhees College in Denmark, SC.

In 1948 he began working for then-Governor J. Strom Thurmond as his administrative assistant. When Governor Thurmond was elected Senator Thurmond, Mr. Abernathy transitioned with him and served as the Senator's State assistant for 49 years. Mr. Abernathy also served as the former secretary-treasurer of the Strom Thurmond Foundation, a U.S. marshall, a member of the Civil Service, an honorary member of the South Carolina Law Enforcement Division, and in 2007 the Spartanburg County Bar Association awarded him the E. C. Burnett, III, Contribution to Law and Justice Award for his contributions as a nonlawyer to the overall improvement of the legal system in Spartanburg County.

In addition to his time in politics, Mr. Abernathy was an active member of the Southside Baptist Church where he participated in the Layman's Sunday school class and served as a former deacon. In 1997 a portion of highway 29 in Spartanburg, SC, was renamed Warren H. Abernathy Highway by the Department of Transportation in honor of his service. And after decades of serving South Carolina, Mr. Abernathy was awarded the Order of the Palmetto from Governor David Beasley on April 13, 1998.

Mr. Abernathy, the husband of the late Margaretta Scruggs Abernathy, is survived by family and friends who are rightfully proud of a well-lived life in service of his fellow man.

I ask that the U.S. Senate join me in commemorating Mr. Abernathy's lifelong dedication to service to our country and to the State of South Carolina.•

100TH ANNIVERSARY OF THE DETROIT RESCUE MISSION MINISTRIES

• Mr. LEVIN. Mr. President, I would like to take this opportunity to congratulate the Detroit Rescue Mission Ministries—DRMM—on 100 years of dedicated service to the Metro Detroit community. Through their commitment to meeting the emotional, spiritual and material needs of the individuals they serve each day, the Detroit Rescue Mission Ministries truly embody their motto: ''Rebuilding one life at a time.''

Founded in 1909, this faith-based, non-profit organization has consistently worked to combat the debilitating and persistent challenges of homelessness, hunger, and addiction in southeastern Michigan. The DRMM has waged this important fight by bringing together a variety of interested parties throughout southeastern Michigan, as well as a wealth of resources. By coordinating 50,000 donors, 120 faith-based organizations, and multiple State, county, and local government agencies, the DRMM has galvanized the community support necessary to make a significant difference in the lives of Michiganders.

The DRMM has played a central role in the rehabilitation of countless individuals in Metro Detroit. The DRMM provides basic necessities for at-risk individuals while fostering a desire to rebuild their lives. This organization offers critical services in the form of emergency, transitional, and permanent housing; psychological and spiritual counseling; substance abuse treatment; and emergency food and clothing. Each year, the DRMM provides 1 million nutritious meals at seven local facilities; more than 160,000 nights of emergency shelter; 75,000 clothing items; and substance abuse treatment for thousands of men and women.

I know my colleagues join me in congratulating all who have contributed to the important work of the Detroit Rescue Mission Ministries over the years, and I look forward to another century of commitment to the community.•

COMMENDING WILD OATS BAKERY & CAFÉ

• Ms. SNOWE. Mr. President, today I recognize a small business in my home State of Maine that admirably embodies the ideal dichotomy of being both a successful business and a well-regarded member of the community. Wild Oats Bakery & Café, an independently-owned dining establishment located in Brunswick, also provides guests with a quintessentially New England experience, as Yankee Magazine recently recognized the restaurant with the ''Best Taste of Home'' Editor's Choice award in its annual Best of New England listing.

Opened in October 1991 by owners Becky and David Shepherd, Wild Oats Bakery & Café has remained a consistent purveyor of fresh, homemade foods for nearly two decades, resulting in its immense popularity among the local community and area Bowdoin College students. Located inside the Tontine Mall in downtown Brunswick, Wild Oats has grown from a 5-employee operation to its current crew of over 20. Additionally, Wild Oats has doubled the size of its space, and has added a deck and patio for dining during the beautiful Maine summer, all the while maintaining a cozy and personable atmosphere.

With a menu that includes baked goods, breads, soups and chowders, salads, sandwiches, entrees, desserts, as well as frozen meals to bring home, Wild Oats offers patrons an appealing variety of delicious, made-from-scratch products to suit a diverse array of taste buds. To support another Maine small business, Wild Oats sells Carrabassett Coffee, produced in the western Maine town of Kingfield. The company has also launched a unique delivery service to nearby Bowdoin College, where parents can surprise their sons and daughters with a delectable birthday cake accompanied by a Wild Oats coffee mug, water bottle, or t-shirt.

From the beginning, Wild Oats has strived to make customer service the top priority and has consistently sought innovative ways to better serve its customers. These efforts have certainly not gone unnoticed as Wild Oats has become an increasingly integral part of the local community. In fact, Wild Oats' most recent distinction as the ''Best Taste of Home for 2009'' is just one of several awards the restaurant has garnered in recent years. Last year, the company was named Small Business of the Year by the Southern Midcoast Chamber of Commerce. This award came six months after it was acknowledged with the Small Business Leadership Award by Governor John Baldacci for the firm's 16-year history of employing persons with disabilities. The Shepherds have partnered with several Midcoast organizations, including Independence Association and Work Enterprises, to hire workers with disabilities over the years.

While the Shepherds operate and own Wild Oats, they are the first to point out that they rely heavily on their stellar and experienced employees, an extended family that they include in many decision making and leadership opportunities. Among them is Louisa Edgerton, the store's manager, who has been with Wild Oats since 1997 and brought over 20 years in the food service industry with her. Another notable employee is Frank Golek. Frank, who assists with food preparation and cleaning, has worked at the restaurant since 1996, affording him the distinction of the longest serving Wild Oats employee.

Wild Oats' commitment to the local community goes beyond serving

scrumptious lunches, dinners, and sweets. Both Becky and David Shepherd, who have lived in Brunswick since 1981, have been active members of the local community for many years. Becky has served on the Brunswick school and library boards, and both donate significant time and money to various community based projects both locally and throughout Maine, particularly regarding education and the environment.

A mainstay of the Brunswick downtown for nearly two decades, Wild Oats Bakery & Café is a unique restaurant that has assuredly earned its exceptional reputation for quality service and delicious cuisine. I offer my sincerest congratulations to Becky and David Shepherd and everyone at Wild Oats Bakery & Café on their well-deserved accomplishments, and I wish them many years of continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, WITH RESPECT TO THE CURRENT EXISTENCE AND RISK OF THE PROLIFERATION OF WEAPONS-USABLE FISSILE MATERIAL ON THE KOREAN PENINSULA—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency, declared in Executive Order 13466 of June 26, 2008, is to continue in effect beyond June 26, 2009.

The current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and maintain certain restrictions with respect to North Korea and North Korean nationals that would otherwise have been lifted in Proclamation 8271 of June 26, 2008.

BARACK OBAMA.

THE WHITE HOUSE, *June 24, 2009*.

MESSAGES FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. SCHIFF (appointed a manager on the part of the House for the impeachment of Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas), announced that the House has agreed to the following resolutions:

H. Res. 520. Resolution impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors.

H. Res. 565. Resolution appointing and authorizing managers for the impeachment of Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas.

At 1 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

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.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1016. An act to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

H.R. 1172. An act to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors.

H.R. 1211. An act to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H. R. 1777) to make technical corrections to the Higher Education Act of 1965, and for other purposes.

ENROLLED BILLS SIGNED

The following enrolled bills were signed by the Acting President pro tempore (Mr. INOUYE) on today, Wednesday, June 24, 2009, which were previously signed by the Speaker of the House:

S. 614. An act to award a congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 615. An act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1172. An act to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors; to the Committee on Veterans' Affairs.

H.R. 1211. An act to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1344. A bill to temporarily protect the solvency of the Highway Trust Fund.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 24, 2009, she had presented to the President of the United States the following enrolled bills:

S. 614. An act to award a congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 615. An act to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense.

*Daniel Ginsberg, of the District of Columbia, to be an Assistant Secretary of the Air Force.

*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.

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. JOHNSON:

S. 1332. A bill to prohibit States from carrying out more than one congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Mr. CRAPO, Mr. HATCH, Mr. VITTER, Mr. RISCH, Mr. BENNETT, and Mr. ENZI):

S. 1333. A bill to provide clean, affordable, and reliable energy, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. MENENDEZ, and Mr. LAUTENBERG):

S. 1334. A bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 1335. A bill to require reports on the effectiveness and impacts of the implementation of the Western Hemisphere Travel Initiative, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MURRAY:

S. 1336. A bill to amend the Controlled Substances Act to provide for disposal of controlled substances by ultimate users and care takers through State take-back disposal programs, to amend the Federal Food, Drug, and Cosmetic Act to prohibit recommendations on drug labels for disposal by flushing, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. KENNEDY, and Ms. CANTWELL):

S. 1337. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

By Mr. CARPER (for himself and Mr. ALEXANDER):

S. 1338. A bill to require the accreditation of English language, and for other purposes; to the Committee on the Judiciary.

By Mrs. HAGAN:

S. 1339. A bill to provide for financial literacy education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. CRAPO):

S. 1340. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1341. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. BAUCUS, Mr. TESTER, and Mr. RISCH):

S. 1342. A bill to include Idaho and Montana as affected areas for purposes of making claims under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mr. BENNET, and Mr. CASEY):

S. 1343. A bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER (for himself and Mr. KYL):

S. 1344. A bill to temporarily protect the solvency of the Highway Trust Fund; read the first time.

By Mr. REED (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. BAYH, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mr. LUGAR, Mrs. MURRAY, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 1345. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. FEINGOLD):

S. 1346. A bill to penalize crimes against humanity and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 1347. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 202. A resolution to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Samuel B. Kent; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 203. A resolution to provide for the appointment of a committee to receive and to report evidence with respect to articles of impeachment against Judge Samuel B. Kent; considered and agreed to.

By Mr. VITTER:

S. Res. 204. A resolution designating March 31, 2010, as ''National Congenital Diaphragmatic Hernia Awareness Day''; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mr. ISAKSON):

S. Res. 205. A resolution supporting the goals and ideals of African American Bone Marrow Awareness Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 307

At the request of Mr. WYDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 451

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) 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. 510

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) 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 names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Colorado (Mr. UDALL) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 662

At the request of Mr. CONRAD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service

and the Naval Transport Service) during World War II.

S. 711

At the request of Mr. BAUCUS, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors 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. 749

At the request of Mr. COCHRAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 765

At the request of Mr. NELSON of Nebraska, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 819

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 846

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 883

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 935

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 970

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 970, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 999, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Ms. MIKULSKI) 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. 1112

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1112, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. 1230

At the request of Mr. ISAKSON, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of S. 1230, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 1235

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of 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.

S. 1253

At the request of Mr. CORKER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1253, a bill to address reimbursement of certain costs to automobile dealers.

S. 1287

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1287, a bill to provide for the audit of financial statements of the Department of Defense for fiscal year 2017 and fiscal years thereafter, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mrs. FEINSTEIN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from Maryland (Mr. CARDIN), the Senator from Washington (Ms. CANTWELL) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S.J. Res. 17, supra.

S. CON. RES. 29

At the request of Mr. REID, his name was added as a cosponsor of S. Con. Res. 29, a concurrent resolution expressing the sense of the Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

S. RES. 199

At the request of Mr. KOHL, the names of the Senator from Louisiana

(Ms. LANDRIEU), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Alaska (Mr. BEGICH), the Senator from Rhode Island (Mr. REED), the Senator from Washington (Mrs. MURRAY), the Senator from North Carolina (Mrs. HAGAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 199, a resolution recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

At the request of Mr. BURR, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Maine (Ms. SNOWE), the Senator from Mississippi (Mr. WICKER), the Senator from Louisiana (Mr. VITTER) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. Res. 199, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. MENENDEZ, and Mr. LAUTENBERG):

S.. 1334. A bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. GILLIBRAND. 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. 1334

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 ''James Zadroga 9/11 Health and Compensation Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

Sec. 101. World Trade Center Health Program.

''TITLE XXXI—WORLD TRADE CENTER HEALTH PROGRAM

''Subtitle A—Establishment of Program; Advisory and Steering Committees

''Sec. 3101. Establishment of World Trade Center Health Program within NIOSH.
''Sec. 3102. WTC Health Program Scientific/Technical Advisory Committee.
''Sec. 3103. WTC Health Program Steering Committees.
''Sec. 3104. Community education and outreach.
''Sec. 3105. Uniform data collection.
''Sec. 3106. Centers of excellence.
''Sec. 3107. Entitlement authorities.
''Sec. 3108. Definitions.

''Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

''PART 1—FOR WTC RESPONDERS

''Sec. 3111. Identification of eligible WTC responders and provision of WTC-related monitoring services.
''Sec. 3112. Treatment of certified eligible WTC responders for WTC-related health conditions.

''PART 2—COMMUNITY PROGRAM

''Sec. 3121. Identification and initial health evaluation of eligible WTC community members.
''Sec. 3122. Followup monitoring and treatment of certified eligible WTC community members for WTC-related health conditions.
''Sec. 3123. Followup monitoring and treatment of other individuals with WTC-related health conditions.

''PART 3—NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK

''Sec. 3131. National arrangement for benefits for eligible individuals outside New York.

''Subtitle C—Research Into Conditions

''Sec. 3141. Research regarding certain health conditions related to September 11 terrorist attacks in New York City.

''Subtitle D—Programs of the New York City Department of Health and Mental Hygiene

''Sec. 3151. World Trade Center Health Registry.
''Sec. 3152. Mental health services.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Sec. 201. Definitions.
Sec. 202. Extended and expanded eligibility for compensation.
Sec. 203. Requirement to update regulations.
Sec. 204. Limited liability for certain claims.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Thousands of rescue workers who responded to the areas devastated by the terrorist attacks of September 11, 2001, local residents, office and area workers, and school children continue to suffer significant medical problems as a result of compromised air quality and the release of other toxins from the attack sites.

(2) In a September 2006 peer-reviewed study conducted by the World Trade Center Medical Monitoring Program, of 9,500 World Trade Center responders, almost 70 percent of World Trade Center responders had a new or worsened respiratory symptom that developed during or after their time working at the World Trade Center; among the responders who were asymptomatic before September 11, 2001, 61 percent developed respiratory symptoms while working at the World Trade Center; close to 60 percent still had a new or worsened respiratory symptom at the time of their examination; one-third had abnormal pulmonary function tests; and severe respiratory conditions including pneumonia were significantly more common in the 6 months after September 11, 2001 than in the prior 6 months.

(3) An April 2006 study documented that, on average, a New York City firefighter who responded to the World Trade Center has experienced a loss of 12 years of lung capacity.

(4) A peer-reviewed study of residents who lived near the World Trade Center titled ''The World Trade Center Residents' Respiratory Health Study: New Onset Respiratory Symptoms and Pulmonary Function'', found that data demonstrated a three fold increase in new-onset, persistent lower respiratory symptoms in residents near the former World Trade Center as compared to a control population.

(5) Previous research on the health impacts of the devastation caused by the September 11, 2001, terrorist attacks has shown relationships between the air quality from Ground Zero and a host of health impacts, including lower pregnancy rates, higher rates of respiratory and lung disorders, and a variety of post-disaster mental health conditions (including posttraumatic stress disorder) in workers and residents near Ground Zero.

(6) A variety of tests conducted by independent scientists have concluded that significant World Trade Center (WTC) contamination settled in indoor environments surrounding the disaster site. The Environmental Protection Agency's (EPA) cleanup programs for indoor residential spaces, in 2003 and 2005, though limited, are an acknowledgment that indoor contamination continued after the WTC attacks.

(7) At the request of the Department of Energy, the Davis DELTA Group at the University of California conducted outdoor dust sampling in October 2001 at Varick and Houston Streets (approximately 1.2 miles north of Ground Zero) and found that the contamination from the World Trade Center ''outdid even the worst pollution from the Kuwait oil fields fires''. Further, the United States Geological Survey (USGS) reported on November 27, 2001, that dust samples collected from indoor surfaces in this area registered at levels that were ''as caustic as liquid drain cleaners''.

(8) According to both the EPA's own Inspector General's (EPA IG) report of August 21, 2003 and the Governmental Accountability Offices's (GAO) report of September 2007, no comprehensive program has ever been conducted in order to characterize the full extent of WTC contamination, and therefore the full impact of that contamination—geographic or otherwise—remains unknown.

(9) Such reports found that there has never been a comprehensive program to remediate WTC toxins from indoor spaces. Thus, area residents, workers and students may continued to be exposed to WTC contamination in their homes, workplaces and schools.

(10) Because of the failure to release federally appropriated funds for community care, a lack of sufficient outreach, the fact that many community members are receiving care from physicians outside the current City-funded World Trade Center Environmental Health Center program and thus fall outside data collection efforts, and other factors, the number of community members being treated at the World Trade Center Environmental Health Center underrepresents the total number in the community that have been affected by exposure to Ground Zero toxins.

(11) Research by Columbia University's Center for Children's Environmental Health has shown negative health effects on babies born to women living within 2 miles of the World Trade Center in the month following September 11, 2001.

(12) Federal funding allocated for the monitoring of rescue workers' health is not sufficient to ensure the long-term study of health impacts of September 11, 2001.

(13) A significant portion of those who have developed health problems as result of exposures to airborne toxins or other hazards resulting from the September 11, 2001, attacks on the World Trade Center have no health insurance, have lost their health insurance as a result of the attacks, or have inadequate health insurance.

(14) The Federal program to provide medical treatments to those who responded to

the September 11, 2001, aftermath, and who continue to experience health problems as a result, was finally established more than five years after the attacks, but has no certain long-term funding.

(15) Rescue workers and volunteers seeking workers' compensation have reported that their applications have been denied, delayed for months, or redirected, instead of receiving assistance in a timely and supportive manner.

(16) A February 2007 report released by the City of New York estimated that approximately 410,000 people were the most heavily exposed to the environmental hazards and trauma of the September 11, 2001, terrorist attacks. More than 30 percent of the Fire Department of the City of New York first responders were still experiencing some respiratory symptoms more than five years after the attacks and, according to the report, 59 percent of those seen by the WTC Environmental Health Center at Bellevue Hospital (which serves community members) are without insurance and 65 percent have incomes of less than $15,000 per year. The report also found a need to continue and expand mental health services.

(17) Since the 5th anniversary of the attack (September 11, 2006), hundreds of workers a month have been signing up with the monitoring and treatment programs.

(18) In April 2008, the Department of Health and Human Services reported to Congress that in fiscal year 2007 11,359 patients received medical treatment in the existing WTC Responder Medical and Treatment program for WTC-related health problems, and that number of responders who need treatment and the severity of health problems is expected to increase.

(19) The September 11 Victim Compensation Fund of 2001 was established to provide compensation to individuals who were physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

(20) The deadline for filing claims for compensation under the Victim Compensation Fund was December 22, 2003.

(21) Some individuals did not know they were eligible to file claims for compensation for injuries or did not know they had suffered physical harm as a result of the terrorist-related aircraft crashes until after the December 22, 2003, deadline.

(22) Further research is needed to evaluate more comprehensively the extent of the health impacts of September 11, 2001, including research for emerging health problems such as cancer, which have been predicted.

(23) Research is needed regarding possible treatment for the illnesses and injuries of September 11, 2001.

(24) The Federal response to medical and financial issues arising from the September 11, 2001, response efforts needs a comprehensive, coordinated long-term response in order to meet the needs of all the individuals who were exposed to the toxins of Ground Zero and are suffering health problems from the disaster.

(25) The failure to extend the appointment of Dr. John Howard as Director of the National Institute for Occupational Safety and Health in July 2008 is not in the interests of the administration of such Institute nor the continued operation of the World Trade Center Medical Monitoring and Treatment Program which he has headed, and the Secretary of Health and Human Services should reconsider extending such appointment.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following new title:

"TITLE XXXI—WORLD TRADE CENTER HEALTH PROGRAM

"Subtitle A—Establishment of Program; Advisory and Steering Committees

"SEC. 3101. ESTABLISHMENT OF WORLD TRADE CENTER HEALTH PROGRAM WITHIN NIOSH.

''(a) IN GENERAL.—There is hereby established within the National Institute for Occupational Safety and Health a program to be known as the 'World Trade Center Health Program' (in this title referred to as the 'WTC program') to provide—

''(1) medical monitoring and treatment benefits to eligible emergency responders and recovery and clean-up workers (including those who are Federal employees) who responded to the September 11, 2001, terrorist attacks on the World Trade Center; and

''(2) initial health evaluation, monitoring, and treatment benefits to residents and other building occupants and area workers in New York City who were directly impacted and adversely affected by such attacks.

''(b) COMPONENTS OF PROGRAM.—The WTC program includes the following components:

''(1) MEDICAL MONITORING FOR RESPONDERS.—Medical monitoring under section 3111, including clinical examinations and long-term health monitoring and analysis for individuals who were likely to have been exposed to airborne toxins that were released, or to other hazards, as a result of the September 11, 2001, terrorist attacks on the World Trade Center.

''(2) INITIAL HEALTH EVALUATION FOR COMMUNITY MEMBERS.—An initial health evaluation under section 3121, including an evaluation to determine eligibility for followup monitoring and treatment.

''(3) FOLLOW-UP MONITORING AND TREATMENT FOR WTC-RELATED CONDITIONS FOR RESPONDERS AND COMMUNITY MEMBERS.—Provision under sections 3112, 3122, and 3123 of follow-up monitoring and treatment and payment, subject to the provisions of subsection (d), for all medically necessary health and mental health care expenses (including necessary prescription drugs) of individuals with a WTC-related health condition.

''(4) OUTREACH.—Establishment under section 3104 of an outreach program to potentially eligible individuals concerning the benefits under this title.

''(5) UNIFORM DATA COLLECTION.—Collection under section 3105 of health and mental health data on individuals receiving monitoring or treatment benefits, using a uniform system of data collection.

''(6) RESEARCH ON WTC CONDITIONS.—Establishment under subtitle C of a research program on health conditions resulting from the September 11, 2001, terrorist attacks on the World Trade Center.

''(c) NO COST-SHARING.—Monitoring and treatment benefits and initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost-sharing to an eligible WTC responder or any eligible WTC community member.

''(d) PAYOR.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the cost of monitoring and treatment benefits and initial health evaluation benefits provided under subtitle B shall be paid for by the WTC program.

''(2) WORKERS' COMPENSATION PAYMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), payment for treatment under subtitle B of a WTC-related health condition in an individual that is work-related shall be reduced or recouped to the extent that the Secretary determines that payment has been made, or can reasonably be expected to be made, under a workers' compensation law or plan of the United States or a State, or other work-related injury or illness benefit plan of the employer of such individual, for such treatment. The provisions of clauses (iii), (iv), (v), and (vi) of paragraph (2)(B) of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)(2)) and paragraph (3) of such section shall apply to the recoupment under this paragraph of a payment to the WTC program with respect to a workers' compensation law or plan, or other work-related injury or illness plan of the employer involved, and such individual in the same manner as such provisions apply to the reimbursement of a payment under section 1862(b)(2) of such Act to the Secretary, with respect to such a law or plan and an individual entitled to benefits under title XVIII of such Act.

''(B) EXCEPTION.—If the WTC Program Administrator certifies that the City of New York has contributed the matching contribution required under section 3106(a)(3) for a 12-month period (specified by the WTC Program Administrator), subparagraph (A) shall not apply for that 12-month period with respect to a workers' compensation law or plan, including line of duty compensation, to which the City is obligated to make payments.

''(3) HEALTH INSURANCE COVERAGE.—

''(A) IN GENERAL.—In the case of an individual who has a WTC-related health condition that is not work-related and has health coverage for such condition through any public or private health plan, the provisions of section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) shall apply to such a health plan and such individual in the same manner as they apply to a group health plan and an individual entitled to benefits under title XVIII of such Act pursuant to section 226(a). Any costs for items and services covered under such plan that are not reimbursed by such health plan, due to the application of deductibles, copayments, coinsurance, other cost-sharing, or otherwise, are reimbursable under this title to the extent that they are covered under the WTC program.

''(B) RECOVERY BY INDIVIDUAL PROVIDERS.—Nothing in subparagraph (A) shall be construed as requiring an entity providing monitoring and treatment under this title to seek reimbursement under a health plan with which the entity has no contract for reimbursement

''(4) WORK-RELATED DESCRIBED.—For the purposes of this subsection, a WTC-related health condition shall be treated as a condition that is work-related if—

''(A) the condition is diagnosed in an eligible WTC responder, or in an individual who qualifies as an eligible WTC community member on the basis of being a rescue, recovery, or clean-up worker; or

''(B) with respect to the condition the individual has filed and had established a claim under a workers' compensation law or plan of the United States or a State, or other work-related injury or illness benefit plan of the employer of such individual.

''(e) QUALITY ASSURANCE AND MONITORING OF CLINICAL EXPENDITURES.—

''(1) QUALITY ASSURANCE.—The WTC Program Administrator, working with the Clinical Centers of Excellence, shall develop and implement a quality assurance program for the medical monitoring and treatment delivered by such Centers of Excellence and any other participating health care providers. Such program shall include—

''(A) adherence to medical monitoring and treatment protocols;

''(B) appropriate diagnostic and treatment referrals for participants;

''(C) prompt communication of test results to participants; and

''(D) such other elements as the Administrator specifies in consultation with the Clinical Centers of Excellence.

''(2) FRAUD PREVENTION.—The WTC Program Administrator shall develop and implement a program to review the program's health care expenditures to detect fraudulent or duplicate billing and payment for inappropriate services. Such program shall be similar to current methods used in connection with the Medicare program under title XVIII of the Social Security Act. This title is a Federal health care program (as defined in section 1128B(f) of such Act) and is a health plan (as defined in section 1128C(c) of such Act) for purposes of applying sections 1128 through 1128E of such Act.

''(f) WTC PROGRAM ADMINISTRATION.—The WTC program shall be administered by the Director of the National Institute for Occupational Safety and Health, or a designee of such Director.

''(g) ANNUAL PROGRAM REPORT.—

''(1) IN GENERAL.—Not later than 6 months after the end of each fiscal year in which the WTC program is in operation, the WTC Program Administrator shall submit an annual report to the Congress on the operations of this title for such fiscal year and for the entire period of operation of the program.

''(2) CONTENTS OF REPORT.—Each annual report under paragraph (1) shall include the following:

''(A) ELIGIBLE INDIVIDUALS.—Information for each clinical program described in paragraph (3)—

''(i) on the number of individuals who applied for certification under subtitle B and the number of such individuals who were so certified;

''(ii) of the individuals who were certified, on the number who received medical monitoring under the program and the number of such individuals who received medical treatment under the program;

''(iii) with respect to individuals so certified who received such treatment, on the WTC-related health conditions for which the individuals were treated; and

''(iv) on the projected number of individuals who will be certified under subtitle B in the succeeding fiscal year.

''(B) MONITORING, INITIAL HEALTH EVALUATION, AND TREATMENT COSTS.—For each clinical program so described—

''(i) information on the costs of monitoring and initial health evaluation and the costs of treatment and on the estimated costs of such monitoring, evaluation, and treatment in the succeeding fiscal year; and

''(ii) an estimate of the cost of medical treatment for WTC-related health conditions that have been paid for or reimbursed by workers' compensation, by public or private health plans, or by the City of New York under section 3106(a)(3).

''(C) ADMINISTRATIVE COSTS.—Information on the cost of administering the program, including costs of program support, data collection and analysis, and research conducted under the program.

''(D) ADMINISTRATIVE EXPERIENCE.—Information on the administrative performance of the program, including—

''(i) the performance of the program in providing timely evaluation of and treatment to eligible individuals; and

''(ii) a list of the Clinical Centers of Excellence and other providers that are participating in the program.

''(E) SCIENTIFIC REPORTS.—A summary of the findings of any new scientific reports or studies on the health effects associated with WTC exposures, including the findings of research conducted under section 3141(a).

''(F) ADVISORY COMMITTEE RECOMMENDATIONS.—A list of recommendations by the WTC Scientific/Technical Advisory Committee on additional WTC program eligibility criteria and on additional WTC-related health conditions and the action of the WTC Program Administrator concerning each such recommendation.

''(3) SEPARATE CLINICAL PROGRAMS DESCRIBED.—In paragraph (2), each of the following shall be treated as a separate clinical program of the WTC program:

''(A) FDNY RESPONDERS.—The benefits provided for eligible WTC responders described in section 3106(b)(1)(A).

''(B) OTHER ELIGIBLE WTC RESPONDERS.—The benefits provided for eligible WTC responders not described in subparagraph (A).

''(C) ELIGIBLE WTC COMMUNITY MEMBERS.—The benefits provided for eligible WTC community members in section 3106(b)(1)(C).

''(h) NOTIFICATION TO CONGRESS WHEN REACH 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The WTC Program Administrator shall promptly notify the Congress—

''(1) when the number of certifications for eligible WTC responders subject to the limit established under section 3111(a)(5) has reached 80 percent of such limit; and

''(2) when the number of certifications for eligible WTC community members subject to the limit established under section 3121(a)(5) has reached 80 percent of such limit.

''(i) GAO REPORT.—Not later than 3 years after the date of the enactment of the James Zadroga 9/11 Health and Compensation Act of 2009, the Comptroller General of the United States shall submit to the Congress a report on the costs of the monitoring and treatment programs provided under this title.

''(j) NYC RECOMMENDATIONS.—The City of New York may make recommendations to the WTC Program Administrator on ways to improve the monitoring and treatment programs under this title for both eligible WTC responders and eligible WTC community members.

"SEC. 3102. WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—The WTC Program Administrator shall establish an advisory committee to be known as the WTC Health Program Scientific/Technical Advisory Committee (in this section referred to as the 'Advisory Committee') to review scientific and medical evidence and to make recommendations to the Administrator on additional WTC program eligibility criteria and on additional WTC-related health conditions.

''(b) COMPOSITION.—The WTC Program Administrator shall appoint the members of the Advisory Committee and shall include at least—

''(1) 4 occupational physicians, at least two of whom have experience treating WTC rescue and recovery workers;

''(2) 1 physician with expertise in pulmonary medicine;

''(3) 2 environmental medicine or environmental health specialists;

''(4) 2 representatives of eligible WTC responders;

''(5) 2 representatives of WTC community members;

''(6) an industrial hygienist;

''(7) a toxicologist;

''(8) an epidemiologist; and

''(9) a mental health professional.

''(c) MEETINGS.—The Advisory Committee shall meet at such frequency as may be required to carry out its duties.

''(d) REPORTS.—The WTC Program Administrator shall provide for publication of recommendations of the Advisory Committee on the public website established for the WTC program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary, not to exceed $100,000, for each fiscal year beginning with fiscal year 2009.

''(f) DURATION.—Notwithstanding any other provision of law, the Advisory Committee shall continue in operation during the period in which the WTC program is in operation.

''(g) APPLICATION OF FACA.—Except as otherwise specifically provided, the Advisory Committee shall be subject to the Federal Advisory Committee Act.

"SEC. 3103. WTC HEALTH PROGRAM STEERING COMMITTEES.

''(a) ESTABLISHMENT.—The WTC Program Administrator shall establish two steering committees (each in this section referred to as a 'Steering Committee') as follows:

''(1) WTC RESPONDERS STEERING COMMITTEE.—One steering committee, to be known as the WTC Responders Steering Committee, for the purpose of facilitating the coordination of medical monitoring and treatment programs for the eligible WTC responders under part 1 of subtitle B.

''(2) WTC COMMUNITY PROGRAM STEERING COMMITTEE.—One steering committee, to be known as the WTC Community Program Steering Committee, for the purpose of facilitating the coordination of initial health evaluations, monitoring, and treatment programs for eligible WTC community members under part 2 of subtitle B.

''(b) MEMBERSHIP.—

''(1) INITIAL MEMBERSHIP OF WTC RESPONDERS STEERING COMMITTEE.—The WTC Responders Steering Committee shall initially be composed of members of the WTC Monitoring and Treatment Program Steering Committee (as in existence on the day before the date of the enactment of this title). In addition, the committee membership shall include—

''(A) a representative of the Police Commissioner of the City of New York;

''(B) a representative of the Department of Health of the City of New York;

''(C) a representative of another agency of the City of New York, selected by the Mayor of New York City, which had a large number of non-uniformed City workers who responded to the September 11, 2001, terrorist attacks on the World Trade Center; and

''(D) three representatives of eligible WTC responders;

in order that eligible WTC responders constitute half the members of the Steering Committee.

''(2) INITIAL MEMBERSHIP OF WTC COMMUNITY PROGRAM STEERING COMMITTEE.—

''(A) IN GENERAL.—The WTC Community Program Steering Committee shall initially be composed of members of the WTC Environmental Health Center Community Advisory Committee (as in existence on the day before the date of the enactment of this title) and shall initially have, as voting members, the following:

''(i) 11 representatives of the affected populations of residents, students, area workers, and other community members.

''(ii) The Medical Director of the WTC Environmental Health Center.

''(iii) The Executive Director of the WTC Environmental Health Center.

''(iv) Three physicians, one each representing the three WTC Environmental Health Center treatment sites of Bellevue Hospital Center, Gouverneur Healthcare Services, and Elmhurst Hospital Center.

''(v) Five specialists with WTC related expertise or experience in treating non-responder WTC diseases, such as a pediatrician, an epidemiologist, a psychiatrist or psychologist, an environmental/occupational specialist, or a social worker from a WTC

Environmental Health Center treatment site, or other relevant specialists.

''(vi) A representative of the Department of Health and Mental Hygiene of the City of New York.

''(B) APPOINTMENTS.—

''(i) WTC EHC COMMUNITY ADVISORY COMMITTEE.—The WTC Environmental Health Center Community Advisory Committee as in existence on the date of the enactment of this title shall nominate members for positions described in subparagraph (A)(i).

''(ii) NYC HEALTH AND HOSPITALS CORPORATION.—The New York City Health and Hospitals Corporation shall nominate members for positions described in clauses (iv) and (v) of subparagraph (A).

''(iii) TIMING.—Nominations under clauses (i) and (ii) shall be recommended to the WTC Program Administrator not later than 60 days after the date of the enactment of this title.

''(iv) APPOINTMENT.—The WTC Program Administrator shall appoint members of the WTC Community Program Steering Committee not later than 90 days after the date of the enactment of this title.

''(v) GENERAL REPRESENTATIVES.—Of the members appointed under subparagraph (A)(i)—

''(I) the representation shall reflect the broad and diverse WTC-affected populations and constituencies and the diversity of impacted neighborhoods, including residents, hard-to-reach populations, students, area workers, parents of school-aged students, community-based organizations, Community Boards, WTC Environmental Health Center patients, labor unions, and labor advocacy organizations; and

''(II) no one individual organization shall have more than one representative.

''(3) ADDITIONAL APPOINTMENTS.—Each Steering Committee may appoint, if approved by a majority of voting members of the Committee, additional members to the Committee.

''(4) VACANCIES.—A vacancy in a Steering Committee shall be filled by the Steering Committee, subject to the approval of the WTC Program Administrator, so long as—

''(A) in the case of the WTC Responders Steering Committee—

''(i) the composition of the Steering Committee includes representatives of eligible WTC responders and representatives of each Clinical Center of Excellence and each Coordinating Center of Excellence that serves eligible WTC responders; and

''(ii) such composition has eligible WTC responders constituting half of the membership of the Steering Committee; or

''(B) in the case of the WTC Community Program Steering Committee—

''(i) the composition of the Committee includes representatives of eligible WTC community members and representatives of each Clinical Center of Excellence and each Coordinating Center of Excellence that serves eligible WTC community members; and

''(ii) the nominating process is consistent with paragraph (2)(B).

''(5) CO-CHAIRS OF WTC COMMUNITY PROGRAM STEERING COMMITTEE.—The WTC Community Program Steering Committee shall have two Co-Chairs as follows:

''(A) COMMUNITY/LABOR CO-CHAIR.—A Community/Labor Co-Chair who shall be chosen by the community and labor-based members of the Steering Committee.

''(B) ENVIRONMENTAL HEALTH CLINIC CO-CHAIR.—A WTC Environmental Health Clinic Co-Chair who shall be chosen by the WTC Environmental Health Center members on the Steering Committee.

''(c) RELATION TO FACA.—Each Steering Committee shall not be subject to the Federal Advisory Committee Act.

''(d) MEETINGS.—Each Steering Committee shall meet at such frequency necessary to carry out its duties, but not less than 4 times each calendar year and at least two such meetings each year shall be a joint meeting with the voting membership of the other Steering Committee for the purpose of exchanging information regarding the WTC program.

''(e) DURATION.—Notwithstanding any other provision of law, each Steering Committee shall continue in operation during the period in which the WTC program is in operation.

''SEC. 3104. COMMUNITY EDUCATION AND OUTREACH.

''(a) IN GENERAL.—The WTC Program Administrator shall institute a program that provides education and outreach on the existence and availability of services under the WTC program. The outreach and education program—

''(1) shall include—

''(A) the establishment of a public website with information about the WTC program;

''(B) meetings with potentially eligible populations;

''(C) development and dissemination of outreach materials informing people about the WTC program; and

''(D) the establishment of phone information services; and

''(2) shall be conducted in a manner intended—

''(A) to reach all affected populations; and

''(B) to include materials for culturally and linguistically diverse populations.

''(b) PARTNERSHIPS.—To the greatest extent possible, in carrying out this section, the WTC Program Administrator shall enter into partnerships with local governments and organizations with experience performing outreach to the affected populations, including community and labor-based organizations.

''SEC. 3105. UNIFORM DATA COLLECTION.

''(a) IN GENERAL.—The WTC Program Administrator shall provide for the uniform collection of data (and analysis of data and regular reports to the Administrator) on the utilization of monitoring and treatment benefits provided to eligible WTC responders and eligible WTC community members, the prevalence of WTC-related health conditions, and the identification of new WTC-related health conditions. Such data shall be collected for all individuals provided monitoring or treatment benefits under subtitle B and regardless of their place of residence or Clinical Center of Excellence through which the benefits are provided.

''(b) COORDINATING THROUGH CENTERS OF EXCELLENCE.—Each Clinical Center of Excellence shall collect data described in subsection (a) and report such data to the corresponding Coordinating Center of Excellence for analysis by such Coordinating Center of Excellence.

''(c) PRIVACY.—The data collection and analysis under this section shall be conducted in a manner that protects the confidentiality of individually identifiable health information consistent with applicable legal requirements.

''SEC. 3106. CENTERS OF EXCELLENCE.

''(a) IN GENERAL.—

''(1) CONTRACTS WITH CLINICAL CENTERS OF EXCELLENCE.—The WTC Program Administrator shall enter into contracts with Clinical Centers of Excellence specified in subsection (b)(1)—

''(A) for the provision of monitoring and treatment benefits and initial health evaluation benefits under subtitle B;

''(B) for the provision of outreach activities to individuals eligible for such monitoring and treatment benefits, for initial health evaluation benefits, and for follow-up to individuals who are enrolled in the monitoring program;

''(C) for the provision of counseling for benefits under subtitle B, with respect to WTC-related health conditions, for individuals eligible for such benefits;

''(D) for the provision of counseling for benefits for WTC-related health conditions that may be available under workers' compensation or other benefit programs for work-related injuries or illnesses, health insurance, disability insurance, or other insurance plans or through public or private social service agencies and assisting eligible individuals in applying for such benefits;

''(E) for the provision of translational and interpretive services as for program participants who are not English language proficient; and

''(F) for the collection and reporting of data in accordance with section 3105.

''(2) CONTRACTS WITH COORDINATING CENTERS OF EXCELLENCE.—The WTC Program Administrator shall enter into contracts with Coordinating Centers of Excellence specified in subsection (b)(2)—

''(A) for receiving, analyzing, and reporting to the WTC Program Administrator on data, in accordance with section 3105, that has been collected and reported to such Coordinating Centers by the corresponding Clinical Centers of Excellence under subsection (d)(3);

''(B) for the development of medical monitoring, initial health evaluation, and treatment protocols, with respect to WTC-related health conditions;

''(C) for coordinating the outreach activities conducted under paragraph (1)(B) by each corresponding Clinical Center of Excellence;

''(D) for establishing criteria for the credentialing of medical providers participating in the nationwide network under section 3131;

''(E) for coordinating and administrating the activities of the WTC Health Program Steering Committees established under section 3103(a); and

''(F) for meeting periodically with the corresponding Clinical Centers of Excellence to obtain input on the analysis and reporting of data collected under subparagraph (A) and on the development of medical monitoring, initial health evaluation, and treatment protocols under subparagraph (B).

The medical providers under subparagraph (D) shall be selected by the WTC Program Administrator on the basis of their experience treating or diagnosing the medical conditions included in the list of identified WTC-related health conditions for responders and of identified WTC-related health conditions for community members.

''(3) REQUIRED PARTICIPATION BY NEW YORK CITY IN MONITORING AND TREATMENT PROGRAM AND COSTS.—

''(A) IN GENERAL.—In order for New York City, any agency or Department thereof, or the New York City Health and Hospitals Corporation to qualify for a contract for the provision of monitoring and treatment benefits and other services under this section, New York City is required to contribute a matching amount of 20 percent of the amount of the covered monitoring and treatment payment (as defined in subparagraph (B)).

''(B) COVERED MONITORING AND TREATMENT PAYMENT DEFINED.—For the purposes of this paragraph, the term 'covered monitoring and treatment payment' means payment under paragraphs (1) and (2) including under each such paragraph as applied under sections 3121(b) and 3122(a) for WTC community members, and section 3123 for other individuals with WTC-related health conditions, and reimbursement under section 3106(c)(1)(C) for

items and services furnished by a Clinical Center of Excellence or Coordinating Center of Excellence, after the application of paragraphs (2) and (3) of section 3101(d).

''(C) PAYMENT OF NEW YORK CITY SHARE OF MONITORING AND TREATMENT COSTS.—The WTC Program Administrator shall—

''(i) bill the amount specified in subparagraph (A) directly to New York City; and

''(ii) certify periodically, for purposes of section 3101(d)(2), whether or not New York City has paid the amount so billed.

''(D) LIMITATION ON REQUIRED AMOUNT.—In no case is New York City required under this paragraph to contribute more than a total of $250,000,000 over any 10-year period.

''(b) CENTERS OF EXCELLENCE DEFINED.—

''(1) CLINICAL CENTER OF EXCELLENCE.—In this title, the term 'Clinical Center of Excellence' means the following:

''(A) FOR FDNY RESPONDERS.—With respect to an eligible WTC responder who responded to the 9/11 attacks as an employee of the Fire Department of the City of New York and who—

''(i) is an active employee of such Department—

''(I) with respect to monitoring, such Fire Department; and

''(II) with respect to treatment, such Fire Department (or such entity as has entered into a contract with the Fire Department for treatment of such responders) or any other Clinical Center of Excellence described in subparagraph (B), (C), or (D); or

''(ii) is not an active employee of such Department, such Fire Department (or such entity as has entered into a contract with the Fire Department for monitoring or treatment of such responders) or any other Clinical Center of Excellence described in subparagraph (B), (C), or (D).

''(B) OTHER ELIGIBLE WTC RESPONDERS.—With respect to other eligible WTC responders, whether or not the responders reside in the New York Metropolitan area, the Mt. Sinai-coordinated consortium, Queens College, State University of New York at Stony Brook, University of Medicine and Dentistry of New Jersey, and Bellevue Hospital.

''(C) WTC COMMUNITY MEMBERS.—With respect to eligible WTC community members, whether or not the members reside in the New York Metropolitan area, the World Trade Center Environmental Health Center at Bellevue Hospital and such hospitals or other facilities, including but not limited to those within the New York City Health and Hospitals Corporation, as are identified by the WTC Program Administrator.

''(D) ALL ELIGIBLE WTC RESPONDERS AND ELIGIBLE WTC COMMUNITY MEMBERS.—With respect to all eligible WTC responders and eligible WTC community members, such other hospitals or other facilities as are identified by the WTC Program Administrator.

The WTC Program Administrator shall limit the number of additional Centers of Excellence identified under subparagraph (D) to ensure that the participating centers have adequate experience in the treatment and diagnosis of identified WTC-related health conditions.

''(2) COORDINATING CENTER OF EXCELLENCE.—In this title, the term 'Coordinating Center of Excellence' means the following:

''(A) FOR FDNY RESPONDERS.—With respect to an eligible WTC responder who responded to the 9/11 attacks as an employee of the Fire Department of the City of New York, such Fire Department.

''(B) OTHER WTC RESPONDERS.—With respect to other eligible WTC responders, the Mt. Sinai-coordinated consortium.

''(C) WTC COMMUNITY MEMBERS.—With respect to eligible WTC community members, the World Trade Center Environmental Health Center at Bellevue Hospital.

''(3) CORRESPONDING CENTERS.—In this title, a Clinical Center of Excellence and a Coordinating Center of Excellence shall be treated as 'corresponding' to the extent that such Clinical Center and Coordinating Center serve the same population group.

''(c) REIMBURSEMENT FOR NON-TREATMENT, NON-MONITORING PROGRAM COSTS.—A Clinical or Coordinating Center of Excellence with a contract under this section shall be reimbursed for the costs of such Center in carrying out the activities described in subsection (a), other than those described in subsection (a)(1)(A), subject to the provisions of section 3101(d), as follows:

''(1) CLINICAL CENTERS OF EXCELLENCE.—For carrying out subparagraphs (B) through (F) of subsection (a)(1)—

''(A) CLINICAL CENTER FOR FDNY RESPONDERS IN NEW YORK.—The Clinical Center of Excellence for FDNY responders in New York specified in subsection (b)(1)(A) shall be reimbursed—

''(i) in the first year of the contract under this section, $600 per certified eligible WTC responder in the medical treatment program, and $300 per certified eligible WTC responder in the monitoring program; and

''(ii) in each subsequent contract year, subject to paragraph (3), at the rates specified in this subparagraph for the previous contract year adjusted by the WTC Program Administrator to reflect the rate of medical care inflation during the previous contract year.

''(B) CLINICAL CENTERS SERVING OTHER ELIGIBLE WTC RESPONDERS IN NEW YORK.—A Clinical Center of Excellence for other WTC responders in New York specified in subsection (b)(1)(B) shall be reimbursed the amounts specified in subparagraph (A).

''(C) CLINICAL CENTERS SERVING WTC COMMUNITY MEMBERS.—A Clinical Center of Excellence for eligible WTC community members in New York specified in subsection (b)(1)(C) shall be reimbursed—

''(i) in the first year of the contract under this section, for each certified eligible WTC community member in a medical treatment program enrolled at a non-hospital-based facility, $600, and for each certified eligible WTC community member in a medical treatment program enrolled at a hospital-based facility, $300; and

''(ii) in each subsequent contract year, subject to paragraph (3), at the rates specified in this subparagraph for the previous contract year adjusted by the WTC Program Administrator to reflect the rate of medical care inflation during the previous contract year.

''(D) OTHER CLINICAL CENTERS.—A Clinical Center of Excellence for other providers not described in a previous subparagraph shall be reimbursed at a rate set by the WTC Program Administrator.

''(E) REIMBURSEMENT RULES.—The reimbursement provided under subparagraphs (A), (B), and (C) shall be made for each certified eligible WTC responder and for each WTC community member in the WTC program per year that the member receives such services, regardless of the volume or cost of services required.

''(2) COORDINATING CENTERS OF EXCELLENCE.—A Coordinating Center of Excellence specified in section (a)(2) shall be reimbursed for the provision of services set forth in this section at such levels as are established by the WTC Program Administrator.

''(3) REVIEW OF RATES.—

''(A) INITIAL REVIEW.—Before the end of the third contract year of the WTC program, the WTC Program Administrator shall conduct a review to determine whether the reimbursement rates set forth in this subsection provide fair and appropriate reimbursement for such program services. Based on such review, the Administrator may, by rule beginning with the fourth contract year, modify such rates, taking into account a reasonable and fair rate for the services being provided.

''(B) SUBSEQUENT REVIEWS.—After the fourth contract year, the WTC Program Administrator shall conduct periodic reviews to determine whether the reimbursement rates in effect under this subsection provide fair and appropriate reimbursement for such program services. Based upon such a review, the Administrator may by rule modify such rates, taking into account a reasonable and fair rate for the services being provided.

''(C) GAO REVIEW.—The Comptroller General of the United States shall review the WTC Program Administrator's determinations regarding fair and appropriate reimbursement for program services under this paragraph.

''(d) REQUIREMENTS.—The WTC Program Administrator shall not enter into a contract with a Clinical Center of Excellence under subsection (a)(1) unless—

''(1) the Center establishes a formal mechanism for consulting with and receiving input from representatives of eligible populations receiving monitoring and treatment benefits under subtitle B from such Center;

''(2) the Center provides for the coordination of monitoring and treatment benefits under subtitle B with routine medical care provided for the treatment of conditions other than WTC-related health conditions;

''(3) the Center collects and reports to the corresponding Coordinating Center of Excellence data in accordance with section 3105;

''(4) the Center has in place safeguards against fraud that are satisfactory to the Administrator;

''(5) the Center agrees to treat or refer for treatment all individuals who are eligible WTC responders or eligible WTC community members with respect to such Center who present themselves for treatment of a WTC-related health condition;

''(6) the Center has in place safeguards to ensure the confidentiality of an individual's individually identifiable health information, including requiring that such information not be disclosed to the individual's employer without the authorization of the individual;

''(7) the Center provides assurances that the amounts paid under subsection (c)(1) are used only for costs incurred in carrying out the activities described in subsection (a), other than those described in subsection (a)(1)(A); and

''(8) the Center agrees to meet all the other applicable requirements of this title, including regulations implementing such requirements.

''(e) NYC RIGHT OF INSPECTION AND AUDIT.—

''(1) IN GENERAL.—The City of New York, for any program under this title for which the City contributes a matching amount pursuant to subsection (a)(3)(C), shall have the right to, independently but in coordination with the WTC Program Administrator—

''(A) inspect or otherwise evaluate the quality, appropriateness, and timeliness of services provided to recipients of assistance under a contract under such program; and

''(B) audit and inspect any books and records of any Clinical Center of Excellence or Coordinating Center of Excellence that pertain to—

''(i) the ability of the Center of Excellence to provide services to program recipients under the contract; or

''(ii) expenditures made utilizing City funds.

''(2) MEMORANDUM OF UNDERSTANDING.—The WTC Program Administrator shall enter into a memorandum of understanding with the City of New York setting forth the terms and conditions of how the inspections and audits conducted by the City under paragraph (1)

shall be carried out. The memorandum of understanding shall include provisions requiring that any audits conducted by the City of New York under paragraph (1) will be done in a manner to protect the confidentiality of program participants and in accordance with the Health Insurance Portability and Accountability Act of 1996 and other applicable Federal and State medical confidentiality requirements.

"SEC. 3107. ENTITLEMENT AUTHORITIES.

''Subject to subsections (b)(4)(C) and (c)(4) of section 3112—

''(1) subtitle B constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment for monitoring, initial health evaluations, and treatment in accordance with such subtitle; and

''(2) section 3106(c) constitutes such budget authority and represents the obligation of the Federal Government to provide for the payment described in such section.

"SEC. 3108. DEFINITIONS.

''In this title:

''(1) The term 'aggravating' means, with respect to a health condition, a health condition that existed on September 11, 2001, and that, as a result of exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks on the World Trade Center, requires medical treatment that is (or will be) in addition to, more frequent than, or of longer duration than the medical treatment that would have been required for such condition in the absence of such exposure.

''(2) The terms 'certified eligible WTC responder' and 'certified eligible WTC community member' mean an individual who has been certified as an eligible WTC responder under section 3111(a)(4) or an eligible WTC community member under section 3121(a)(4), respectively.

''(3) The terms 'Clinical Center of Excellence' and 'Coordinating Center of Excellence' have the meanings given such terms in section 3106(b).

''(4) The term 'current consortium arrangements' means the arrangements as in effect on the date of the enactment of this title between the National Institute for Occupational Safety and Health and the Mt. Sinai-coordinated consortium and the Fire Department of the City of New York.

''(5) The terms 'eligible WTC responder' and 'eligible WTC community member' are defined in sections 3111(a) and 3121(a), respectively.

''(6) The term 'initial health evaluation' includes, with respect to an individual, a medical and exposure history, a physical examination, and additional medical testing as needed to evaluate whether the individual has a WTC-related health condition and is eligible for treatment under the WTC program.

''(7) The term 'list of identified WTC-related health conditions' means—

''(A) for eligible WTC responders, the identified WTC-related health conditions for eligible WTC responders under paragraph (3) or (4) of section 3112(a); or

''(B) for eligible WTC community members, the identified WTC-related health conditions for WTC community members under paragraph (1) or (2) of section 3122(b).

''(8) The term 'Mt.-Sinai-coordinated consortium' means the consortium coordinated by Mt. Sinai hospital in New York City that coordinates the monitoring and treatment under the current consortium arrangements for eligible WTC responders other than with respect to those covered under the arrangement with the Fire Department of the City of New York.

''(9) The term 'New York City disaster area' means the area within New York City that is—

''(A) the area of Manhattan that is south of Houston Street; and

''(B) any block in Brooklyn that is wholly or partially contained within a 1.5-mile radius of the former World Trade Center site.

''(10) The term 'New York metropolitan area' means an area, specified by the WTC Program Administrator, within which eligible WTC responders and eligible WTC community members who reside in such area are reasonably able to access monitoring and treatment benefits and initial health evaluation benefits under this title through a Clinical Center of Excellence described in subparagraph (A), (B), or (C) of section 3106(b)(1).

''(11) Any reference to 'September 11, 2001' shall be deemed a reference to the period on such date subsequent to the terrorist attacks on the World Trade Center on such date.

''(12) The term 'September 11, 2001, terrorist attacks on the World Trade Center' means the terrorist attacks that occurred on September 11, 2001, in New York City and includes the aftermath of such attacks.

''(13) The term 'WTC Health Program Steering Committee' means such a Steering Committee established under section 3103.

''(14) The term 'WTC Program Administrator' means the individual responsible under section 3101(f) for the administration of the WTC program.

''(15) The term 'WTC-related health condition' is defined in section 3112(a).

''(16) The term 'WTC Scientific/Technical Advisory Committee' means the WTC Health Program Scientific/Technical Advisory Committee established under section 3102.

"Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

"PART 1—FOR WTC RESPONDERS

"SEC. 3111. IDENTIFICATION OF ELIGIBLE WTC RESPONDERS AND PROVISION OF WTC-RELATED MONITORING SERVICES.

''(a) ELIGIBLE WTC RESPONDER DEFINED.—

''(1) IN GENERAL.—For purposes of this title, the term 'eligible WTC responder' means any of the following individuals, subject to paragraph (5):

''(A) CURRENTLY IDENTIFIED RESPONDER.—An individual who has been identified as eligible for medical monitoring under the current consortium arrangements (as defined in section 3108(4)).

''(B) RESPONDER WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who meets the current eligibility criteria described in paragraph (2).

''(C) RESPONDER WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who—

''(i) performed rescue, recovery, demolition, debris cleanup, or other related services in the New York City disaster area in response to the September 11, 2001, terrorist attacks on the World Trade Center, regardless of whether such services were performed by a State or Federal employee or member of the National Guard or otherwise; and

''(ii) meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks on the World Trade Center as the WTC Program Administrator, after consultation with the WTC Responders Steering Committee and the WTC Scientific/Technical Advisory Committee, determines appropriate.

The WTC Program Administrator shall not modify such eligibility criteria on or after the date that the number of certifications for eligible responders has reached 80 percent of the limit described in paragraph (5) or on or after the date that the number of certifications for eligible community members has reached 80 percent of the limit described in section 3121(a)(5).

''(2) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this paragraph for an individual is that the individual is described in either of the following categories:

''(A) FIRE FIGHTERS AND RELATED PERSONNEL.—The individual—

''(i) was a member of the Fire Department of the City of New York (whether fire or emergency personnel, active or retired) who participated at least one day in the rescue and recovery effort at any of the former World Trade Center sites (including Ground Zero, Staten Island land fill, and the NYC Chief Medical Examiner's office) for any time during the period beginning on September 11, 2001, and ending on July 31, 2002; or

''(ii)(I) is a surviving immediate family member of an individual who was a member of the Fire Department of the City of New York (whether fire or emergency personnel, active or retired) and was killed at the World Trade site on September 11, 2001; and

''(II) received any treatment for a WTC-related mental health condition described in section 3112(a)(1)(B) on or before September 1, 2008.

''(B) LAW ENFORCEMENT OFFICERS AND WTC RESCUE, RECOVERY, AND CLEAN-UP WORKERS.—The individual—

''(i) worked or volunteered on-site in rescue, recovery, debris-cleanup, or related support services in lower Manhattan (south of Canal Street), the Staten Island Landfill, or the barge loading piers, for—

''(I) at least 4 hours during the period beginning on September 11, 2001, and ending on September 14, 2001;

''(II) at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001; or

''(III) at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(ii)(I) was a member of the Police Department of the City of New York (whether active or retired) or a member of the Port Authority Police of the Port Authority of New York and New Jersey (whether active or retired) who participated on-site in rescue, recovery, debris clean-up, or related support services in lower Manhattan (south of Canal Street), including Ground Zero, the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning September 11, 2001, and ending on September 14, 2001;

''(II) participated on-site in rescue, recovery, debris clean-up, or related services at Ground Zero, the Staten Island Landfill or the barge loading piers, for at least one day during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(III) participated on-site in rescue, recovery, debris clean-up, or related services in lower Manhattan (south of Canal St.) for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001; or

''(IV) participated on-site in rescue, recovery, debris clean-up, or related services in lower Manhattan (south of Canal St.) for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(iii) was an employee of the Office of the Chief Medical Examiner of the City of New York involved in the examination and handling of human remains from the September 11, 2001, terrorist attacks on the World Trade Center, or other morgue worker who performed similar post-September 11 functions for such Office staff, during the period beginning on September 11, 2001 and ending on July 31, 2002;

''(iv) was a worker in the Port Authority Trans-Hudson Corporation tunnel for at least 24 hours during the period beginning on February 1, 2002, and ending on July 1, 2002; or

''(v) was a vehicle-maintenance worker who was exposed to debris from the former World Trade Center while retrieving, driving, cleaning, repairing, or maintaining vehicles contaminated by airborne toxins from the September 11, 2001, terrorist attacks on the World Trade Center during a duration and period described in subparagraph (A).

''(3) APPLICATION PROCESS.—The WTC Program Administrator in consultation with the Coordinating Centers of Excellence shall establish a process for individuals, other than eligible WTC responders described in paragraph (1)(A), to apply to be determined to be eligible WTC responders. Under such process—

''(A) there shall be no fee charged to the applicant for making an application for such determination;

''(B) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application; and

''(C) an individual who is determined not to be an eligible WTC responder shall have an opportunity to appeal such determination before an administrative law judge in a manner established under such process.

''(4) CERTIFICATION.—

''(A) IN GENERAL.—In the case of an individual who is described in paragraph (1)(A) or who is determined under paragraph (3) (consistent with paragraph (5)) to be an eligible WTC responder, the WTC Program Administrator shall provide an appropriate certification of such fact and of eligibility for monitoring and treatment benefits under this part. The Administrator shall make determinations of eligibility relating to an applicant's compliance with this title, including the verification of information submitted in support of the application, and shall not deny such a certification to an individual unless the Administrator determines that—

''(i) based on the application submitted, the individual does not meet the eligibility criteria; or

''(ii) the numerical limitation on eligible WTC responders set forth in paragraph (5) has been met.

''(B) TIMING.—

''(i) CURRENTLY IDENTIFIED RESPONDERS.—In the case of an individual who is described in paragraph (1)(A), the WTC Program Administrator shall provide the certification under subparagraph (A) not later than 60 days after the date of the enactment of this title.

''(ii) OTHER RESPONDERS.—In the case of another individual who is determined under paragraph (3) and consistent with paragraph (5) to be an eligible WTC responder, the WTC Program Administrator shall provide the certification under subparagraph (A) at the time of the determination.

''(5) NUMERICAL LIMITATION ON ELIGIBLE WTC RESPONDERS.—

''(A) IN GENERAL.—The total number of individuals not described in subparagraph (C) who may qualify as eligible WTC responders for purposes of this title, and be certified as eligible WTC responders under paragraph (4), shall not exceed 15,000, subject to adjustment under paragraph (6), of which no more than 2,500 may be individuals certified based on modified eligibility criteria established under paragraph (1)(C). In applying the previous sentence, any individual who at any time so qualifies as an eligible WTC responder shall be counted against such numerical limitation.

''(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

''(i) limit the number of certifications provided under paragraph (4) in accordance with such subparagraph; and

''(ii) provide priority in such certifications in the order in which individuals apply for a determination under paragraph (3).

''(C) CURRENTLY IDENTIFIED RESPONDERS NOT COUNTED.—Individuals described in this subparagraph are individuals who are described in paragraph (1)(A).

''(6) POTENTIAL ADJUSTMENT IN NUMERICAL LIMITATIONS DEPENDENT UPON ACTUAL SPENDING RELATIVE TO ESTIMATED SPENDING.—

''(A) INITIAL CALCULATION FOR FISCAL YEARS 2009 THROUGH 2011.—If the WTC Program Administrator determines as of December 1, 2011, that the WTC expenditure-to-CBO-estimate percentage (as defined in subparagraph (D)(iii)) for fiscal years 2009 through 2011 does not exceed 90 percent, then, effective January 1, 2012, the WTC Program Administrator may increase the numerical limitation under paragraph (5)(A), the numerical limitation under section 3121(a)(5), or both, by a number of percentage points not to exceed the number of percentage points specified in subparagraph (C) for such period of fiscal years.

''(B) SUBSEQUENT CALCULATION FOR FISCAL YEARS 2009 THROUGH 2015.—If the Secretary determines as of December 1, 2015, that the WTC expenditure-to-CBO-estimate percentages for fiscal years 2009 through 2015 and for fiscal years 2012 through 2015 do not exceed 90 percent, then, effective January 1, 2015, the WTC Program Administrator may increase the numerical limitation under paragraph (5)(A), the numerical limitation under section 3121(a)(5), or both, as in effect after the application of subparagraph (A), by a number of percentage points not to exceed twice the lesser of—

''(i) the number of percentage points specified in subparagraph (C) for fiscal years 2009 through 2012, or

''(ii) the number of percentage points specified in subparagraph (C) for fiscal years 2012 through 2015.

''(C) MAXIMUM PERCENTAGE INCREASE IN NUMERICAL LIMITATIONS FOR PERIOD OF FISCAL YEARS.—The number of percentage points specified in this clause for a period of fiscal years is—

''(i) 100 percentage points, multiplied by

''(ii) one minus a fraction the numerator of which is the net Federal WTC spending for such period, and the denominator of which is the CBO WTC spending estimate under this title for such period.

''(D) DEFINITIONS.—For purposes of this paragraph:

''(i) NET FEDERAL WTC SPENDING.—The term 'net Federal WTC spending' means, with respect to a period of fiscal years, the net Federal spending under this title for such fiscal years.

''(ii) CBO WTC MEDICAL SPENDING ESTIMATE UNDER THIS TITLE.—The term 'CBO WTC medical spending estimate under this title' means, with respect to—

''(I) fiscal years 2009 through 2011, $900,000,000;

''(II) fiscal years 2012 through 2015, $1,890,000,000; and

''(III) fiscal years 2009 through 2015, the sum of the amounts specified in subclauses (I) and (II).

''(iii) WTC EXPENDITURE-TO-CBO-ESTIMATE PERCENTAGE.—The term 'WTC expenditure-to-estimate percentage' means, with respect to a period of fiscal years, the ratio (expressed as a percentage) of—

''(I) the net Federal WTC spending for such period, to

''(II) the CBO WTC medical spending estimate under this title for such period.

''(b) MONITORING BENEFITS.—

''(1) IN GENERAL.—In the case of an eligible WTC responder under section 3111(a)(4) (other than one described in subsection (a)(2)(A)(ii)), the WTC program shall provide for monitoring benefits that include medical monitoring consistent with protocols approved by the WTC Program Administrator and including clinical examinations and long-term health monitoring and analysis. In the case of an eligible WTC responder who is an active member of the Fire Department of the City of New York, the responder shall receive such benefits as part of the individual's periodic company medical exams.

''(2) PROVISION OF MONITORING BENEFITS.—The monitoring benefits under paragraph (1) shall be provided through the Clinical Center of Excellence for the type of individual involved or, in the case of an individual residing outside the New York metropolitan area, under an arrangement under section 3131.

"SEC. 3112. TREATMENT OF CERTIFIED ELIGIBLE WTC RESPONDERS FOR WTC-RELATED HEALTH CONDITIONS.

''(a) WTC–RELATED HEALTH CONDITION DEFINED.—

''(1) IN GENERAL.—For purposes of this title, the term 'WTC-related health condition' means—

''(A) an illness or health condition for which exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks on the World Trade Center, based on an examination by a medical professional with experience in treating or diagnosing the medical conditions included in the applicable list of identified WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the illness or health condition, as determined under paragraph (2); or

''(B) a mental health condition for which such attacks, based on an examination by a medical professional with experience in treating or diagnosing the medical conditions included in the applicable list of identified WTC-related health conditions, is substantially likely be a significant factor in aggravating, contributing to, or causing the condition, as determined under paragraph (2).

In the case of an eligible WTC responder described in section 3111(a)(2)(A)(ii), such term only includes the mental health condition described in subparagraph (B).

''(2) DETERMINATION.—The determination of whether the September 11, 2001, terrorist attacks on the World Trade Center were substantially likely to be a significant factor in aggravating, contributing to, or causing an individual's illness or health condition shall be made based on an assessment of the following:

''(A) The individual's exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the terrorist attacks. Such exposure shall be—

''(i) evaluated and characterized through the use of a standardized, population appropriate questionnaire approved by the Director of the National Institute for Occupational Safety and Health; and

''(ii) assessed and documented by a medical professional with experience in treating or diagnosing medical conditions included on the list of identified WTC-related health conditions.

''(B) The type of symptoms and temporal sequence of symptoms. Such symptoms shall be—

''(i) assessed through the use of a standardized, population appropriate medical questionnaire approved by Director of the National Institute for Occupational Safety and Health and a medical examination; and

''(ii) diagnosed and documented by a medical professional described in subparagraph (A)(ii).

''(3) LIST OF IDENTIFIED WTC-RELATED HEALTH CONDITIONS FOR ELIGIBLE WTC RESPONDERS.—For purposes of this title, the term 'identified WTC-related health condition for eligible WTC responders' means any of the following health conditions:

''(A) AERODIGESTIVE DISORDERS.—

''(i) Interstitial lung diseases.

''(ii) Chronic respiratory disorder-fumes/vapors.

''(iii) Asthma.

''(iv) Reactive airways dysfunction syndrome (RADS).

''(v) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

''(vi) Chronic cough syndrome.

''(vii) Upper airway hyperreactivity.

''(viii) Chronic rhinosinusitis.

''(ix) Chronic nasopharyngitis.

''(x) Chronic laryngitis.

''(xi) Gastro-esophageal reflux disorder (GERD).

''(xii) Sleep apnea exacerbated by or related to a condition described in a previous clause.

''(B) MENTAL HEALTH CONDITIONS.—

''(i) Post traumatic stress disorder (PTSD).

''(ii) Major depressive disorder.

''(iii) Panic disorder.

''(iv) Generalized anxiety disorder.

''(v) Anxiety disorder (not otherwise specified).

''(vi) Depression (not otherwise specified).

''(vii) Acute stress disorder.

''(viii) Dysthymic disorder.

''(ix) Adjustment disorder.

''(x) Substance abuse.

''(xi) V codes (treatments not specifically related to psychiatric disorders, such as marital problems, parenting problems, etc.), secondary to another identified WTC-related health condition for WTC eligible responders.

''(C) MUSCULOSKELETAL DISORDERS.—

''(i) Low back pain.

''(ii) Carpal tunnel syndrome (CTS).

''(iii) Other musculoskeletal disorders.

''(4) ADDITION OF IDENTIFIED WTC-RELATED HEALTH CONDITIONS FOR ELIGIBLE WTC RESPONDERS.—

''(A) IN GENERAL.—The WTC Program Administrator may promulgate regulations to add an illness or health condition not described in paragraph (3) to the list of identified WTC-related conditions for eligible WTC responders. In promulgating such regulations, the Secretary shall provide for notice and opportunity for a public hearing and at least 90 days of public comment. In promulgating such regulations, the WTC Program Administrator shall take into account the findings and recommendations of Clinical Centers of Excellence published in peer reviewed journals in the determination of whether an additional illness or health condition, such as cancer, should be added to the list of identified WTC-related health conditions for eligible WTC responders.

''(B) PETITIONS.—Any person (including the WTC Health Program Scientific/Technical Advisory Committee) may petition the WTC Program Administrator to propose regulations described in subparagraph (A). Unless clearly frivolous, or initiated by such Committee, any such petition shall be referred to such Committee for its recommendations. Following—

''(i) receipt of any recommendation of the Committee; or

''(ii) 180 days after the date of the referral to the Committee,

whichever occurs first, the WTC Program Administrator shall conduct a rulemaking proceeding on the matters proposed in the petition or publish in the Federal Register a statement of reasons for not conducting such proceeding.

''(C) EFFECTIVENESS.—Any addition under subparagraph (A) of an illness or health condition shall apply only with respect to applications for benefits under this title which are filed after the effective date of such regulation.

''(D) ROLE OF ADVISORY COMMITTEE.—Except with respect to a regulation recommended by the WTC Scientific/Technical Advisory Committee, the WTC Program Administrator may not propose a regulation under this paragraph, unless the Administrator has first provided to the Committee a copy of the proposed regulation, requested recommendations and comments by the Committee, and afforded the Committee at least 90 days to make such recommendations.

''(b) COVERAGE OF TREATMENT FOR WTC–RELATED HEALTH CONDITIONS.—

''(1) DETERMINATION BASED ON AN IDENTIFIED WTC-RELATED HEALTH CONDITION FOR CERTIFIED ELIGIBLE WTC RESPONDERS.—

''(A) IN GENERAL.—If a physician at a Clinical Center of Excellence that is providing monitoring benefits under section 3111 for a certified eligible WTC responder determines that the responder has an identified WTC-related health condition, and the physician makes a clinical determination that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September, 11, 2001, terrorist attacks on the World Trade Center is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition—

''(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the medical facts supporting such determination; and

''(ii) on and after the date of such transmittal and subject to subparagraph (B), the WTC program shall provide for payment under subsection (c) for medically necessary treatment for such condition.

''(B) REVIEW; CERTIFICATION; APPEALS.—

''(i) REVIEW.—A Federal employee designated by the WTC Program Administrator shall review determinations made under subparagraph (A) of a WTC-related health condition.

''(ii) CERTIFICATION.—The Administrator shall provide a certification of such condition based upon reviews conducted under clause (i). Such a certification shall be provided unless the Administrator determines that the responder's condition is not an identified WTC-related health condition or that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks on the World Trade Center is not substantially likely to be a significant factor in significantly aggravating, contributing to, or causing the condition.

''(iii) APPEAL PROCESS.—The Administrator shall provide a process for the appeal of determinations under clause (ii) before an administrative law judge.

''(2) DETERMINATION BASED ON OTHER WTC-RELATED HEALTH CONDITION.—

''(A) IN GENERAL.—If a physician at a Clinical Center of Excellence determines pursuant to subsection (a) that a certified eligible WTC responder has a WTC-related health condition that is not an identified WTC-related health condition for eligible WTC responders—

''(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the facts supporting such determination; and

''(ii) the Administrator shall make a determination under subparagraph (B) with respect to such physician's determination.

''(B) REVIEW; CERTIFICATION.—

''(i) USE OF PHYSICIAN PANEL.—With respect to each determination relating to a WTC-related health condition transmitted under subparagraph (A)(i), the WTC Program Administrator shall provide for the review of the condition to be made by a physician panel with appropriate expertise appointed by the WTC Program Administrator. Such a panel shall make recommendations to the Administrator on the evidence supporting such determination.

''(ii) REVIEW OF RECOMMENDATIONS OF PANEL; CERTIFICATION.—The Administrator, based on such recommendations shall determine, within 60 days after the date of the transmittal under subparagraph (A)(i), whether or not the condition is a WTC-related health condition and, if it is, provide for a certification under paragraph (1)(B)(ii) of coverage of such condition. The Administrator shall provide a process for the appeal of determinations that the responder's condition is not a WTC-related health condition before an administrative law judge.

''(3) REQUIREMENT OF MEDICAL NECESSITY.—

''(A) IN GENERAL.—In providing treatment for a WTC-related health condition, a physician shall provide treatment that is medically necessary and in accordance with medical protocols established under subsection (d).

''(B) MEDICALLY NECESSARY STANDARD.—For the purpose of this title, health care services shall be treated as medically necessary for an individual if a physician, exercising prudent clinical judgment, would consider the services to be medically necessary for the individual for the purpose of evaluating, diagnosing, or treating an illness, injury, disease or its symptoms, and that are—

''(i) in accordance with the generally accepted standards of medical practice;

''(ii) clinically appropriate, in terms of type, frequency, extent, site, and duration, and considered effective for the individual's illness, injury, or disease; and

''(iii) not primarily for the convenience of the patient or physician, or another physician, and not more costly than an alternative service or sequence of services at least as likely to produce equivalent therapeutic or diagnostic results as to the diagnosis or treatment of the individual's illness, injury, or disease.

''(C) DETERMINATION OF MEDICAL NECESSITY.—

''(i) REVIEW OF MEDICAL NECESSITY.—As part of the reimbursement payment process under subsection (c), the WTC Program Administrator shall review claims for reimbursement for the provision of medical treatment to determine if such treatment is medically necessary.

''(ii) WITHHOLDING OF PAYMENT FOR MEDICALLY UNNECESSARY TREATMENT.—The Administrator may withhold such payment for treatment that the Administrator determines is not medically necessary.

''(iii) REVIEW OF DETERMINATIONS OF MEDICAL NECESSITY.—The Administrator shall provide a process for providers to appeal a determination under clause (ii) that medical treatment is not medically necessary. Such appeals shall be reviewed through the use of a physician panel with appropriate expertise.

''(4) SCOPE OF TREATMENT COVERED.—

''(A) IN GENERAL.—The scope of treatment covered under paragraphs (1) through (3) includes services of physicians and other

health care providers, diagnostic and laboratory tests, prescription drugs, inpatient and outpatient hospital services, and other medically necessary treatment.

''(B) PHARMACEUTICAL COVERAGE.—With respect to ensuring coverage of medically necessary outpatient prescription drugs, such drugs shall be provided, under arrangements made by the WTC Program Administrator, directly through participating Clinical Centers of Excellence or through one or more outside vendors.

''(C) TRANSPORTATION EXPENSES.—To the extent provided in advance in appropriations Acts, the WTC Program Administrator may provide for necessary and reasonable transportation and expenses incident to the securing of medically necessary treatment involving travel of more than 250 miles and for which payment is made under this section in the same manner in which individuals may be furnished necessary and reasonable transportation and expenses incident to services involving travel of more than 250 miles under regulations implementing section 3629(c) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of Public Law 106–398; 42 U.S.C. 7384t(c)).

''(5) PROVISION OF TREATMENT PENDING CERTIFICATION.—In the case of a certified eligible WTC responder who has been determined by an examining physician under subsection (b)(1) to have an identified WTC-related health condition, but for whom a certification of the determination has not yet been made by the WTC Program Administrator, medical treatment may be provided under this subsection, subject to paragraph (6), until the Administrator makes a decision on such certification. Medical treatment provided under this paragraph shall be considered to be medical treatment for which payment may be made under subsection (c).

''(6) PRIOR APPROVAL PROCESS FOR NON-CERTIFIED NON-EMERGENCY INPATIENT HOSPITAL SERVICES.—Non-emergency inpatient hospital services for a WTC-related health condition identified by an examining physician under paragraph (1) that is not certified under paragraph (1)(B)(ii) is not covered unless the services have been determined to be medically necessary and approved through a process established by the WTC Program Administrator. Such process shall provide for a decision on a request for such services within 15 days of the date of receipt of the request. The WTC Administrator shall provide a process for the appeal of a decision that the services are not medically necessary.

''(c) PAYMENT FOR INITIAL HEALTH EVALUATION, MEDICAL MONITORING, AND TREATMENT OF WTC–RELATED HEALTH CONDITIONS.—

''(1) MEDICAL TREATMENT.—

''(A) USE OF FECA PAYMENT RATES.—Subject to subparagraph (B), the WTC Program Administrator shall reimburse costs for medically necessary treatment under this title for WTC-related health conditions according to the payment rates that would apply to the provision of such treatment and services by the facility under the Federal Employees Compensation Act.

''(B) PHARMACEUTICALS.—

''(i) IN GENERAL.—The WTC Program Administrator shall establish a program for paying for the medically necessary outpatient prescription pharmaceuticals prescribed under this title for WTC-related health conditions through one or more contracts with outside vendors.

''(ii) COMPETITIVE BIDDING.—Under such program the Administrator shall—

''(I) select one or more appropriate vendors through a Federal competitive bid process; and

''(II) select the lowest bidder (or bidders) meeting the requirements for providing pharmaceutical benefits for participants in the WTC program.

''(iii) TREATMENT OF FDNY PARTICIPANTS.—Under such program the Administrator may select a separate vendor to provide pharmaceutical benefits to certified eligible WTC responders for whom the Clinical Center of Excellence is described in section 3106(b)(1)(A) if such an arrangement is deemed necessary and beneficial to the program by the WTC Program Administrator.

''(C) OTHER TREATMENT.—For treatment not covered under a preceding subparagraph, the WTC Program Administrator shall designate a reimbursement rate for each such service.

''(2) MEDICAL MONITORING AND INITIAL HEALTH EVALUATION.—The WTC Program Administrator shall reimburse the costs of medical monitoring and the costs of an initial health evaluation provided under this title at a rate set by the Administrator.

''(3) ADMINISTRATIVE ARRANGEMENT AUTHORITY.—The WTC Program Administrator may enter into arrangements with other government agencies, insurance companies, or other third-party administrators to provide for timely and accurate processing of claims under this section.

''(4) CLAIMS PROCESSING SUBJECT TO APPROPRIATIONS.—The payment by the WTC Program Administrator for the processing of claims under this title is limited to the amounts provided in advance in appropriations Acts.

''(d) MEDICAL TREATMENT PROTOCOLS.—

''(1) DEVELOPMENT.—The Coordinating Centers of Excellence shall develop medical treatment protocols for the treatment of certified eligible WTC responders and certified eligible WTC community members for identified WTC-related health conditions.

''(2) APPROVAL.—The WTC Program Administrator shall approve the medical treatment protocols, in consultation with the WTC Health Program Steering Committees.

"PART 2—COMMUNITY PROGRAM

"SEC. 3121. IDENTIFICATION AND INITIAL HEALTH EVALUATION OF ELIGIBLE WTC COMMUNITY MEMBERS.

''(a) ELIGIBLE WTC COMMUNITY MEMBER DEFINED.—

''(1) IN GENERAL.—In this title, the term 'eligible WTC community member' means, subject to paragraphs (3) and (5), an individual who claims symptoms of a WTC-related health condition and is described in any of the following subparagraphs:

''(A) CURRENTLY IDENTIFIED COMMUNITY MEMBER.—An individual, including an eligible WTC responder, who has been identified as eligible for medical treatment or monitoring by the WTC Environmental Health Center as of the date of enactment of this title.

''(B) COMMUNITY MEMBER WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who is not an eligible WTC responder and meets any of the current eligibility criteria described in a subparagraph of paragraph (2).

''(C) COMMUNITY MEMBER WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who is not an eligible WTC responder and meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks on the World Trade Center as the WTC Administrator determines after consultation with the WTC Community Program Steering Committee, the Coordinating Centers of Excellence described in section 3106(b)(1)(C), and the WTC Scientific/Technical Advisory Committee.

The Administrator shall not modify such criteria under subparagraph (C) on or after the date that the number of certifications for eligible WTC community members has reached 80 percent of the limit described in paragraph (5) or on or after the date that the number of certifications for eligible WTC responders has reached 80 percent of the limit described in section 3111(a)(5).

''(2) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this paragraph for an individual are that the individual is described in any of the following subparagraphs:

''(A) A person who was present in the New York City disaster area in the dust or dust cloud on September 11, 2001.

''(B) A person who worked, resided, or attended school, child care or adult day care in the New York City disaster area for—

''(i) at least four days during the 4-month period beginning on September 11, 2001, and ending on January 10, 2002; or

''(ii) at least 30 days during the period beginning on September 11, 2001, and ending on July 31, 2002.

''(C) A person who worked as a clean-up worker or performed maintenance work in the New York City disaster area during the 4-month period described in subparagraph (B)(i) and had extensive exposure to WTC dust as a result of such work.

''(D) A person who was deemed eligible to receive a grant from the Lower Manhattan Development Corporation Residential Grant Program, who possessed a lease for a residence or purchased a residence in the New York City disaster area, and who resided in such residence during the period beginning on September 11, 2001, and ending on May 31, 2003.

''(E) A person whose place of employment—

''(i) at any time during the period beginning on September 11, 2001, and ending on May 31, 2003, was in the New York City disaster area; and

''(ii) was deemed eligible to receive a grant from the Lower Manhattan Development Corporation WTC Small Firms Attraction and Retention Act program or other government incentive program designed to revitalize the Lower Manhattan economy after the September 11, 2001, terrorist attacks on the World Trade Center.

''(3) APPLICATION PROCESS.—The WTC Program Administrator in consultation with the Coordinating Centers of Excellence shall establish a process for individuals, other than individuals described in paragraph (1)(A), to be determined eligible WTC community members. Under such process—

''(A) there shall be no fee charged to the applicant for making an application for such determination;

''(B) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application; and

''(C) an individual who is determined not to be an eligible WTC community member shall have an opportunity to appeal such determination before an administrative law judge in a manner established under such process.

''(4) CERTIFICATION.—

''(A) IN GENERAL.—In the case of an individual who is described in paragraph (1)(A) or who is determined under paragraph (3) (consistent with paragraph (5)) to be an eligible WTC community member, the WTC Program Administrator shall provide an appropriate certification of such fact and of eligibility for followup monitoring and treatment benefits under this part. The Administrator shall make determinations of eligibility relating to an applicant's compliance with this title, including the verification of information submitted in support of the application and

shall not deny such a certification to an individual unless the Administrator determines that—

''(i) based on the application submitted, the individual does not meet the eligibility criteria; or

''(ii) the numerical limitation on certification of eligible WTC community members set forth in paragraph (5) has been met.

''(B) TIMING.—

''(i) CURRENTLY IDENTIFIED COMMUNITY MEMBERS.—In the case of an individual who is described in paragraph (1)(A), the WTC Program Administrator shall provide the certification under subparagraph (A) not later than 60 days after the date of the enactment of this title.

''(ii) OTHER MEMBERS.—In the case of another individual who is determined under paragraph (3) and consistent with paragraph (5) to be an eligible WTC community member, the WTC Program Administrator shall provide the certification under subparagraph (A) at the time of such determination.

''(5) NUMERICAL LIMITATION ON CERTIFICATION OF ELIGIBLE WTC COMMUNITY MEMBERS.—

''(A) IN GENERAL.—The total number of individuals not described in subparagraph (C) who may be certified as eligible WTC community members under paragraph (4) shall not exceed 15,000. In applying the previous sentence, any individual who at any time so qualifies as an eligible WTC community member shall be counted against such numerical limitation.

''(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

''(i) limit the number of certifications provided under paragraph (4) in accordance with such subparagraph; and

''(ii) provide priority in such certifications in the order in which individuals apply for a determination under paragraph (4).

''(C) INDIVIDUALS CURRENTLY RECEIVING TREATMENT NOT COUNTED.—Individuals described in this subparagraph are individuals who—

''(i) are described in paragraph (1)(A); or

''(ii) before the date of the enactment of this title, have received monitoring or treatment at the World Trade Center Environmental Health Center at Bellevue Hospital Center, Gouverneur Health Care Services, or Elmhurst Hospital Center.

The New York City Health and Hospitals Corporation shall, not later than 6 months after the date of enactment of this title, enter into arrangements with the Mt. Sinai Data and Clinical Coordination Center for the reporting of medical data concerning eligible WTC responders described in paragraph (1)(A), as determined by the WTC Program Administrator and consistent with applicable Federal and State laws and regulations relating to confidentiality of individually identifiable health information.

''(D) REPORT TO CONGRESS IF NUMERICAL LIMITATION TO BE REACHED.—If the WTC Program Administrator determines that the number of individuals subject to the numerical limitation of subparagraph (A) is likely to exceed such numerical limitation, the Administrator shall submit to Congress a report on such determination. Such report shall include an estimate of the number of such individuals in excess of such numerical limitation and of the additional expenditures that would result under this title if such numerical limitation were removed.

''(b) INITIAL HEALTH EVALUATION TO DETERMINE ELIGIBILITY FOR FOLLOWUP MONITORING OR TREATMENT.—

''(1) IN GENERAL.—In the case of a certified eligible WTC community member, the WTC program shall provide for an initial health evaluation to determine if the member has a WTC-related health condition and is eligible for followup monitoring and treatment benefits under the WTC program. Initial health evaluation protocols shall be approved by the WTC Program Administrator, in consultation with the World Trade Center Environmental Health Center at Bellevue Hospital and the WTC Community Program Steering Committee.

''(2) INITIAL HEALTH EVALUATION PROVIDERS.—The initial health evaluation described in paragraph (1) shall be provided through a Clinical Center of Excellence with respect to the individual involved.

''(3) LIMITATION ON INITIAL HEALTH EVALUATION BENEFITS.—Benefits for initial health evaluation under this part for an eligible WTC community member shall consist only of a single medical initial health evaluation consistent with initial health evaluation protocols described in paragraph (1). Nothing in this paragraph shall be construed as preventing such an individual from seeking additional medical initial health evaluations at the expense of the individual.

''SEC. 3122. FOLLOWUP MONITORING AND TREATMENT OF CERTIFIED ELIGIBLE WTC COMMUNITY MEMBERS FOR WTC-RELATED HEALTH CONDITIONS.

''(a) IN GENERAL.—Subject to subsection (b), the provisions of sections 3111 and 3112 shall apply to followup monitoring and treatment of WTC-related health conditions for certified eligible WTC community members in the same manner as such provisions apply to the monitoring and treatment of identified WTC-related health conditions for certified eligible WTC responders, except that such monitoring shall only be available to those certified as eligible for treatment under this title. Under section 3106(a)(3), the City of New York is required to contribute a share of the costs of such treatment.

''(b) LIST OF IDENTIFIED WTC-RELATED HEALTH CONDITIONS FOR WTC COMMUNITY MEMBERS.—

''(1) IDENTIFIED WTC-RELATED HEALTH CONDITIONS FOR WTC COMMUNITY MEMBERS.—For purposes of this title, the term 'identified WTC-related health conditions for WTC community members' means any of the following health conditions:

''(A) AERODIGESTIVE DISORDERS.—

''(i) Interstitial lung diseases.

''(ii) Chronic respiratory disorder—fumes/vapors.

''(iii) Asthma.

''(iv) Reactive airways dysfunction syndrome (RADS).

''(v) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

''(vi) Chronic cough syndrome.

''(vii) Upper airway hyperreactivity.

''(viii) Chronic rhinosinusitis.

''(ix) Chronic nasopharyngitis.

''(x) Chronic laryngitis.

''(xi) Gastro-esophageal reflux disorder (GERD).

''(xii) Sleep apnea exacerbated by or related to a condition described in a previous clause.

''(B) MENTAL HEALTH CONDITIONS.—

''(i) Post traumatic stress disorder (PTSD).

''(ii) Major depressive disorder.

''(iii) Panic disorder.

''(iv) Generalized anxiety disorder.

''(v) Anxiety disorder (not otherwise specified).

''(vi) Depression (not otherwise specified).

''(vii) Acute stress disorder.

''(viii) Dysthymic disorder.

''(ix) Adjustment disorder.

''(x) Substance abuse.

''(xi) V codes (treatments not specifically related to psychiatric disorders, such as marital problems, parenting problems, etc.), secondary to another identified WTC-related health condition for WTC community members.

''(2) ADDITIONS TO IDENTIFIED WTC-RELATED HEALTH CONDITIONS FOR WTC COMMUNITY MEMBERS.—The provisions of paragraph (4) of section 3112(a) shall apply with respect to an addition to the list of identified WTC-related health conditions for eligible WTC community members under paragraph (1) in the same manner as such provisions apply to an addition to the list of identified WTC-related health conditions for eligible WTC responders under section 3112(a)(3).

''SEC. 3123. FOLLOWUP MONITORING AND TREATMENT OF OTHER INDIVIDUALS WITH WTC-RELATED HEALTH CONDITIONS.

''(a) IN GENERAL.—Subject to subsection (c), the provisions of section 3122 shall apply to the followup monitoring and treatment of WTC-related health conditions for eligible WTC community members in the case of individuals described in subsection (b) in the same manner as such provisions apply to the followup monitoring and treatment of WTC-related health conditions for WTC community members. Under section 3106(a)(3), the City of New York is required to contribute a share of the costs of such monitoring and treatment.

''(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who, regardless of location of residence—

''(1) is not an eligible WTC responder or an eligible WTC community member; and

''(2) is diagnosed at a Clinical Center of Excellence (with respect to an eligible WTC community member) with an identified WTC-related health condition for WTC community members.

''(c) LIMITATION.—

''(1) IN GENERAL.—The WTC Program Administrator shall limit benefits for any fiscal year under subsection (a) in a manner so that payments under this section for such fiscal year do not exceed the amount specified in paragraph (2) for such fiscal year.

''(2) LIMITATION.—The amount specified in this paragraph for—

''(A) fiscal year 2009 is $20,000,000; or

''(B) a succeeding fiscal year is the amount specified in this paragraph for the previous fiscal year increased by the annual percentage increase in the medical care component of the Consumer Price Index for All Urban Consumers.

''PART 3—NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK

''SEC. 3131. NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.

''(a) IN GENERAL.—In order to ensure reasonable access to benefits under this subtitle for individuals who are eligible WTC responders or eligible WTC community members and who reside in any State, as defined in section 2(f), outside the New York metropolitan area, the WTC Program Administrator shall establish a nationwide network of health care providers to provide monitoring and treatment benefits and initial health evaluations near such individuals' areas of residence in such States. Nothing in this subsection shall be construed as preventing such individuals from being provided such monitoring and treatment benefits or initial health evaluation through any Clinical Center of Excellence.

''(b) NETWORK REQUIREMENTS.—Any health care provider participating in the network under subsection (a) shall—

''(1) meet criteria for credentialing established by the Coordinating Centers of Excellence;

''(2) follow the monitoring, initial health evaluation, and treatment protocols developed under section 3106(a)(2)(B);

''(3) collect and report data in accordance with section 3105; and

''(4) meet such fraud, quality assurance, and other requirements as the WTC Program Administrator establishes.

"Subtitle C—Research Into Conditions

"SEC. 3141. RESEARCH REGARDING CERTAIN HEALTH CONDITIONS RELATED TO SEPTEMBER 11 TERRORIST ATTACKS IN NEW YORK CITY.

''(a) IN GENERAL.—With respect to individuals, including eligible WTC responders and eligible WTC community members, receiving monitoring or treatment under subtitle B, the WTC Program Administrator shall conduct or support—

''(1) research on physical and mental health conditions that may be related to the September 11, 2001, terrorist attacks on the World Trade Center;

''(2) research on diagnosing WTC-related health conditions of such individuals, in the case of conditions for which there has been diagnostic uncertainty; and

''(3) research on treating WTC-related health conditions of such individuals, in the case of conditions for which there has been treatment uncertainty.

The Administrator may provide such support through continuation and expansion of research that was initiated before the date of the enactment of this title and through the World Trade Center Health Registry (referred to in section 3151), through a Clinical Center of Excellence, or through a Coordinating Center of Excellence.

''(b) TYPES OF RESEARCH.—The research under subsection (a)(1) shall include epidemiologic and other research studies on WTC-related health conditions or emerging conditions—

''(1) among WTC responders and community members under treatment; and

''(2) in sampled populations outside the New York City disaster area in Manhattan as far north as 14th Street and in Brooklyn, along with control populations, to identify potential for long-term adverse health effects in less exposed populations.

''(c) CONSULTATION.—The WTC Program Administrator shall carry out this section in consultation with the WTC Health Program Steering Committees and the WTC Scientific/Technical Advisory Committee.

''(d) APPLICATION OF PRIVACY AND HUMAN SUBJECT PROTECTIONS.—The privacy and human subject protections applicable to research conducted under this section shall not be less than such protections applicable to research otherwise conducted by the National Institutes of Health.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for each fiscal year, in addition to any other authorizations of appropriations that are available for such purpose.

"Subtitle D—Programs of the New York City Department of Health and Mental Hygiene

"SEC. 3151. WORLD TRADE CENTER HEALTH REGISTRY.

''(a) PROGRAM EXTENSION.—For the purpose of ensuring on-going data collection for victims of the September 11, 2001, terrorist attacks on the World Trade Center, the WTC Program Administrator, shall extend and expand the arrangements in effect as of January 1, 2008, with the New York City Department of Health and Mental Hygiene that provide for the World Trade Center Health Registry.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,000,000 for each fiscal year to carry out this section.

"SEC. 3152. MENTAL HEALTH SERVICES.

''(a) IN GENERAL.—The WTC Program Administrator may make grants to the New York City Department of Health and Mental Hygiene to provide mental health services to address mental health needs relating to the September 11, 2001, terrorist attacks on the World Trade Center.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,500,000 for each fiscal year to carry out this section.''.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

SEC. 201. DEFINITIONS.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in paragraph (6) by inserting '', or debris removal, including under the World Trade Center Health Program established under section 3101 of the Public Health Service Act,'' after ''September 11, 2001'';

(2) by inserting after paragraph (6) the following new paragraphs and redesignating subsequent paragraphs accordingly:

''(7) CONTRACTOR AND SUBCONTRACTOR.—The term 'contractor and subcontractor' means any contractor or subcontractor (at any tier of a subcontracting relationship), including any general contractor, construction manager, prime contractor, consultant, or any parent, subsidiary, associated or allied company, affiliated company, corporation, firm, organization, or joint venture thereof that participated in debris removal at any 9/11 crash site. Such term shall not include any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect.

''(8) DEBRIS REMOVAL.—The term 'debris removal' means rescue and recovery efforts, removal of debris, cleanup, remediation, and response during the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001, with respect to a 9/11 crash site.'';

(3) by inserting after paragraph (10), as so redesignated, the following new paragraph and redesignating the subsequent paragraphs accordingly:

''(11) IMMEDIATE AFTERMATH.—The term 'immediate aftermath' means any period beginning with the terrorist-related aircraft crashes of September 11, 2001, and ending on August 30, 2002.''; and

(4) by adding at the end the following new paragraph:

''(14) 9/11 CRASH SITE.—The term '9/11 crash site' means—

''(A) the World Trade Center site, Pentagon site, and Shanksville, Pennsylvania site;

''(B) the buildings or portions of buildings that were destroyed as a result of the terrorist-related aircraft crashes of September 11, 2001;

''(C) any area contiguous to a site of such crashes that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (including the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured individuals); and

''(D) any area related to, or along, routes of debris removal, such as barges and Fresh Kills.''.

SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR COMPENSATION.

(a) INFORMATION ON LOSSES RESULTING FROM DEBRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM FORM.—Section 405(a)(2)(B) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in clause (i), by inserting '', or debris removal during the immediate aftermath'' after ''September 11, 2001''; and

(2) in clause (ii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''.

(3) in clause (iii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''.

(b) EXTENSION OF DEADLINE FOR CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.—Section 405(a)(3) of such Act is amended to read as follows:

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407(a).

''(B) EXCEPTION.—A claim may be filed under paragraph (1), in accordance with subsection (c)(3)(A)(i), by an individual (or by a personal representative on behalf of a deceased individual) during the period beginning on the date on which the regulations are updated under section 407(b) and ending on December 22, 2031.''.

(c) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—Section 405(c)(3) of such Act is amended—

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

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

''(A) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—

''(i) TIMING REQUIREMENTS FOR FILING CLAIMS.—An individual (or a personal representative on behalf of a deceased individual) may file a claim during the period described in subsection (a)(3)(B) as follows:

''(I) In the case that the Special Master determines the individual knew (or reasonably should have known) before the date specified in clause (iii) that the individual suffered a physical harm at a 9/11 crash site as a result of the terrorist-related aircraft crashes of September 11, 2001, or as a result of debris removal, and that the individual knew (or should have known) before such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the date that is 2 years after such specified date.

''(II) In the case that the Special Master determines the individual first knew (or reasonably should have known) on or after the date specified in clause (iii) that the individual suffered such a physical harm or that the individual first knew (or should have known) on or after such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the last day of the 2-year period beginning on the date the Special Master determines the individual first knew (or should have known) that the individual both suffered from such harm and was eligible to file a claim under this title.

''(ii) OTHER ELIGIBILITY REQUIREMENTS FOR FILING CLAIMS.—An individual may file a claim during the period described in subsection (a)(3)(B) only if—

''(I) the individual was treated by a medical professional for suffering from a physical harm described in clause (i)(I) within a reasonable time from the date of discovering such harm; and

''(II) the individual's physical harm is verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

''(iii) DATE SPECIFIED.—The date specified in this clause is the date on which the regulations are updated under section 407(a).''.

(d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH SITES.—Section 405(c)(2)(A)(i) of such Act is amended by striking ''or the site of the aircraft crash at Shanksville, Pennsylvania'' and inserting ''the site of the aircraft crash at Shanksville, Pennsylvania, or any other 9/11 crash site''.

(e) INCLUSION OF PHYSICAL HARM RESULTING FROM DEBRIS REMOVAL.—Section 405(c) of such Act is amended in paragraph (2)(A)(ii), by inserting ''or debris removal'' after ''air crash''.

(f) LIMITATIONS ON CIVIL ACTIONS.—

(1) APPLICATION TO DAMAGES RELATED TO DEBRIS REMOVAL.—Clause (i) of section 405(c)(3)(C) of such Act, as redesignated by subsection (c), is amended by inserting '', or for damages arising from or related to debris removal'' after ''September 11, 2001''.

(2) PENDING ACTIONS.—Clause (ii) of such section, as so redesignated, is amended to read as follows:

''(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title—

''(I) during the period described in subsection (a)(3)(A) unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407(a); and

''(II) during the period described in subsection (a)(3)(B) unless such individual withdraws from such action by the date that is 90 days after the date on which the regulations are updated under section 407(b).''.

(3) AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—Such section, as so redesignated, is further amended by adding at the end the following new clause:

''(iii) AUTHORITY TO REINSTITUTE CERTAIN LAWSUITS.—In the case of a claimant who was a party to a civil action described in clause (i), who withdrew from such action pursuant to clause (ii), and who is subsequently determined to not be an eligible individual for purposes of this subsection, such claimant may reinstitute such action without prejudice during the 90-day period beginning after the date of such ineligibility determination.''.

SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.

Section 407 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by striking ''Not later than'' and inserting ''(a) IN GENERAL.—Not later than''; and

(2) by adding at the end the following new subsection:

''(b) UPDATED REGULATIONS.—Not later than 90 days after the date of the enactment of the James Zadroga 9/11 Health and Compensation Act of 2009, the Special Master shall update the regulations promulgated under subsection (a) to the extent necessary to comply with the provisions of title II of such Act.''.

SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.

Section 408(a) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraphs:

''(4) LIABILITY FOR CERTAIN CLAIMS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, subject to subparagraph (B), liability for all claims and actions (including claims or actions that have been previously resolved, that are currently pending, and that may be filed through December 22, 2031) for compensatory damages, contribution or indemnity, or any other form or type of relief, arising from or related to debris removal, against the City of New York, any entity (including the Port Authority of New York and New Jersey) with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect) and any contractors and subcontractors thereof, shall not be in an amount that exceeds the sum of the following:

''(i) The amount of funds of the WTC Captive Insurance Company, including the cumulative interest.

''(ii) The amount of all available insurance identified in schedule 2 of the WTC Captive Insurance Company insurance policy.

''(iii) The amount that is the greater of the City of New York's insurance coverage or $350,000,000. In determining the amount of the City's insurance coverage for purposes of the previous sentence, any amount described in clauses (i) and (ii) shall not be included.

''(iv) The amount of all available liability insurance coverage maintained by any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, or direct or indirect.

''(v) The amount of all available liability insurance coverage maintained by contractors and subcontractors.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to claims or actions based upon conduct held to be intentionally tortious in nature or to acts of gross negligence or other such acts to the extent to which punitive damages are awarded as a result of such conduct or acts.

''(5) PRIORITY OF CLAIMS PAYMENTS.—Payments to plaintiffs who obtain a settlement or judgment with respect to a claim or action to which paragraph (4)(A) applies, shall be paid solely from the following funds in the following order:

''(A) The funds described in clause (i) or (ii) of paragraph (4)(A).

''(B) If there are no funds available as described in clause (i) or (ii) of paragraph (4)(A), the funds described in clause (iii) of such paragraph.

''(C) If there are no funds available as described in clause (i), (ii), or (iii) of paragraph (4)(A), the funds described in clause (iv) of such paragraph.

''(D) If there are no funds available as described in clause (i),(ii), (iii), or (iv) of paragraph (4)(A), the funds described in clause (v) of such paragraph.

''(6) DECLARATORY JUDGMENT ACTIONS AND DIRECT ACTION.—Any party to a claim or action to which paragraph (4)(A) applies may, with respect to such claim or action, either file an action for a declaratory judgment for insurance coverage or bring a direct action against the insurance company involved.''.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. KENNEDY, and Ms. CANTWELL):

S. 1337. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I am introducing the Filipino Veterans Family Reunification Act of 2009. I am pleased that my colleagues, Senators INOUYE, KENNEDY and CANTWELL, have joined me in introducing this bill. Our bill will reunite Filipino World War II veterans who are U.S. citizens and U.S. residents with their children in the Philippines, who have languished for years on the visa waiting list. In seeking an exemption from the numerical limitation on immigrant visas for the children of the Filipino veterans, our bill will address and resolve an issue rooted in a set of historical circumstances that are now nearly 7 decades old.

In 1934, the Philippines, an American possession since 1898, was placed on the path to independence. The enactment of the Philippine Independence Act established the Philippines as a commonwealth with certain powers over its internal affairs but with the United States retaining sovereign power. It also set a 10-year timetable for the commonwealth's independence from the U.S.

In 1941, President Franklin D. Roosevelt responded to Japan's increasingly aggressive military posture in Asia and the Pacific by issuing a presidential order that called and ordered into the service of the Armed Forces of the United States all of the organized military forces of the Commonwealth of the Philippines. The authority for this presidential order was the Philippine Independence Act, which retained for the United States sovereign power over the commonwealth. Accordingly, over 200,000 Filipinos were drafted into the United States armed forces, and served honorably during World War II.

In 1942, Congress passed the Second War Powers Act, including Sections 701 and 702, Nationality Act of 1940, which authorized the naturalization of all aliens serving in the U.S. armed forces. Pursuant to this act, about 7,000 Filipinos serving in the U.S. armed forces outside the Philippines became U.S. citizens. Naturalization of the Filipinos who had served in the U.S. armed forces in the Philippines began in Manila in August 1945, but was halted two months later when the American vice consul's naturalization authority was revoked.

At the time, U.S. officials indicated that the government of the Commonwealth of the Philippines had expressed concerns that the naturalization, and likely emigration to the U.S., of the Filipino veterans would drain the soon-to-be-independent Philippines of essential manpower and undermine the new nation's postwar reconstruction efforts. Others, however, believed this was a pretext for what came to be known as the Rescissions Act of 1946.

In February and May 1946, the 79th Congress passed the First Supplemental Surplus Appropriations Rescission Act, PL 79–301, and the Second Supplemental Surplus Appropriations Rescission Act, PL 79–391, respectively. Now collectively known as the Rescissions Act of 1946, PL 79–301 authorized a $200 million appropriation to the Commonwealth Army of the Philippines conditioned on a provision that service in the Commonwealth Army of the Phillippines should not be deemed to have been service in the active military or air service of the U.S.

It would take Congress more than four decades to acknowledge that the Filipino World War II veterans had, indeed, served in the U.S. armed forces.

The Immigration Act of 1990 included a provision that offered the opportunity to obtain U.S. citizenship to those Filipino veterans who had not been naturalized pursuant to the Nationality Act of 1940. And nineteen years later, the American Recovery and Reinvestment Act, ARRA, of 2009 included a provision that authorized the payment of benefits to the 30,000 surviving Filipino veterans in the amount of $15,000 for those who are citizens and $9,000 for those who are non-citizens.

Of the 30,000 surviving Filipino World War II veterans, 7,000 are U.S. citizens and reside in this country. Many of these U.S. citizens filed visa petitions for their children, who remained in the Philippines. Now in their eighties and nineties, these men continue to wait for their children, who languish on the visa waiting lists, to join them. The Filipino Veterans Family Reunification Act exempts the veterans' children, about 20,000 individuals in all, from the numerical limitation on immigrant visas. It does not require any appropriation and will serve to not only reunite these veterans with their children, but also honor their too-long-forgotten World War II service to this Nation.

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. 1337

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 ''Filipino Veterans Family Reunification Act of 2009''.

SEC. 2. EXEMPTION FROM IMMIGRANT VISA LIMIT.

Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and who have a parent who was naturalized pursuant to section 405 of the Immigration Act of 1990 (Public Law 101–649; 8 U.S.C. 1440 note).''.

By Mr. LEAHY (for himself and Mr. CRAPO):

S. 1340. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CRAPO to introduce the Crime Victims Fund Preservation Act of 2009, which would restore and increase critical funding for direct services and compensation to victims of crime under the Victims of Crime Act.

I was honored to support the passage of the Victims of Crime Act of 1984, VOCA, which has been the principal means by which the Federal Government has supported essential services for crime victims and their families. The Victims of Crime Act provides grants for direct services to victims, such as state crime victim compensation programs, emergency shelters, crisis intervention, counseling, and assistance in participating in the criminal justice system. These services are all financed by a reserve fund created from fines and penalties paid by Federal criminal offenders, at no cost to taxpayers.

A number of us have worked hard over the years to protect the Crime Victims Fund. State victim compensation and assistance programs serve nearly four million crime victims each year, including victims of violent crime, domestic violence, sexual assault, child abuse, elder abuse, and drunk driving. The Crime Victims Fund makes these programs possible and has helped hundreds of thousands of victims of violent crime bravely move forward with their lives.

Several years ago, I worked to make sure that the Crime Victims Fund would be there in good times, and in bad. We made sure it had a ''rainy day'' capacity so that in lean years, victims and their advocates would not have to worry that the fund would run out of money and that they would be left stranded. More recently, an annual cap has been set on the level of funding to be spent from the Fund in a given year, in part to help preserve adequate funds from year to year. When this cap was established, and when President Bush then sought to empty the Crime Victims Fund of unexpended funds, I joined with Senator CRAPO, Senator MIKULSKI and others from both political parties to make sure that the Crime Victims Fund was preserved. Fortunately Congress has consistently rejected efforts to rob crime victims of resources that are appropriately set aside to assist them and their families.

Unfortunately, the cap on the fund has not kept pace with the demand for compensation and services. From 2006 to 2008, VOCA victim assistance formula grants were cut by $87 billion or 22 percent. This reduction in funding, coupled with the current economic climate, was devastating to victim service providers who were forced to curtail services, lay off staff, and close their doors, jeopardizing the well-being and recovery of many crime victims.

In addition, victim service professionals have seen a clear increase in victimization and victim need in the past year as job losses and economic stress translate into increased violence in the home and in our communities. The National Crime Victims Helpline reported a 25 percent increase in calls in recent months and the National Domestic Violence Hotline reported a similar increase. Local shelters and crisis lines are also reporting a rise in demand as the shortage of affordable housing and rising unemployment are increasing the time that victims stay in emergency shelters. The rising unemployment rate also means victims are less likely to have insurance to cover their crime-related expenses.

At a Judiciary Committee hearing I chaired in April on the Victim of Crime Act, witnesses testified that there has also been an increase in the variety of crimes being committed. The National Crime Victims Helpline has seen an increase in calls from fraud victims people falling prey to ''work at home'' scams, secret shopper scams, investment scams, mortgage fraud, and construction fraud. Such victims are in desperate need of financial counseling and mental health counseling to overcome the stress and emotional impact of falling victim to these scams. Under Federal regulations, States may use compensation and victim assistance programs to aid financial crime victims, but services are not available. Victim service providers are reluctant to expand their outreach and services without assured increased funding and there is already too much competition for the limited funds available. The National Census of Domestic Violence Services conducted last fall showed that in one day, nearly 9,000 victims were turned away from shelter, counseling, and other crucial services because local programs were unable to serve them.

The need for victim assistance and compensation has grown. The Crime Victims Fund can provide more help. Recent years have seen an increase in collections from criminal fines and penalties. Accordingly, Congress has the ability to provide stable and predictable growth without jeopardizing the sustainability of the fund, and should do so through this legislation. The Crime Victims Fund Preservation Act would establish a minimum funding level for programs under VOCA to ensure reasonable and predictable growth in victim services through fiscal year 2014. Providing a stable and predictable funding stream will enable states to expand their programs and outreach to the thousands of victims who have nowhere to turn. Again, I emphasize that it does not cost a dime of taxpayer funds but will come exclusively from Federal criminal fines and penalties.

I want to commend Senator MIKULSKI, the Chairwoman of the Commerce, Justice, and Science Appropriations Subcommittee, and Senator SHELBY, the Ranking Member, for working with the President to provide $100 million in the economic recovery package for crime victims. That additional funding is sorely needed right now and I know it was sincerely appreciated by victim service providers. Funding in the Omnibus Appropriations Act of 2009 together with the Recovery Act funds, restored funding to the 2006 level, adjusted for inflation. A 2010 cap on total VOCA obligations of $705 million is expected to maintain the funding level for assistance grants provided in 2009 through the Recovery Act funding and annual appropriations. I believe that

the certainty this legislation will provide will be helpful to the states, victim service providers, and the citizens they serve, and will help improve this vital program.

I look forward to working with Senator CRAPO, Senator MIKULSKI and many other interested Senators on this initiative to provide increased, stable, and predicable funding for to meet the ongoing need for essential services for crime victims and their families in the years ahead.

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. 1340

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 ''Crime Victims Fund Preservation Act of 2009''.

SEC. 2. CRIME VICTIMS FUND.

Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) The amount made available from the Fund for the purposes of paragraphs (2), (3), and (4) of subsection (d) shall be not less than—

''(A) $705,000,000 for fiscal year 2010;

''(B) $867,150,000 for fiscal year 2011;

''(C) $1,066,594,500 for fiscal year 2012;

''(D) $1,311,911,235 for fiscal year 2013; and

''(E) $1,613,650,819 for fiscal year 2014.''.

By Mr. MENENDEZ:

S. 1341. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain proceeds received on SILO and LILO transactions; to the Committee on Finance.

Mr. MENENDEZ. Mr. President, today I am introducing the Close the SILO/LILO Loophole Act. This legislation will close a loophole in which banks and other entities are taking advantage of the financial crisis to exploit transit agencies and other local public entities to collect windfall payments. This bill seeks to permanently end this abusive practice, saving the public scarce resources.

Sale-In/Lease Out and Lease-In/Lease Out, SILO/LILO, contracts are a type of financial transaction in which a public entity transfers assets, equipment or infrastructure, to a bank or other entity while simultaneously entering into a long-term lease with the same bank or other entity. From the 1990's to 2003, public agencies, including transit agencies and rural electric coops, entered into these LILO and SILO transactions. As part of the agreement, the bank required the public agency to pay a AAA-rated entity a fee to make lease payments throughout the term of the lease. This arrangement provided security for the banks and insured that lease payments would be made.

When the financial crisis hit last year, many AAA-rated entities involved in these transactions were downgraded. Banks took advantage of these downgrades and some sued these public agencies, citing a clause in the agreements that required only AAA-rated entities to make lease payments. They did this even though the public agencies in question did not miss any of their regular lease payments to the banks.

Not only is this predatory, but allowing this practice to continue is also contrary to public policy. While the SILO/LILO contracts provided much needed resources for capital intensive projects that benefitted the public, they also provided tax benefits to the banks—tax benefits that Congress found to be tax avoidance schemes and effectively eliminated in 2003. In 2008, the Internal Revenue Service proposed a settlement of the leases, effectively eliminating all future tax benefits while allowing the underlying commercial transactions to remain in place. If we let these suits against public agencies continue, we are basically allowing banks to get these tax benefits through another means—taking taxpayer money from public transit agencies and other public agencies around the Nation.

At this moment in time, we have myriad infrastructure needs. Public agencies are working hard to fill the demand for infrastructure projects. President Obama and Congress acknowledged the need and delivered the American Recovery and Reinvestment Act. Now is not the time to financially burden the agencies that we rely on for building, repairing, maintaining and preserving our infrastructure. The Close the SILO/LILO Loophole Act will help lift the uncertainty under which these public agencies are operating, enabling them to serve the public better. I hope to work closely with Chairman BAUCUS to end this crisis so public agencies can continue to serve the public and not banks seeking a windfall.

By Mr. BROWN (for himself, Mr. BENNET, and Mr. CASEY):

S. 1343. A bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BROWN. Mr. President, every day during the school year, some 700,000 Ohio children are eligible to receive a free or reduced-price lunch at their school. Every day during the school year, these meals could ensure that children get enough to eat, particularly those children who are from homes where they don't get enough to eat, and it would ensure that children receive the good-quality, nutritious food they need. Yet today only about 86 percent of eligible children in Ohio receive a free school breakfast, a free school lunch, or a reduced-price breakfast or lunch. Only 86 percent of those eligible do. That means 1 in 10 Ohio children goes without a meal every day at school unnecessarily. Thus, tens of thousands of children from large urban districts in Cleveland and Cincinnati and Toledo to rural districts in Appalachia, children in small towns and medium towns all over the State and all over the country don't receive a healthy meal at school. Mr. President, about 150,000 children eligible at school for free or reduced-price lunch or breakfast don't get the meals at school that they are eligible for, and it is unacceptable. We can do something about it.

The application process for free lunch and breakfast is antiquated—stuck in a low-tech, old-fashioned, file-cabinet kind of system. The current paper application process doesn't reflect today's school districts. It doesn't adjust to changing demographics. It doesn't take advantage of the tremendous advancements in technology our society enjoys generally. That is why I will be introducing today the Hunger Free Schools Act, along with Senators CASEY and BENNET, that would dramatically reduce the number of paper applications for the free school lunch program. This legislation will directly enroll an estimated 100,000 Ohio children and thousands of children around the Nation in the National School Lunch Program. The Hunger Free Schools Act would modernize the application system for free school meals. The Hunger Free Schools Act would ensure that the system functions the way it was actually designed to work.

By increasing the number of children who receive nutritional school meals, we can help them receive a better education. Just think of children who sit in schools—small children, children of middle-school age, children in high school, but particularly small children—with their stomachs growling. They haven't really had breakfast or they haven't had a nutritious breakfast. Children who think so much about their hunger rather than their school work, children who by afternoon feel weak because they haven't had the calories and nutrition they need, this bill could do something about this. By increasing the number of healthy children, we will be more effective in lowering rates of child obesity and diabetes. It is not just about not getting enough to eat, it is also the quality of food they eat if they don't eat in the school cafeteria the school breakfast that is provided for them.

Nationwide, this bill would reduce paperwork and administrative costs to make access to meals easier for nearly 7 million children—hundreds of thousands of children in the Presiding Officer's home State of Illinois and over 100,000 children in my State of Ohio. Reducing paperwork and administrative costs saves time for administrators, reduces the burden on schools, and makes it a whole lot easier for teachers who don't have to think so much about helping their children figure out how to get a free school lunch or a free school breakfast.

President Obama cited administrative costs as a barrier to ending childhood hunger. His goal of eliminating this moral problem by 2015 is within reach, in part because of this legislation. More must be done.

Another way to combat childhood hunger is to make sure more families are aware of summer feeding programs.

Let me give another number. Some 700,000 children in my State are eligible for the reduced or free school breakfast and lunch. Of that number, about 500,000 actually get free lunch and breakfast. Those same students are eligible for the summer feeding program in June, July, and August—a program that is in rec centers, churches, parks, and in other kinds of buildings sprinkled across our State. Yet only about 60,000, or 1 in 10 children who are eligible, partake in the summer feeding program. So those children who, every day, get a free breakfast and lunch during the school year are also eligible in the summer to get free breakfast, lunch, and a free snack. But very few of them actually get those breakfasts and lunches or snacks in the summer.

You can imagine what that does to the chance for those children to become obese or to have a lack of nutrition and what all that means. The summer feeding program is every bit as important as the school breakfast and lunch program. That is why I remind parents and educators and guardians that the summer food service program is available to provide children a free breakfast, lunch, or snack during summer months. I encourage parents, educators, and guardians in Ohio, and around the Nation, to find a local summer feeding location.

I suggest people watching, if they are from my State, to go on my Web site, brown.senate.gov. We have roughly 1,000 summer feeding program locations on the Web site. People from Ohio can look on there and find out where there might be half a dozen sites in Richland County or perhaps 5 or 6 locations in Allen County or 25 or so locations in Lorain County, where young people can sign up to go to the summer feeding program or they can just show up and be fed. Ohioans can also find information through the Ohio Department of Education. Other Americans should contact the U.S. Department of Agriculture, which has a State-by-State breakdown of resources. Students in summer reading programs at the public libraries might be eligible for the summer feeding program. They should find out from the library or from a music program they are part of or anyplace they might go, if they are eligible.

Again, I remind people that if your son or daughter is eligible for the school lunch program, they are also eligible for the summer feeding program. The end of the school year doesn't mean that we have an end to hunger. It means we need to make some people aware of the summer feeding program. Coupled with the summer feeding program, this Hunger Free Schools Act can ensure that our children reach their full potential.

By Mr. REED (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. BAYH, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mr. LUGAR, Mrs. MURRAY, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 1345. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce with my colleague, Senator GRASSLEY, the Prescribe A Book Act. I thank Senators AKAKA, BAYH, COLLINS, KERRY, LAUTENBERG, LEAHY, LINCOLN, LUGAR, MURRAY, STABENOW, and WHITEHOUSE for joining us as original cosponsors of this bill.

Our legislation would create a Federal pediatric early literacy grant initiative based on the long-standing, successful Reach Out and Read program. The program would award grants to high-quality non-profit entities to train doctors and nurses in advising parents about the importance of reading aloud and to give books to children at pediatric check-ups from six months to 5 years of age, with a priority for children from low-income families. It builds on the relationship between parents and medical providers and helps families and communities encourage early literacy skills so children enter school prepared for success in reading.

The Reach Out and Read model has consistently demonstrated effectiveness in increasing parent involvement and boosting children's reading proficiency. Research published in peer-reviewed, scientific journals has found that parents who have participated in the program are significantly more likely to read to their children and include more children's books in their home, and that children served by the program show an increase of 4–8 points on vocabulary tests. I have seen upclose the positive impact of this program on children and their families when visiting a number of the 40 Rhode Island Reach Out and Read sites.

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. 1345

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 ''Prescribe A Book Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a nonprofit organization that has, as determined by the Secretary, demonstrated effectiveness in the following areas:

(A) Providing peer–to–peer training to healthcare providers in research–based methods of literacy promotion as part of routine pediatric health supervision visits.

(B) Delivering a training curriculum through a variety of medical education settings, including residency training, continuing medical education, and national pediatric conferences.

(C) Providing technical assistance to local healthcare facilities to effectively implement a high-quality Pediatric Early Literacy Program.

(D) Offering opportunities for local healthcare facilities to obtain books at significant discounts, as described in section 7.

(E) Integrating the latest developmental and educational research into the training curriculum for healthcare providers described in subparagraph (B).

(2) PEDIATRIC EARLY LITERACY PROGRAM.—The term ''Pediatric Early Literacy Program'' means a program that—

(A) creates and implements a 3-part model through which—

(i) healthcare providers, doctors, and nurses, trained in research–based methods of early language and literacy promotion, encourage parents to read aloud to their young children, and offer developmentally appropriate recommendations and strategies to parents for the purpose of reading aloud to their children;

(ii) healthcare providers, at health supervision visits, provide each child between the ages of 6 months and 5 years a new, developmentally appropriate children's book to take home and keep; and

(iii) volunteers in waiting areas of healthcare facilities read aloud to children, modeling for parents the techniques and pleasures of sharing books together;

(B) demonstrates, through research published in peer-reviewed journals, effectiveness in positively altering parent behavior regarding reading aloud to children, and improving expressive and receptive language in young children; and

(C) receives the endorsement of nationally–recognized medical associations and academies.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 3. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to eligible entities to enable the eligible entities to implement Pediatric Early Literacy Programs.

SEC. 4. APPLICATIONS.

An eligible entity that desires to receive a grant under section 3 shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

SEC. 5. MATCHING REQUIREMENT.

An eligible entity receiving a grant under section 3 shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the grant received by the eligible entity under section 3. Such matching funds may be in cash or in-kind.

SEC. 6. USE OF GRANT FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall—

(1) enter into contracts with private nonprofit organizations, or with public agencies, selected based on the criteria described in subsection (b), under which each contractor will agree to establish and operate a Pediatric Early Literacy Program;

(2) provide such training and technical assistance to each contractor of the eligible entity as may be necessary to carry out this Act; and

(3) include such other terms and conditions in an agreement with a contractor as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

(b) CONTRACTOR CRITERIA.—Each contractor shall be selected under subsection

(a)(1) on the basis of the extent to which the contractor gives priority to serving a substantial number or percentage of at–risk children, including—

(1) children from families with an income below 200 percent of the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, particularly such children in high–poverty areas;

(2) children without adequate medical insurance;

(3) children enrolled in a State Medicaid program, established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or in the State Children's Health Insurance Program established under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) children living in rural areas;

(5) migrant children; and

(6) children with limited access to libraries.

SEC. 7. RESTRICTION ON PAYMENTS.

The Secretary shall make no payment to an eligible entity under this Act unless the Secretary determines that the eligible entity or a contractor of the eligible entity, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts that are at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

SEC. 8. REPORTING REQUIREMENT.

An eligible entity receiving a grant under section 3 shall report annually to the Secretary on the effectiveness of the program implemented by the eligible entity and the programs instituted by each contractor of the eligible entity, and shall include in the report a description of each program.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $15,000,000 for fiscal year 2010;

(2) $16,000,000 for fiscal year 2011;

(3) $17,000,000 for fiscal year 2012;

(4) $18,000,000 for fiscal year 2013; and

(5) $19,000,000 for fiscal year 2014.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. FEINGOLD):

S. 1346. A bill to penalize crimes against humanity and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the Crimes Against Humanity Act of 2009. This narrowly-tailored legislation would make it a violation of U.S. law to commit a crime against humanity. Congress must ensure that criminals who commit mass atrocities do not find safe haven in our country.

I would like to thank the other original cosponsors of the Crimes Against Humanity Act, Senator PATRICK LEAHY of Vermont, the Chairman of the Senate Judiciary Committee, and Senator RUSSELL FEINGOLD of Wisconsin, the Chairman of the Senate Judiciary Subcommittee on the Constitution and the Chairman of the Senate Foreign Relations Subcommittee on African Affairs.

For generations, the U.S. has led the struggle for human rights around the world and has supported holding perpetrators of crimes against humanity accountable. Over 50 years before the Nuremberg trials, George Washington Williams, an African-American minister, lawyer and historian, called for an international commission to investigate ''crimes against humanity'' in the Congo, which was then ruled by Belgium's King Leopold II. Under King Leopold's iron fist, Congo's population was reduced by half, with up to 10 million people losing their lives. In a letter to the U.S. Secretary of State, Mr. Williams decried the ''crimes against humanity'' perpetrated by King Leopold's regime.

Over 50 years later, following the Holocaust, the U.S. led the efforts to prosecute Nazi perpetrators for crimes against humanity at the Nuremberg trials. Crimes against humanity were first defined in the Nuremberg Charter in 1945. Sixteen men were found guilty of crimes against humanity in the Nuremberg trials, including Hermann Goring, commander of the Luftwaffe and the highest-ranking official to order the ''Final Solution.''

Since then, the U.S. has supported efforts to prosecute perpetrators of crimes against humanity, including Nazi war criminals who had escaped accountability. In 1961, Adolf Eichman, the ''architect of the Holocaust,'' was convicted in Israel for committing crimes against humanity. Michael Musmanno, a U.S. Naval officer and judge at the Nuremberg trials, was a key prosecution witness. In 1987, Klaus Barbie, the ''Butcher of Lyon'', was convicted in France for crimes against humanity he committed while heading the Gestapo in Lyon.

The U.S. has also supported the prosecution of crimes against humanity before the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone.

More recently, we have seen crimes against humanity being committed on a massive scale in Darfur in western Sudan. In this region of six million people, hundreds of thousands were killed and as many as 2.5 million were driven from their homes in recent years. Part of the solution to the carnage in Darfur is arresting and prosecuting the perpetrators. Otherwise, these perpetrators will continue to act with impunity and victims will feel they have no recourse but to resort to violence themselves.

We have also seen crimes against humanity being committed in the eastern Democratic Republic of Congo, most disturbingly through the use of rape as a weapon of war. The systematic and deliberate use of mass rape to humiliate, expel and destroy communities in the eastern Democratic Republic of Congo offends our common humanity.

However, it is not only Darfur and the eastern Democratic Republic of Congo that are safe havens for the perpetrators of crimes against humanity. Perpetrators of mass atrocities have sought to escape accountability for their actions by coming to our own country. According to the Department of Homeland Security, over 1000 war criminals have found safe haven in the United States.

I am the Chairman of the Judiciary Committee's Human Rights and the Law Subcommittee. Last year I held a Human Rights and the Law Subcommittee hearing entitled ''From Nuremberg to Darfur: Accountability for Crimes Against Humanity.'' This hearing identified a glaring loophole in U.S. law—currently, there is no U.S. law prohibiting crimes against humanity. As a result, the U.S. government is unable to prosecute perpetrators of crimes against humanity found in our country. In contrast, other grave human rights violations, including genocide, using or recruiting child soldiers, and torture, are crimes under U.S. law.

We heard testimony in the Human Rights and the Law Subcommittee that many U.S. allies have incorporated crimes against humanity into their criminal codes, including Australia, Canada, Germany, the Netherlands, New Zealand, South Africa, Spain, Argentina and the United Kingdom.

Expert witnesses testified before the Subcommittee about the urgent need for the United States to enact similar legislation. Gayle Smith, the Co-Founder of the Enough Project, testified that it is in our national interest to enact crimes against humanity legislation:

> If unchallenged, the violence that defines crimes against humanity feeds on itself: conflicts spread, institutions crumble, economies decline and young people are taught the dangerous lesson that violence is more potent tool for change than hope. . . . Ensuring that those who commit crimes against humanity are in violation of U.S. law is in our national interests, and clearly in the interests of the victims who have few if any protectors or defenders.

Diane Orentlicher, a law professor at American University's Washington College of Law and one of our country's leading experts on human rights crimes, testified:

> The United States has, since Nuremberg, provided indispensable leadership in ensuring prosecution of crimes against humanity by various international tribunals, as well as by other countries we have supported. So it's quite remarkable that we of all countries don't have a law on our books making it possible to prosecute this crime when perpetrators show up in our own territory.

The crimes against humanity loophole has real consequences. When the U.S. government learned that Marko Boskic, who allegedly participated in the Srebrenica massacre in the Bosnian conflict, was living in Massachusetts, he was charged with visa fraud, rather than crimes against humanity. ''They should condemn him for the crime,'' said Emma Hidic, whose two brothers were among the estimated 7,000 men and boys killed in the Srebrenica massacre, upon learning that Boskic had been charged only with visa fraud.

The Crimes Against Humanity Act would close this loophole in U.S. law

and give our government the authority to prosecute those found in the U.S. who commit crimes against humanity. In keeping with the principles the U.S. and our allies established after World War II, this legislation would help ensure that the perpetrators of crimes against humanity do not find safe haven in our country.

This bill would make it a violation of U.S. law to commit a crime against humanity, i.e. any widespread and systematic attack directed against a civilian population that involves murder, enslavement, torture, rape, arbitrary detention, extermination, hostage taking or ethnic cleansing.

I am the author of the Genocide Accountability Act, the Child Soldiers Accountability Act, and the Trafficking in Persons Act, legislation passed unanimously by Congress and signed into law by President George W. Bush that denies safe haven in the United States to the perpetrators of genocide, child soldier recruitment and use, and human trafficking. The Crimes Against Humanity Act is the next logical step. It would subject perpetrators of crimes against humanity to criminal sanctions, in the same way that perpetrators of genocide, child soldier recruitment and human trafficking are subject to criminal sanctions under U.S. law.

Ensuring U.S. law prohibits crimes against humanity is consistent with the longstanding U.S. support for the prosecution of crimes against humanity perpetrated in World War II, Rwanda, the former Yugoslavia and Sierra Leone, among other places.

This legislation will send a clear message to perpetrators of crimes against humanity that there are real consequences to their actions. By holding such individuals criminally responsible, our country will help to deter crimes against humanity.

The Crimes Against Humanity Act is supported by a broad coalition of human rights and religious groups, including Armenian Assembly of America, Center for Justice and Accountability, Center for Victims of Torture, Enough Project, the Episcopal Church, Genocide Intervention Network, Human Rights First, Human Rights Watch, International Justice Mission, Jubilee Campaign USA, Inc., Physicians for Human Rights, Robert F. Kennedy Center for Justice & Human Rights, Save Darfur Coalition, the United Methodist Church, and U.S. Campaign for Burma. Today I received a letter of support for the Crimes Against Humanity Act from 29 organizations, including all of those I have named. As the letter explains:

This legislation would fill an existing gap in U.S. law by allowing U.S. prosecutors to hold the perpetrators of mass atrocities accountable for their acts. While often less publicized than genocides, crimes against humanity are as devastating to their victims and as worthy of vigorous and unbending attention from the United States government. We must ensure that perpetrators of mass atrocities cannot evade justice by coming to the United States.

Daoud Hari is a refugee from Darfur now living in our country and author of The Translator: A Tribesman's Memoir of Darfur. I urge my colleagues to contemplate the challenge that Mr. Hari posed at the Human Rights Subcommittee hearing on crimes against humanity: while none of us individually can stop the crimes against humanity committed in Darfur and other countries around the globe, failing to take action only ensures that these horrific atrocities will continue.

With far too few exceptions, we have failed to prevent and stop crimes against humanity. The promise of Nuremberg remains unfulfilled. We have a moral obligation to take action to help the survivors of crimes against humanity around the world and to help prevent this horrific crime by holding perpetrators accountable.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1346

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 ''Crimes Against Humanity Act of 2009''.

SEC. 2. ACCOUNTABILITY FOR CRIMES AGAINST HUMANITY.

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 25 the following:

''CHAPTER 25A—CRIMES AGAINST HUMANITY

''Sec.
''519. Crimes against humanity.

''§ 519. Crimes against humanity

''(a) OFFENSE.—It shall be unlawful for any person to commit or engage in, as part of a widespread and systematic attack directed against any civilian population, and with knowledge of the attack—

''(1) conduct that, if it occurred in the United States, would violate—

''(A) section 1111 of this title (relating to murder);

''(B) section 1581(a) of this title (relating to peonage);

''(C) section 1583(a)(1) of this title (relating to kidnapping or carrying away individuals for involuntary servitude or slavery);

''(D) section 1584(a) of this title (relating to sale into involuntary servitude);

''(E) section 1589(a) of this title (relating to forced labor); or

''(F) section 1590(a) of this title (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor);

''(2) conduct that, if it occurred in the special maritime and territorial jurisdiction of the United States, would violate—

''(A) section 1591(a) of this title (relating to sex trafficking of children or by force, fraud, or coercion);

''(B) section 2241(a) of this title (relating to aggravated sexual abuse by force or threat); or

''(C) section 2242 of this title (relating to sexual abuse);

''(3) conduct that, if it occurred in the special maritime and territorial jurisdiction of the United States, and without regard to whether the offender is the parent of the victim, would violate section 1201(a) of this title (relating to kidnapping);

''(4) conduct that, if it occurred in the United States, would violate section 1203(a) of this title (relating to hostage taking), notwithstanding any exception under subsection (b) of section 1203;

''(5) conduct that would violate section 2340A of this title (relating to torture);

''(6) extermination;

''(7) national, ethnic, racial, or religious cleansing;

''(8) arbitrary detention; or

''(9) imposed measures intended to prevent births.

''(b) PENALTY.—Any person who violates subsection (a), or attempts or conspires to violate subsection (a)—

''(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

''(2) if the death of any person results from the violation of subsection (a), shall be fined under this title and imprisoned for any term of years or for life.

''(c) JURISDICTION.—There is jurisdiction over a violation of subsection (a), and any attempt or conspiracy to commit a violation of subsection (a), if—

''(1) the alleged offender is a national of the United States or an alien lawfully admitted for permanent residence;

''(2) the alleged offender is a stateless person whose habitual residence is in the United States;

''(3) the alleged offender is present in the United States, regardless of the nationality of the alleged offender; or

''(4) the offense is committed in whole or in part within the United States.

''(d) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282 of this title, in the case of an offense under this section, an indictment may be found, or information instituted, at any time without limitation.

''(e) DEFINITIONS.—In this section:

''(1) ARBITRARY DETENTION.—The term 'arbitrary detention' means imprisonment or other severe deprivation of physical liberty except on such grounds and in accordance with such procedure as are established by the law of the jurisdiction where such imprisonment or other severe deprivation of physical liberty took place.

''(2) ARMED GROUP.—The term 'armed group' means any army, militia, or other military organization, whether or not it is state-sponsored, excluding any group assembled solely for nonviolent political association.

''(3) ATTACK DIRECTED AGAINST ANY CIVILIAN POPULATION.—The term 'attack directed against any civilian population' means a course of conduct in which a civilian population is a primary rather than an incidental target.

''(4) ETHNIC GROUP; NATIONAL GROUP; RACIAL GROUP; RELIGIOUS GROUP.—The terms 'ethnic group', 'national group', 'racial group', and 'religious group' have the meanings given those terms in section 1093 of this title.

''(5) EXTERMINATION.—The term 'extermination' means subjecting a civilian population to conditions of life that are intended to cause the physical destruction of the group in whole or in part.

''(6) LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; NATIONAL OF THE UNITED STATES.—The terms 'lawfully admitted for permanent residence' and 'national of the United States' have the meanings give those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(7) NATIONAL, ETHNIC, RACIAL, OR RELIGIOUS CLEANSING.—The term 'national, ethnic, racial, or religious cleansing' means the

intentional and forced displacement from 1 country to another or within a country of any national group, ethnic group, racial group, or religious group in whole or in part, by expulsion or other coercive acts from the area in which they are lawfully present, except when the displacement is in accordance with applicable laws of armed conflict that permit involuntary and temporary displacement of a population to ensure its security or when imperative military reasons so demand.

''(8) SYSTEMATIC.—The term 'systematic' means pursuant to or in furtherance of the policy of a state or armed group.

''(9) WIDESPREAD.—The term 'widespread' means involving multiple victims.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following:

''25A. Crimes against humanity ..... 519''.

JUNE 24, 2009.

Hon. RICHARD J. DURBIN,

Chairman Subcommittee on Human Rights and the Law, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DURBIN: We write to express our strong support for the Crimes Against Humanity Act of 2009. This legislation would fill an existing gap in U.S. law by allowing U.S. prosecutors to hold the perpetrators of mass atrocities accountable for their acts. While often less publicized than genocides, crimes against humanity are as devastating to their victims and as worthy of vigorous and unbending attention from the United States government. We must ensure that perpetrators of mass atrocities cannot evade justice by coming to the United States. We applaud your leadership in ensuring that the United States is well equipped to fight these grave crimes and we urge Congress to enact the bill with all due speed.

The United States government has long been at the forefront of global efforts to seek accountability for the perpetrators of the worst crimes known to humankind. In the years after World War II, the United States was an essential player in the formation of the Nuremberg Tribunal and the Genocide Convention, two key pieces of the foundation for all international justice efforts that have followed. Since then, in Bosnia, Rwanda, Cambodia, Sierra Leone, and Darfur, among others, the U.S. government has steadfastly supported justice for victims of crimes against humanity, war crimes, and genocide, whether by supporting national justice systems or by assisting in the creation of special tribunals.

The bill defines crimes against humanity as widespread and systematic attacks directed against a civilian population that involve murder, enslavement, torture, rape, arbitrary detention, extermination, hostage taking, or ethnic cleansing. This category includes some of the most atrocious crimes committed in recent history—the campaigns of mutilation and murder of civilians in Sierra Leone and Uganda, the systematic rape of women in ethnic areas of Burma and in the Democratic Republic of the Congo, the ethnic cleansing in Bosnia and Kosovo. These crimes might look like genocide to a layperson, but they are a distinct category of crime and separate legislation is needed to provide United States courts with jurisdiction to prosecute those who commit them if they are present in the United States.

Such legislation has not existed before today, despite the U.S. government's sustained efforts to ensure accountability for crimes against humanity elsewhere. Alleged perpetrators of those crimes have therefore been able to escape prosecution in the United States. Though U.S. law prohibits grave human rights violations such as genocide and torture, alleged perpetrators of crimes against humanity may escape accountability due not to their innocence of unforgivable acts but to loopholes in the U.S. criminal code.

The Crimes Against Humanity Act of 2009 would close this illogical gap in U.S. law. Just as they may pursue those who have committed related and similarly horrific crimes, U.S. prosecutors would have the authority to ensure that those in the United States who have committed crimes against humanity may not evade accountability merely by fleeing to our country.

The United States has provided a means to prosecute those who commit genocide and torture as well as those who use child soldiers in war. Those who commit the similar crimes that constitute crimes against humanity should face no better future. We therefore urge Congress to enact this bill without delay.

Sincerely,

The Advocates for Human Rights.
Africa Action.
AIDS-Free World.
Armenian Assembly of America.
Center for Justice and Accountability.
Center for Victims of Torture.
EarthRights International.
Enough Project.
The Episcopal Church.
Equality Now.
Citizens for Global Solutions.
Genocide Intervention Network.
Harvard Immigration and Refugee Clinical Program.
Human Rights First.
Human Rights Watch.
International Justice Mission.
Jubilee Campaign USA, Inc.
National Immigrant Justice Center.
National Immigration Forum.
Open Society Policy Center.
Physicians for Human Rights.
Refugees International.
Robert F. Kennedy Center for Justice & Human Rights.
Rocky Mountain Survivors Center.
Save Darfur Coalition.
United Methodist Church, General Board of Church and Society.
United Nations Association of the United States of America.
U.S. Campaign for Burma.
V-Day.

Mr. LEAHY. Mr. President, today, I am pleased to join Senator DURBIN and Senator FEINGOLD in introducing the Crimes Against Humanity Act of 2009. This legislation will make it a violation of United States law to commit a crime against humanity, and will help ensure that the perpetrators of crimes against humanity do not find safe haven in the United States. I commend Senator DURBIN for his work on this legislation and for his leadership as chairman of the Subcommittee on Human Rights and the Law.

Last Congress, I was pleased to work with Senator DURBIN to create the Human Rights and the Law Subcommittee, the first-ever congressional committee established to address human rights issues. The work that we have done through this Subcommittee has helped the Senate focus on important and difficult legal human rights issues, including genocide, human trafficking, child soldiers, war crimes, corporate accountability overseas, systematic rape, and torture.

The work of the Human Rights and the Law Subcommittee has already achieved important results. Last Congress, the President signed into law the Child Soldiers Accountability Act, which outlawed the abhorrent practice of recruiting and using child soldiers, and the Genocide Accountability Act, which closed a loophole that had allowed those who commit or incite genocide to seek refuge in our country without fear of prosecution for their actions. These legislative initiatives were a critical step toward showing the international community that the United States will not tolerate human rights abuses at home or abroad, and that those who commit these atrocities must be held accountable for their actions. I am pleased to join Senator DURBIN to take the next step to protect victims of crimes against humanity in the United States, and to hold those responsible for these terrible crimes to account.

Along with genocide and war crimes, crimes against humanity are among the most serious crimes under international law. We see such crimes against humanity by groups or governments as part of a widespread or systematic attack against a civilian population. These deplorable crimes include murder, enslavement, torture, rape, arbitrary detention, extermination, hostage taking, and ethnic cleansing, and they continue to take place around the world in places like Uganda, Burma, and Sudan.

Although the United States has strongly and consistently for more than 60 years supported the prosecution of perpetrators of crimes against humanity, there is currently no United States law prohibiting crimes against humanity. As a result, the government is unable to prosecute perpetrators of crimes against humanity found in our country. This legislation will fix this loophole by enabling the Attorney General to prosecute crimes against humanity committed by a U.S. national, legal alien or habitual resident in the United States. The law will also enable the prosecution of any crimes against humanity committed in whole or in part within the United States, as well as offenses that occur outside the United States, if the offender is currently located in the United States.

The actions prohibited by the Crimes Against Humanity Act of 2009 are appalling. They happen too often throughout the world. We must promote accountability for human rights violations committed anywhere in the world, and we must do whatever we can to prevent those who commit such crimes from escaping justice by finding a safe haven in the United States. A foreign policy that seeks to defend human rights will never fully achieve its goals if we undermine our own credibility by failing in our commitment to uphold the highest standards of human rights here at home. I urge

Senators on both sides of the aisle to support this important legislation to help this country take another step toward reclaiming our place as a guardian of human rights.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 202—TO PROVIDE FOR ISSUANCE OF A SUMMONS AND FOR RELATED PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST SAMUEL B. KENT

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 202

Resolved, That a summons shall be issued which commands Samuel B. Kent to file with the Secretary of the Senate an answer to the articles of impeachment no later than July 2, 2009, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than July 7, 2009.

SEC. 5. The Secretary shall notify counsel for Samuel B. Kent of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

SENATE RESOLUTION 203—TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO RECEIVE AND TO REPORT EVIDENCE WITH RESPECT TO ARTICLES OF IMPEACHMENT AGAINST JUDGE SAMUEL B. KENT

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 203

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members and a chairman and vice chairman respectively to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6. The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account ''Miscellaneous Items'' upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

SEC. 7. The Committee appointed pursuant to section one of this resolution shall terminate no later than 45 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge Samuel B. Kent of this resolution.

SENATE RESOLUTION 204—DESIGNATING MARCH 31, 2010, AS ''NATIONAL CONGENITAL DIAPHRAGMATIC HERNIA AWARENESS DAY''

Mr. VITTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 204

Whereas the congenital diaphragmatic hernia birth defect is one of the most prevalent, life-threatening birth defects in the United States;

Whereas the congenital diaphragmatic hernia birth defect is a severe, often deadly birth defect that has a devastating impact, in both human and economic terms, affecting equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas the congenital diaphragmatic hernia birth defect occurs in 1 in every 2,000 live births in the United States and accounts for 8 percent of all major congenital anomalies;

Whereas, in 2004, there were approximately 4,115,590 live births in the United States, and in approximately 1,800 of those live births, the congenital diaphragmatic hernia birth defect occurred, causing countless additional friends, loved ones, spouses, and caregivers to shoulder the physical, emotional, and financial burdens the congenital diaphragmatic hernia birth defect causes;

Whereas there is no genetic indicator or any other indicator available to predict the occurrence of the congenital diaphragmatic hernia birth defect, other than through the performance of an ultrasound during pregnancy;

Whereas there is no consistent treatment or cure for the congenital diaphragmatic hernia birth defect;

Whereas the congenital diaphragmatic hernia birth defect is a leading cause of neonatal death in the United States;

Whereas 50 percent of the patients who do survive the congenital diaphragmatic hernia birth defect have residual health issues, resulting in a severe strain on pediatric medical resources and on the delivery of health care services in the United States;

Whereas proactive diagnosis and the appropriate management and care of fetuses afflicted with the congenital diaphragmatic hernia birth defect minimize the incidence of emergency situations resulting from the birth defect and dramatically improve survival rates among people with the birth defect;

Whereas neonatal medical care is one of the most expensive types of medical care provided in the United States and patients with the congenital diaphragmatic hernia birth defect stay in intensive care for approximately 60 to 90 days, costing millions of dollars, utilizing blood from local blood banks, and requiring the most technically advanced medical care;

Whereas the congenital diaphragmatic hernia birth defect is a birth defect that causes damage to the lungs and the cardiovascular system;

Whereas patients with the congenital diaphragmatic hernia birth defect may have long-term health issues such as respiratory insufficiency, gastroesophageal reflux, poor growth, neurodevelopmental delay, behavior problems, hearing loss, hernia recurrence, and orthopedic deformities;

Whereas the severity of the symptoms and outcomes of the congenital diaphragmatic hernia birth defect and the limited public awareness of the birth defect cause many patients to receive substandard care, to forego regular visits to physicians, and not to receive good health or therapeutic management that would help avoid serious complications in the future, compromising the quality of life of those patients;

Whereas people suffering from chronic, life-threatening diseases and birth defects, similar to the congenital diaphragmatic hernia birth defect, and family members of those people are predisposed to depression and the resulting consequences of depression because of anxiety over the possible pain, suffering, and premature death that people with such diseases and birth defects may face;

Whereas the Senate and taxpayers of the United States want treatments and cures for disease and hope to see results from investments in research conducted by the National Institutes of Health and from initiatives such as the National Institutes of Health Roadmap to the Future;

Whereas the congenital diaphragmatic hernia birth defect is an example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit the people and

families suffering from the congenital diaphragmatic hernia birth defect;

Whereas collaboration, technological innovation, scientific momentum, and public-private partnerships can save billions of Federal dollars under Medicare, Medicaid, and other programs for therapies, and early intervention will increase survival rates among people suffering from the congenital diaphragmatic hernia birth defect;

Whereas improvements in diagnostic technology, the expansion of scientific knowledge, and better management of care for patients with the congenital diaphragmatic hernia birth defect already have increased survival rates in some cases;

Whereas there is still a need for more research and increased awareness of the congenital diaphragmatic hernia birth defect and for an increase in funding for that research in order to provide a better quality of life to survivors of the congenital diaphragmatic hernia birth defect, and more optimism for the families and health care professionals who work with children with the birth defect;

Whereas there are thousands of volunteers nationwide dedicated to expanding research, fostering public awareness and understanding, educating patients and their families about the congenital diaphragmatic hernia birth defect to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas volunteers engage in an annual national awareness event held on March 31, making that day an appropriate time to recognize National Congenital Diaphragmatic Hernia Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 31, 2010, as ''National Congenital Diaphragmatic Hernia Awareness Day'';

(2) supports the goals and ideals of a national day to raise public awareness and understanding of the congenital diaphragmatic hernia birth defect;

(3) recognizes the need for additional research into a cure for the congenital diaphragmatic hernia birth defect; and

(4) encourages the people of the United States and interested groups to support National Congenital Diaphragmatic Hernia Awareness Day through appropriate ceremonies and activities, to promote public awareness of the congenital diaphragmatic hernia birth defect, and to foster understanding of the impact of the disease on patients and their families.

SENATE RESOLUTION 205—SUPPORTING THE GOALS AND IDEALS OF AFRICAN AMERICAN BONE MARROW AWARENESS MONTH

Ms. STABENOW (for herself and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 205

Whereas a bone marrow or blood cell transplant is a potentially life-saving treatment for patients with leukemia, lymphoma, and other blood diseases;

Whereas a bone marrow or blood cell transplant replaces a patient's unhealthy blood cells with healthy blood-forming cells from a volunteer donor;

Whereas a patient who does not have a suitably matching donor in the family may search the National Marrow Donor Program Donor Registry for a donor;

Whereas blood or cell samples from adult donors or cord blood units are tested and the tissue or cell type is added to the National Marrow Donor Program Donor Registry, and physicians may search that registry when they need to find donors whose tissue type matches their patients';

Whereas African Americans make up 8 percent of, or more than 550,000 of the 7,000,000 people currently on, the National Marrow Donor Program Donor Registry;

Whereas of the 35,000 people that have received transplants since the inception of the National Marrow Donor Program Donor Registry, only 1,500 have been African Americans;

Whereas more than 70 life-threatening diseases can be treated with a bone marrow transplant;

Whereas there is a possibility that an African American patient could match a donor from any racial or ethnic group, but the most likely match is another African American;

Whereas to become a volunteer donor, potential donors must be between 18 and 60 years of age, meet health guidelines, provide a small blood sample or swab of cheek cells to determine the donor's tissue type, complete a brief health questionnaire, and sign a consent form to have the tissue type of the donor listed on the Donor Registry;

Whereas the Bone Marrow Wish Organization, which is a minority-run nonprofit organization based in Detroit that was started by an actual bone marrow donor, is initiating ''African American Bone Marrow Awareness Month'';

Whereas the annual month of awareness would promote donor awareness and increase the number of African Americans registered with the National Marrow Donor Program throughout the Nation; and

Whereas July 2009 would be an appropriate month to observe African American Bone Marrow Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of African American Bone Marrow Awareness Month;

(2) urges the people of the United States to participate in appropriate programs and activities with respect to bone marrow awareness, including speaking with health care professionals about bone marrow donation; and

(3) urges all people of the United States to register to become blood marrow donors and encourages all people of the United States to organize blood marrow registration drives in their communities.

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE SAMUEL B. KENT

Ms. MCCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent will meet on Thursday, June 25, 2009, at 4:30 p.m., to conduct its organization meeting.

For further information regarding this meeting, please contact Peg Gustafson on 202–224–6154.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 24, 2009 at 10:45 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 11 a.m., to hold a roundtable entitled ''Iran at a Crossroads?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 9 a.m. to conduct a hearing entitled ''Type 1 Diabetes Research: Real Progress and Real Hope for a Cure.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 10 a.m., in room SD–226 of the Dirksen

Senate Office Building, to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 24, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CARDIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 24, 2009, from 10:30 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. CARDIN. Mr. President, I ask unanimous consent that the subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that four law clerks on my staff, Eka Akpakip, Kristina Campbell, Nick Rotsko, and Roberto Valenzuela be granted floor privileges during the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

Mr. REID. I ask unanimous consent the Senate proceed to Calendar No. 85, S. 962.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 962) to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported by the Committee on Foreign Relations, with amendments.

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 962

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 ''Enhanced Partnership with Pakistan Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing years of political tension and mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of the Pakistani people and serve as a model to other countries around the world.

(4) Economic growth is a fundamental foundation for human security and national stability in Pakistan, a country with over 175,000,000 people, an annual population growth rate of 2 percent, and a ranking of 136 out of 177 countries in the United Nations Human Development Index.

(5) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.

(6) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 7 years.

(7) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(8) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to be using Pakistan's Federally Administered Tribal Areas (FATA) and parts of the North West Frontier Province (NWFP) and Balochistan as a haven and a base from which to organize terrorist actions in Pakistan and globally, including—

(A) attacks outside of Pakistan that have been attributed to groups with Pakistani connections, including—

(i) the suicide car bombing of the Indian embassy in Kabul, Afghanistan, which killed 58 people on June 7, 2008; and

(ii) the massacre of approximately 165 people in Mumbai, India, including 6 United States citizens, in late November 2008; and

(B) attacks within Pakistan, including—

(i) an attack on the visiting Sri Lankan cricket team in Lahore on March 3, 2009;

(ii) an attack at the Marriott hotel in Islamabad on September 9, 2008;

(iii) the bombing of a political rally in Karachi on October 18, 2007;

(iv) the targeting and killing of dozens of tribal, provincial, and national holders of political office;

(v) an attack by gunfire on the U.S. Principal Officer in Peshawar in August 2008; and

(vi) the brazen assassination of former Prime Minister Benazir Bhutto on December 27, 2007.

(9) In the 12-month period ending on the date of the enactment of this Act, Pakistan's security forces have struggled to contain a Taliban-backed insurgency that has spread from FATA into settled areas, including the Swat Valley and other parts of NWFP and Balochistan. This struggle has taken the lives of more than 1,500 police and military personnel and left more than 3,000 wounded.

(10) On March 27, 2009, President Obama noted, ''Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the U.S. homeland from its safe-haven in Pakistan.''.

(11) According to a Government Accountability Office Report (GAO–08–622), ''since 2003, the administration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA'' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(12) In the past year, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with two-thirds of the population living on less than $2 a day and one-fifth of the population living below the poverty line according to the United Nations Development Program.

(13) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(14) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(15) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(16) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

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

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary

of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

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

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

(6) PAKISTAN-AFGHANISTAN BORDER AREAS.—The term ''Pakistan-Afghanistan border areas'' includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance'' means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(9) MAJOR DEFENSE EQUIPMENT.—The term ''major defense equipment'' has the meaning given in section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)).

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States—

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

(2) to support economic growth and development in order to promote stability and security across Pakistan;

(3) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(4) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens, including in the Federally Administered Tribal Areas, by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(5) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(6) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, India, or elsewhere in the world;

(7) to work in close cooperation with the Government of Pakistan to coordinate military, paramilitary, and police action against terrorist targets;

(8) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy;

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

(10) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan[.]*; and*

(11) to encourage the development of local analytical capacity to measure progress on an integrated basis across the areas of donor country expenditure in Pakistan, and better hold the Government of Pakistan accountable for how the funds are being spent.

SEC. 5. AUTHORIZATION OF FUNDS.

(a) AUTHORIZATION.—There are 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.), the following amounts:

(1) For fiscal year 2009, up to $1,500,000,000.

(2) For fiscal year 2010, up to $1,500,000,000.

(3) For fiscal year 2011, up to $1,500,000,000.

(4) For fiscal year 2012, up to $1,500,000,000.

(5) For fiscal year 2013, up to $1,500,000,000.

(b) AVAILABILITY OF [FUNDS.—Of the amounts] *FUNDS.—*

(1) *IN GENERAL.—Of the funds* appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

[(1) none of the amounts]

(A) none of the amounts appropriated may be made available after the date of the enactment of this Act for assistance to Pakistan unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees in accordance with subsection (j); and

[(2) not more than $750,000,000]

(B) not more than $750,000,000 may be made available for assistance to Pakistan in any fiscal year after 2009 unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during that fiscal year—

[(A) a certification]

(i) a certification that assistance provided to Pakistan under this Act to date has made or is making substantial progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report pursuant to subsection (j)(1); and

[(B) a memorandum]

(ii) a memorandum explaining the reasons justifying the certification described in [subsection (A)]*clause (i).*

[(c) MAKER OF CERTIFICATION.—In the event]

(2) *MAKER OF CERTIFICATION.—In the event* of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification described under [subsection (b)(2)]*paragraph (1)(B)* may be made by the Secretary of State.

(c) WAIVER.—The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to provide such waiver.

(d) SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to $1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(e) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the [Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (6), (7), and (8) of section 4.]*Government of Pakistan—*

(1) should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (6), (7), and (8) of section 4; and

(2) should be geared primarily toward bolstering the counter-insurgency capabilities of the Government to effectively defeat the Taliban-backed insurgency and deny popular support to al Qaeda and other foreign terrorist organizations that are based in Pakistan.

(f) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be used for projects intended to benefit the people of Pakistan, including projects that promote—

(A) just and democratic governance, including—

(i) police reform, equipping, and training;

(ii) independent, efficient, and effective judicial systems;

(iii) political pluralism, equality, and the rule of law;

(iv) respect for human and civil rights and the promotion of an independent media;

(v) transparency and accountability of all branches of government and judicial proceedings;

(vi) anticorruption efforts among bureaucrats, elected officials, and public servants at all levels of military and civilian government [administration; and

[(vii) countering the narcotics trade;] *administration;*

(vii) countering the narcotics trade; and

(viii) the implementation of legal and political reforms in the FATA;

(B) economic freedom, including—

(i) sustainable economic growth, including in rural areas, and the sustainable management of natural resources;

(ii) investments in energy and water, including energy generation and cross-border infrastructure projects with Afghanistan;

(iii) employment generation, including essential basic infrastructure projects such as roads and irrigation projects and other physical infrastructure; and

(iv) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders[; and]*;*

(C) investments in people, particularly women and children, including—

(i) broad-based public primary and secondary education and vocational training for both boys and girls;

(ii) food security and agricultural development to ensure food staples and other crops that provide economic growth and income opportunities in times of severe shortage;

(iii) quality public health, including medical clinics with well trained staff serving rural and urban [communities; and

(iv) higher education] *communities;*

(iv) vocational training for women and access to microfinance for small business establishment and income generation for women; and

(v) higher education to ensure a breadth and consistency of Pakistani graduates to prepare citizens to help strengthen the foundation for improved governance and economic vitality, including through public-private partnerships[.]*; and*

(D) long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(2) FUNDING FOR POLICE REFORM, EQUIPPING, AND TRAINING.—Up to $100,000,000 of the funds appropriated pursuant to subsection (a) should be used for police reform, equipping, and training.

(g) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contacts, and to work with local leaders to provide assistance under this section.

(h) AUTHORITY TO USE FUNDS FOR OPERATIONAL AND AUDIT EXPENSES.—

(1) IN GENERAL.—Of the amounts appropriated for a fiscal year pursuant to subsection (a)—

(A) up to $10,000,000 may be used for administrative expenses of Federal departments and agencies in connection with the provision of assistance authorized by this section;

(B) up to [$20,000,000]*$30,000,000* may be made available to the Inspectors General of the Department of State, the United States Agency for International Development, and other relevant Executive branch agencies in order to provide audits and program reviews of projects funded pursuant to this section; and

(C) up to $5,000,000 may be used by the Secretary to establish a Chief of Mission Fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes outlined in subsection (f) or for purposes of humanitarian relief.

(2) AUTHORITY IN ADDITION TO EXISTING AMOUNTS.—The amounts authorized under subparagraphs (A) and (B) of paragraph (1) to be used for the purposes described in such subparagraphs are in addition to other amounts that are available for such purposes.

(i) USE OF FUNDS.—Amounts appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(j) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than [30 days]*45 days* after the date of enactment of this Act, or September 15, 2009, whichever date comes later, the [President] *Secretary of State* shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan. The report shall include—

(1) a description of the principal objectives of United States assistance to Pakistan to be provided under this Act;

(2) the amounts of funds authorized to be appropriated under subsection (a) proposed to be allocated to programs or projects designed to achieve each of the purposes of assistance listed in subsection (f);

(3) a description of the specific projects and programs for which amounts authorized to be appropriated pursuant to subsection (a) are proposed to be allocated;

(4) a list of [criteria to be used to measure the effectiveness of projects described under subsection (f), including a systematic, qualitative basis]*criteria and benchmarks to be used to measure the effectiveness of projects described under subsection (f), including a systematic, qualitative, and where possible, quantitative basis* for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

(5) a description of the role to be played by Pakistani national, regional, and local officials *and members of Pakistani civil society and local private sector, civic, religious, and tribal leaders* in helping to identify and implement programs and projects for which assistance is to be provided under this Act, and of consultations with [such officials] *such representatives* in developing the strategy[; and]*;*

(6) a description of all amounts made available for assistance to Pakistan during fiscal year 2009 prior to submission of the report, including a description of each project or program for which funds were made available and the amounts allocated to each such program or project[.]*;*

(7) a description of the steps taken, or to be taken, to ensure assistance provided under this Act is not awarded to individuals or entities affiliated with terrorist organizations; and

(8) a projection of the levels of assistance to be provided to Pakistan under this Act, broken down into the following categories as described in the annual ''Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance'':

(A) Civil liberties.
(B) Political rights.
(C) Voice and accountability.
(D) Government effectiveness.
(E) Rule of law.
(F) Control of corruption.
(G) Immunization rates.
(H) Public expenditure on health.
(I) Girls' primary education completion rate.
(J) Public expenditure on primary education.
(K) Natural resource management.
(L) Business start-up.
(M) Land rights and access.
(N) Trade policy.
(O) Regulatory quality.
(P) Inflation control.
(Q) Fiscal policy.

(k) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government and shall describe the purpose and conditions attached to any such budgetary support.

(2) SEMIANNUAL REPORT.—Not later than 90 days after the submission of the Pakistan Assistance Strategy Report pursuant to subsection (j), and every 180 days thereafter, the [President] *Secretary of State* shall submit a report to the appropriate congressional committees that describes the assistance provided under this section. The report shall include—

(A) a description of all assistance provided pursuant to this Act since the submission of the last report, including each program or project for which assistance was provided and the amount of assistance provided for each program or project;

(B) a description of all assistance provided pursuant to this Act, including—

(i) the total amount of assistance provided for each of the purposes described in subsection (f); and

(ii) the total amount of assistance allocated to programs or projects in each region in Pakistan;

(C) a list of persons or entities from the United States or other countries that have received funds in excess of [$250,000]*$100,000* to conduct projects under this section during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;

(D) an assessment of the effectiveness of assistance provided pursuant to this Act during the period covered by the report in achieving desired objectives and outcomes, measured on the basis of the criteria contained in the Pakistan Assistant Strategy Report pursuant to subsection (j)(4);

(E) a description of—

(i) the programs and projects for which amounts appropriated pursuant to subsection (a) are proposed to be allocated during the 180-day period after the submission of the report;

(ii) the relationship of such programs and projects to the purposes of assistance described in subsection (f); and

(iii) the amounts proposed to be allocated to each such program or project;

(F) a description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;

(G) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;

(H) any incidents or reports of waste, fraud, and abuse of expenditures under this section;

(I) the amount of funds appropriated pursuant to subsection (a) that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under [subsection (h); and] *subsection (h);*

(J) a description of the expenditures made from any Chief of Mission Fund established pursuant to subsection (h)(3) during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any expenditures from the Chief of Mission Fund in excess of $10,000[.]*; and*

(K) an accounting of assistance provided to Pakistan under this Act, broken down into the categories set forth in subsection (j)(8).

(l) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report under subsection (j), and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(1) a review of, and comments addressing, the Pakistan Assistance Strategy Report; and

(2) recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of this Act.

(m) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that, as a general principle, the Government of Pakistan should allocate a greater portion of its budget to the recurrent costs associated with education, health, and other priorities described in this section.

(n) CONSULTATION REQUIREMENT.—The President shall consult the appropriate congressional committees on the strategy in subsection (j), including criteria and benchmarks developed under paragraph (4) of such subsection, not later than 15 days before obligating any assistance under this section.

SEC. 6. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to

Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted [and consistent] efforts to prevent al Qaeda and associated terrorist groups, including Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan;

(2) are making concerted [and consistent] efforts to prevent the Taliban and associated militant groups from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is important to the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) ANNUAL REPORT.—The Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees an annual report on the progress of the security forces of Pakistan in satisfying the requirements enumerated in subsection (c). The Secretary of State shall establish detailed, specific requirements and metrics for evaluating the progress in satisfying these requirements and apply these requirements and metrics consistently in each annual report. This report may be submitted in classified or unclassified form, as necessary.

SEC. 7. SENSE OF CONGRESS ON COALITION SUPPORT FUNDS.

It is the sense of Congress that—

(1) Coalition Support Funds are critical components of the global fight against terrorism, and in Pakistan provide essential support for—

(A) military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the FATA, the NWFP, and other regions of Pakistan; and

(B) military operations of the Government of Pakistan to protect United States and allied logistic operations in support of Operation Enduring Freedom in Afghanistan;

(2) despite the broad discretion Congress granted the Secretary of Defense in terms of managing Coalition Support Funds, the Pakistan reimbursement claims process for Coalition Support Funds requires increased oversight and accountability, consistent with the conclusions of the June 2008 report of the United States Government Accountability Office (GAO–08–806);

(3) in order to ensure that this significant United States effort in support of countering terrorism in Pakistan effectively ensures the intended use of Coalition Support Funds, and to avoid redundancy in other security assistance programs, such as Foreign Military Financing and Foreign Military Sales, more specific guidance should be generated, and accountability delineated, for officials associated with oversight of this program within the United States Embassy in Pakistan, the United States Central Command, the Department of Defense, the Department of State, and the Office of Management and Budget; and

(4) the Secretary of Defense should submit to the appropriate congressional committees and the Committees on Armed Services of the Senate and the House of Representatives a semiannual report on the use of Coalition Support Funds, which may be submitted in classified or unclassified form as necessary.

SEC. 8. PAKISTAN-AFGHANISTAN BORDER AREAS STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy that includes all elements of national power—diplomatic, military, intelligence, development assistance, humanitarian, law enforcement support, and strategic communications and information technology—for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measurers in and near the Pakistan-Afghanistan border areas.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the Pakistan-Afghanistan border areas containing the elements specified in subsection (a) and proposed timelines and budgets for implementing the strategy.

SEC. 9. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government, as well as the continued quest for good governance and the rule of law under the elected government in 2008 and 2009;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan;

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally[; and]*;*

(4) seek ways to strengthen our countries' mutual understanding and promote greater insight and knowledge of each other's social, cultural and historical diversity through personnel exchanges and support for the establishment of institutions of higher learning with international accreditation[.]*; and*

(5) explore means to consult with and utilize the relevant expertise and skills of the Pakistani-American community.

SEC. 10. TERM OF YEARS.

With the exception of subsections (b)(1)(B), (j), (k), and (l) of section 5, this Act shall remain in force after September 30, 2013.

Mr. CARDIN. Mr. President, I am pleased the Senate is considering S. 962, the Enhanced Partnership with Pakistan Act. I would like to commend Senator KERRY and Senator LUGAR—the chairman and ranking member of the Foreign Relations Committee, respectively for introducing this important legislation and working to achieve its passage. I am proud to cosponsor this bill.

Pakistan's stability is of vital strategic importance to the United States of America. A nuclear-armed nation, Pakistan is also home to Taliban and al-Qaida militants who have taken countless innocent lives in their quest to impose an extremist vision on the world. We must support the Government of Pakistan as it confronts the threat of violent extremism, and we must support the people of Pakistan to enable them to resist extremist threats. Reports indicate over 2 million Pakistanis have been displaced following Taliban advances in recent months. This humanitarian crisis is compounded by fundamental problems of widespread poverty and underdevelopment. The United Nations Development Program reports two-thirds of Pakistan's population live on less than $2 a day. America's efforts in Pakistan must empower Pakistanis to improve their living conditions and resist propaganda campaigns by extremist groups. The Enhanced Partnership with Pakistan Act is an essential effort in accomplishing this mission.

America's relationship with Pakistan has too often relied on military aid and not enough on promoting a deeper, long-term strategic engagement with the Pakistani people. The Enhanced Partnership with Pakistan Act is intended to transform this relationship. The bill calls for a tripling of nonmilitary aid to Pakistan and conditions assistance of the United States on Pakistan's continued progress and achievement of benchmarks. In these difficult economic times, we must ensure taxpayer dollars are spent wisely. The Enhanced Partnership with Pakistan Act requires the President to submit regular reports to Congress to ensure this is the case, and resources have the desired impact.

I look forward to continuing to build our relationship with the people of Pakistan as we tackle shared challenges and explore shared opportunities.

Mr. REID. I ask unanimous consent the committee-reported amendments be agreed to, the bill as amended be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 962), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 962

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 ''Enhanced Partnership with Pakistan Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and

comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing years of political tension and mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of the Pakistani people and serve as a model to other countries around the world.

(4) Economic growth is a fundamental foundation for human security and national stability in Pakistan, a country with over 175,000,000 people, an annual population growth rate of 2 percent, and a ranking of 136 out of 177 countries in the United Nations Human Development Index.

(5) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.

(6) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 7 years.

(7) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(8) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to be using Pakistan's Federally Administered Tribal Areas (FATA) and parts of the North West Frontier Province (NWFP) and Balochistan as a haven and a base from which to organize terrorist actions in Pakistan and globally, including—

(A) attacks outside of Pakistan that have been attributed to groups with Pakistani connections, including—

(i) the suicide car bombing of the Indian embassy in Kabul, Afghanistan, which killed 58 people on June 7, 2008; and

(ii) the massacre of approximately 165 people in Mumbai, India, including 6 United States citizens, in late November 2008; and

(B) attacks within Pakistan, including—

(i) an attack on the visiting Sri Lankan cricket team in Lahore on March 3, 2009;

(ii) an attack at the Marriott hotel in Islamabad on September 9, 2008;

(iii) the bombing of a political rally in Karachi on October 18, 2007;

(iv) the targeting and killing of dozens of tribal, provincial, and national holders of political office;

(v) an attack by gunfire on the U.S. Principal Officer in Peshawar in August 2008; and

(vi) the brazen assassination of former Prime Minister Benazir Bhutto on December 27, 2007.

(9) In the 12-month period ending on the date of the enactment of this Act, Pakistan's security forces have struggled to contain a Taliban-backed insurgency that has spread from FATA into settled areas, including the Swat Valley and other parts of NWFP and Balochistan. This struggle has taken the lives of more than 1,500 police and military personnel and left more than 3,000 wounded.

(10) On March 27, 2009, President Obama noted, ''Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the U.S. homeland from its safe-haven in Pakistan.''.

(11) According to a Government Accountability Office Report (GAO–08–622), ''since 2003, the administration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA'' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(12) In the past year, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with two-thirds of the population living on less than $2 a day and one-fifth of the population living below the poverty line according to the United Nations Development Program.

(13) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(14) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(15) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(16) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

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

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

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

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

(6) PAKISTAN-AFGHANISTAN BORDER AREAS.—The term ''Pakistan-Afghanistan border areas'' includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance'' means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(9) MAJOR DEFENSE EQUIPMENT.—The term ''major defense equipment'' has the meaning given in section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)).

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States—

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

(2) to support economic growth and development in order to promote stability and security across Pakistan;

(3) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(4) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens, including in the Federally Administered Tribal Areas, by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(5) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(6) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, India, or elsewhere in the world;

(7) to work in close cooperation with the Government of Pakistan to coordinate military, paramilitary, and police action against terrorist targets;

(8) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy;

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

(10) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan; and

(11) to encourage the development of local analytical capacity to measure progress on an integrated basis across the areas of donor country expenditure in Pakistan, and better hold the Government of Pakistan accountable for how the funds are being spent.

SEC. 5. AUTHORIZATION OF FUNDS.

(a) AUTHORIZATION.—There are 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.), the following amounts:

(1) For fiscal year 2009, up to $1,500,000,000.

(2) For fiscal year 2010, up to $1,500,000,000.

(3) For fiscal year 2011, up to $1,500,000,000.

(4) For fiscal year 2012, up to $1,500,000,000.

(5) For fiscal year 2013, up to $1,500,000,000.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the funds appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

(A) none of the amounts appropriated may be made available after the date of the enactment of this Act for assistance to Pakistan unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees in accordance with subsection (j); and

(B) not more than $750,000,000 may be made available for assistance to Pakistan in any fiscal year after 2009 unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during that fiscal year—

(i) a certification that assistance provided to Pakistan under this Act to date has made or is making substantial progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report pursuant to subsection (j)(1); and

(ii) a memorandum explaining the reasons justifying the certification described in clause (i).

(2) MAKER OF CERTIFICATION.—In the event of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification described under paragraph (1)(B) may be made by the Secretary of State.

(c) WAIVER.—The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to provide such waiver.

(d) SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to $1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(e) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the Government of Pakistan—

(1) should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (6), (7), and (8) of section 4; and

(2) should be geared primarily toward bolstering the counter-insurgency capabilities of the Government to effectively defeat the Taliban-backed insurgency and deny popular support to al Qaeda and other foreign terrorist organizations that are based in Pakistan.

(f) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be used for projects intended to benefit the people of Pakistan, including projects that promote—

(A) just and democratic governance, including—

(i) police reform, equipping, and training;

(ii) independent, efficient, and effective judicial systems;

(iii) political pluralism, equality, and the rule of law;

(iv) respect for human and civil rights and the promotion of an independent media;

(v) transparency and accountability of all branches of government and judicial proceedings;

(vi) anticorruption efforts among bureaucrats, elected officials, and public servants at all levels of military and civilian government administration;

(vii) countering the narcotics trade; and

(viii) the implementation of legal and political reforms in the FATA;

(B) economic freedom, including—

(i) sustainable economic growth, including in rural areas, and the sustainable management of natural resources;

(ii) investments in energy and water, including energy generation and cross-border infrastructure projects with Afghanistan;

(iii) employment generation, including essential basic infrastructure projects such as roads and irrigation projects and other physical infrastructure; and

(iv) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders;

(C) investments in people, particularly women and children, including—

(i) broad-based public primary and secondary education and vocational training for both boys and girls;

(ii) food security and agricultural development to ensure food staples and other crops that provide economic growth and income opportunities in times of severe shortage;

(iii) quality public health, including medical clinics with well trained staff serving rural and urban communities;

(iv) vocational training for women and access to microfinance for small business establishment and income generation for women; and

(v) higher education to ensure a breadth and consistency of Pakistani graduates to prepare citizens to help strengthen the foundation for improved governance and economic vitality, including through public-private partnerships; and

(D) long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(2) FUNDING FOR POLICE REFORM, EQUIPPING, AND TRAINING.—Up to $100,000,000 of the funds appropriated pursuant to subsection (a) should be used for police reform, equipping, and training.

(g) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contacts, and to work with local leaders to provide assistance under this section.

(h) AUTHORITY TO USE FUNDS FOR OPERATIONAL AND AUDIT EXPENSES.—

(1) IN GENERAL.—Of the amounts appropriated for a fiscal year pursuant to subsection (a)—

(A) up to $10,000,000 may be used for administrative expenses of Federal departments and agencies in connection with the provision of assistance authorized by this section;

(B) up to $30,000,000 may be made available to the Inspectors General of the Department of State, the United States Agency for International Development, and other relevant Executive branch agencies in order to provide audits and program reviews of projects funded pursuant to this section; and

(C) up to $5,000,000 may be used by the Secretary to establish a Chief of Mission Fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes outlined in subsection (f) or for purposes of humanitarian relief.

(2) AUTHORITY IN ADDITION TO EXISTING AMOUNTS.—The amounts authorized under subparagraphs (A) and (B) of paragraph (1) to be used for the purposes described in such subparagraphs are in addition to other amounts that are available for such purposes.

(i) USE OF FUNDS.—Amounts appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(j) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than 45 days after the date of enactment of this Act, or September 15, 2009, whichever date comes later, the Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan. The report shall include—

(1) a description of the principal objectives of United States assistance to Pakistan to be provided under this Act;

(2) the amounts of funds authorized to be appropriated under subsection (a) proposed to be allocated to programs or projects designed to achieve each of the purposes of assistance listed in subsection (f);

(3) a description of the specific projects and programs for which amounts authorized to be appropriated pursuant to subsection (a) are proposed to be allocated;

(4) a list of criteria and benchmarks to be used to measure the effectiveness of projects described under subsection (f), including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

(5) a description of the role to be played by Pakistani national, regional, and local officials and members of Pakistani civil society and local private sector, civic, religious, and tribal leaders in helping to identify and implement programs and projects for which assistance is to be provided under this Act, and of consultations with such representatives in developing the strategy;

(6) a description of all amounts made available for assistance to Pakistan during fiscal year 2009 prior to submission of the report, including a description of each project or program for which funds were made available and the amounts allocated to each such program or project;

(7) a description of the steps taken, or to be taken, to ensure assistance provided under this Act is not awarded to individuals or entities affiliated with terrorist organizations; and

(8) a projection of the levels of assistance to be provided to Pakistan under this Act, broken down into the following categories as described in the annual ''Report on the Criteria and Methodology for Determining the

Eligibility of Candidate Countries for Millennium Challenge Account Assistance'':

(A) Civil liberties.

(B) Political rights.

(C) Voice and accountability.

(D) Government effectiveness.

(E) Rule of law.

(F) Control of corruption.

(G) Immunization rates.

(H) Public expenditure on health.

(I) Girls' primary education completion rate.

(J) Public expenditure on primary education.

(K) Natural resource management.

(L) Business start-up.

(M) Land rights and access.

(N) Trade policy.

(O) Regulatory quality.

(P) Inflation control.

(Q) Fiscal policy.

(k) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government and shall describe the purpose and conditions attached to any such budgetary support.

(2) SEMIANNUAL REPORT.—Not later than 90 days after the submission of the Pakistan Assistance Strategy Report pursuant to subsection (j), and every 180 days thereafter, the Secretary of State shall submit a report to the appropriate congressional committees that describes the assistance provided under this section. The report shall include—

(A) a description of all assistance provided pursuant to this Act since the submission of the last report, including each program or project for which assistance was provided and the amount of assistance provided for each program or project;

(B) a description of all assistance provided pursuant to this Act, including—

(i) the total amount of assistance provided for each of the purposes described in subsection (f); and

(ii) the total amount of assistance allocated to programs or projects in each region in Pakistan;

(C) a list of persons or entities from the United States or other countries that have received funds in excess of $100,000 to conduct projects under this section during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;

(D) an assessment of the effectiveness of assistance provided pursuant to this Act during the period covered by the report in achieving desired objectives and outcomes, measured on the basis of the criteria contained in the Pakistan Assistant Strategy Report pursuant to subsection (j)(4);

(E) a description of—

(i) the programs and projects for which amounts appropriated pursuant to subsection (a) are proposed to be allocated during the 180-day period after the submission of the report;

(ii) the relationship of such programs and projects to the purposes of assistance described in subsection (f); and

(iii) the amounts proposed to be allocated to each such program or project;

(F) a description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;

(G) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;

(H) any incidents or reports of waste, fraud, and abuse of expenditures under this section;

(I) the amount of funds appropriated pursuant to subsection (a) that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under subsection (h);

(J) a description of the expenditures made from any Chief of Mission Fund established pursuant to subsection (h)(3) during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any expenditures from the Chief of Mission Fund in excess of $10,000; and

(K) an accounting of assistance provided to Pakistan under this Act, broken down into the categories set forth in subsection (j)(8).

(l) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report under subsection (j), and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(1) a review of, and comments addressing, the Pakistan Assistance Strategy Report; and

(2) recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of this Act.

(m) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that, as a general principle, the Government of Pakistan should allocate a greater portion of its budget to the recurrent costs associated with education, health, and other priorities described in this section.

(n) CONSULTATION REQUIREMENT.—The President shall consult the appropriate congressional committees on the strategy in subsection (j), including criteria and benchmarks developed under paragraph (4) of such subsection, not later than 15 days before obligating any assistance under this section.

SEC. 6. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted efforts to prevent al Qaeda and associated terrorist groups, including Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan;

(2) are making concerted efforts to prevent the Taliban and associated militant groups from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is important to the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) ANNUAL REPORT.—The Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees an annual report on the progress of the security forces of Pakistan in satisfying the requirements enumerated in subsection (c). The Secretary of State shall establish detailed, specific requirements and metrics for evaluating the progress in satisfying these requirements and apply these requirements and metrics consistently in each annual report. This report may be submitted in classified or unclassified form, as necessary.

SEC. 7. SENSE OF CONGRESS ON COALITION SUPPORT FUNDS.

It is the sense of Congress that—

(1) Coalition Support Funds are critical components of the global fight against terrorism, and in Pakistan provide essential support for—

(A) military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the FATA, the NWFP, and other regions of Pakistan; and

(B) military operations of the Government of Pakistan to protect United States and allied logistic operations in support of Operation Enduring Freedom in Afghanistan;

(2) despite the broad discretion Congress granted the Secretary of Defense in terms of managing Coalition Support Funds, the Pakistan reimbursement claims process for Coalition Support Funds requires increased oversight and accountability, consistent with the conclusions of the June 2008 report of the United States Government Accountability Office (GAO–08–806);

(3) in order to ensure that this significant United States effort in support of countering terrorism in Pakistan effectively ensures the intended use of Coalition Support Funds, and to avoid redundancy in other security assistance programs, such as Foreign Military Financing and Foreign Military Sales, more specific guidance should be generated, and accountability delineated, for officials associated with oversight of this program within the United States Embassy in Pakistan, the United States Central Command, the Department of Defense, the Department of State, and the Office of Management and Budget; and

(4) the Secretary of Defense should submit to the appropriate congressional committees and the Committees on Armed Services of the Senate and the House of Representatives a semiannual report on the use of Coalition Support Funds, which may be submitted in classified or unclassified form as necessary.

SEC. 8. PAKISTAN-AFGHANISTAN BORDER AREAS STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-

border strategy that includes all elements of national power—diplomatic, military, intelligence, development assistance, humanitarian, law enforcement support, and strategic communications and information technology—for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measurers in and near the Pakistan-Afghanistan border areas.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the Pakistan-Afghanistan border areas containing the elements specified in subsection (a) and proposed timelines and budgets for implementing the strategy.

SEC. 9. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government, as well as the continued quest for good governance and the rule of law under the elected government in 2008 and 2009;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan;

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally;

(4) seek ways to strengthen our countries' mutual understanding and promote greater insight and knowledge of each other's social, cultural and historical diversity through personnel exchanges and support for the establishment of institutions of higher learning with international accreditation; and

(5) explore means to consult with and utilize the relevant expertise and skills of the Pakistani-American community.

SEC. 10. TERM OF YEARS.

With the exception of subsections (b)(1)(B), (j), (k), and (l) of section 5, this Act shall remain in force after September 30, 2013.

JOHN ARTHUR ''JACK'' JOHNSON POSTHUMOUS PARDON

Mr. REID. I ask unanimous consent we now discharge the Judiciary Committee from further consideration of S. Con. Res. 29 and we proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 29) expressing the sense of the Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

Mr. REID. Mr. President, I ask unanimous consent to be a sponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 29) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 29

Whereas John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas, the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope'';

Whereas, in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century'';

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas, between 1901 and 1910, 754 African-Americans were lynched, some for simply for being ''too familiar'' with White women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose'';

Whereas, in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of ''prostitution and debauchery'';

Whereas, in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas, in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

AFRICAN AMERICAN BONE MARROW AWARENESS MONTH

Mr. REID. I now ask unanimous consent the Senate proceed to the consideration of S. Res. 205.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 205) supporting the goals and ideals of African American Bone Marrow Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, this resolution will bring more attention to the crucial need for more minorities to become bone marrow donors. I am pleased to be joined by my colleague, Senator ISAKSON of Georgia, and my good friend, Representative CAROLYN CHEEKS KILPATRICK, in supporting this important endeavor.

According to A Bone Marrow Wish Foundation, bone marrow transplants can cure over 70 life-threatening diseases such as leukemia. About 70 percent of patients will need a nonfamily member to donate healthy marrow.

Generally, minority patients will need a match from someone who shares the same ethnicity. But finding a successful match can be a huge challenge: although there are more than 6 million potential donors registered, only 450,000 are African Americans.

I know from firsthand experience how important such a donation can be. Last year, any chief of staff, who is Latina, made a donation to a 9-year-old child with leukemia.

I urge all of my colleagues to join us in encouraging more Americans to learn more about bone marrow donation and perhaps consider being a donor themselves.

I ask unanimous consent that a letter of support from the National Marrow Donor Program be printed after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL MARROW DONOR PROGRAM,
Washington, DC, June 22, 2009.

Resolution Designating July as African American Bone Marrow Awareness Month.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: The National Marrow Donor Program (NMDP) is pleased to offer this letter in support of a resolution that you sponsor to recognize July as African American Bone Marrow Awareness Month. You have been a long time supporter of the NMDP and the Bone Marrow Wish Organization, which is an NMDP affiliated nonprofit based in Detroit that works to promote awareness in minority communities. We applaud your efforts to bring further attention to the need for African Americans to join the Registry.

The NMDP is entrusted to operate the C.W. Bill Young Cell Transplantation Program (Program) via competitively bid contracts with the Health Resources and Services Administration (HRSA). The NMDP is the international leader in the facilitation of unrelated donor transplants using bone marrow, peripheral blood stem cells, and umbilical cord blood. We provide a single point of access for physicians and transplant patients. Over the last 20 years, the NMDP has facilitated over 35,000 transplants for patients with blood disorders such as leukemia, lymphoma and aplastic anemia, as well as certain immune system and genetic disorders. Congress established the program to ensure that every American in need of transplantation has access to a matching unrelated adult donor or cord blood unit.

This resolution will assist the NMDP with our efforts to recruit African American donors to the Registry by designating the month of July for the NMDP to promote donor awareness and increase the number of African Americans registered, which is critical to our success. Adding minorities to the Registry, and in particular African Americans, is critical. Unlike Caucasians who have an 88-percent chance of finding a match on the Registry or Hispanics who have an 81-percent chance, African Americans only have a 60-percent chance of finding a match. In designating July as African American Bone Marrow Awareness Month, the NMDP can continue to promote awareness to ensure that all Americans have a greater chance of finding a match.

Today the Registry lists over seven million adult donors on the Registry, but only 8-percent of those donors are African Americans. In closing, every day, more 6,000 men, women, and children search the National Marrow Donor Registry for a match. More donors are needed on the Registry so that all patients in need will have access to this therapy. This resolution will help raise the awareness needed to add more donors to the Registry. We appreciate your continued efforts to support the mission of the NMDP and to assist us to increase the numbers of individuals on the National Registry.

Sincerely,

MICHAEL J. BOO,
Chief Strategy Officer.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 205) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 205

Whereas a bone marrow or blood cell transplant is a potentially life-saving treatment for patients with leukemia, lymphoma, and other blood diseases;

Whereas a bone marrow or blood cell transplant replaces a patient's unhealthy blood cells with healthy blood-forming cells from a volunteer donor;

Whereas a patient who does not have a suitably matching donor in the family may search the National Marrow Donor Program Donor Registry for a donor;

Whereas blood or cell samples from adult donors or cord blood units are tested and the tissue or cell type is added to the National Marrow Donor Program Donor Registry, and physicians may search that registry when they need to find donors whose tissue type matches their patients';

Whereas African Americans make up 8 percent of, or more than 550,000 of the 7,000,000 people currently on, the National Marrow Donor Program Donor Registry;

Whereas of the 35,000 people that have received transplants since the inception of the National Marrow Donor Program Donor Registry, only 1,500 have been African Americans;

Whereas more than 70 life-threatening diseases can be treated with a bone marrow transplant;

Whereas there is a possibility that an African American patient could match a donor from any racial or ethnic group, but the most likely match is another African American;

Whereas to become a volunteer donor, potential donors must be between 18 and 60 years of age, meet health guidelines, provide a small blood sample or swab of cheek cells to determine the donor's tissue type, complete a brief health questionnaire, and sign a consent form to have the tissue type of the donor listed on the Donor Registry;

Whereas the Bone Marrow Wish Organization, which is a minority-run nonprofit organization based in Detroit that was started by an actual bone marrow donor, is initiating ''African American Bone Marrow Awareness Month'';

Whereas the annual month of awareness would promote donor awareness and increase the number of African Americans registered with the National Marrow Donor Program throughout the Nation; and

Whereas July 2009 would be an appropriate month to observe African American Bone Marrow Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of African American Bone Marrow Awareness Month;

(2) urges the people of the United States to participate in appropriate programs and activities with respect to bone marrow awareness, including speaking with health care professionals about bone marrow donation; and

(3) urges all people of the United States to register to become blood marrow donors and encourages all people of the United States to organize blood marrow registration drives in their communities.

MEASURE READ THE FIRST TIME—S. 1344

Mr. REID. Mr. President, I understand that S. 1344, introduced earlier today by a Senator, is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 1344) to temporarily protect the solvency of the Highway Trust Fund.

Mr. REID. Mr. President, I ask now for its second reading, but I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, JUNE 25, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, June 25; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half, with Senators permitted to speak during that morning business hour for up to 10 minutes each; that following morning business, the Senate proceed to executive session and resume postcloture debate on the nomination of Harold Koh to be Legal Adviser to the Department of State. Finally, I ask that the time during any adjournment or period of morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, tomorrow we will resume the postcloture debate on the Koh nomination. If we are required to use the full 30 hours of debate time, we would vote on the confirmation of this good man around 5:30 tomorrow. We are also working on an agreement to consider the Legislative Branch appropriations bill. I hope we are able to yield back some of the debate time on the Koh nomination so we can begin consideration of that appropriations bill.

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. 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.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate this evening, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Thursday, June 25, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

JAMES LEGARDE HUDSON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE KENNETH L. PEEL.

DEPARTMENT OF STATE

JOHN VICTOR ROOS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

JAMES B. SMITH, OF NEW HAMPSHIRE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be colonel

JACQUELINE A. NAVE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JESUS CLEMENTE
LYNN G. NORTON

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL 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

SCOTT A. NEUSRE

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

JENNIFER M. CRADIER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CAROL HAERTLEINSELLS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MICHALE L. BOOTHE
MURRAY M. REEFER

THE FOLLOWING NAMED INDIVIDUALS 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 E. HABENER
MARC A. SILVERSTEIN

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

DENISE K. ASKEW
LOWANDA DENT
MARTHA M. ONER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LAURA NIHAN
JAMES M. ROGERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SAMUEL A. FRAZER
VINCENT D. ZAHNLE

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

ALAINE C. ENCABO
VALERIA GONZALEZKERR
GREGORY J. HADFIELD
DOUGLAS A. KUHL
BENEDICT P. MITCHELL
SCOTT C. SHARP

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

KRIS R. POPPE

To be major

CASEY P. NIX

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

ANNE B. WARWICK

To be lieutenant colonel

SUNDIATA M. ELAMIN
STEPHEN J. GRAHAM

To be major

ROD W. CALLICOTT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MICHAEL F. BOYEK
JOHN D. HERMANN

To be major

PETER A. ANYAKORA
MATTHEW R. DANGELO
DAVID W. HEITMAN
GERALD S. MAXWELL

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 lieutenant colonel

WESLEY L. GIRVIN
JOHN J. KISSLER
MAURICE T. WILLIAMS

To be major

RAY C. HERNANDEZ
LINDA K. LEWIS
CHRISTOPHER R. MORSE
HOWARD A. MURRAY
ANTHONY W. PARKER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LUIS DIAZ
GREGORY R. SOPEL

To be major

MICHAEL D. ALKOV
MARC F. CRAIG
LAURA R. FUENTES
JEFFREY B. HAMBRICE
CRISTIAN G. MORAZAN
MARK J. SAUER

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R.—the Homeland Security Appropriations Act, 2010:

Federal Emergency Management Agency (FEMA), State and Local Programs—Emergency Operations Center, Union County, NJ. The entity to receive funding for this project is:

County of Union, One Elizabethtown Plaza, Elizabeth, NJ 07207.

The funding would be used to expand the capabilities of the Union County Emergency Operations Center to connect with each municipal police, fire and emergency management office, and also to serve as a redundant center to Union County Fire Mutual Aid and all 2 municipal departments during an emergency.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following:

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 2892

Account: Predisaster Mitigation

Name of Requesting Entity: Jackson Health System

Address of Requesting Entity: 1611 NW 12th Avenue, Miami, FL 33136

Description of Request: I have secured $500,000 for the Jackson Health System Hurricane Mitigation Structural Reinforcement Initiative. This funding will be used for Jackson Health System (JHS), operated by Miami-Dade County's Public Health Trust and is the county's sole public health system; the primary provider for the county's indigent and uninsured and its sole trauma center. At its center is Jackson Memorial Hospital (JMH), one of the nation's busiest (based on # of admissions) and largest (1,567 beds) with average annual occupancy levels consistently over 90%. When a hurricane warning is issued, JHS serves as an emergency evacuation shelter for medically at risk individuals (with limited family members).

The number of psychiatric emergency issues countywide increases and presents at JHS. Employees are required to remain in place until they are relieved, which is often after storm conditions pass. These factors contribute to hurricane related occupancy levels that are considerably higher than normal levels of operation. Miami-Dade County's geographic location places the area at risk for many natural and societal hazards. Situated in the south eastern most part of Florida the area is marked by flat topography, low land elevations and high groundwater tables in the Biscayne aquifer. Over the last one hundred years, 33 hurricanes and tropical storms have approached within 75 miles of Miami-Dade County. Of these, 9 have been a category 3 or higher intensity storm. Given that the physical demographics of the almost 2.3 million residents of Miami-Dade County inhabit the eastern most 20 miles of coastline, it is the most populated areas that suffer the maximum impact of storms. In 2004, Florida had a record breaking hurricane season with four major disaster declarations, Hurricane Charley, Hurricane Frances, Hurricane Ivan, and Hurricane Jeanne. In 2005, Florida again suffered from an extreme season with four major disaster declarations: Hurricane Dennis, Hurricane Katrina, Hurricane Rita, and Hurricane Wilma. Florida consistently has the greatest risk for a direct hit by a hurricane of any other location in the United States. Additionally, it is subject to several other threats such as extreme tropical thunderstorms, sudden tornados and high trade winds and has the highest occurrences of severe lightning activity. Given the anticipated demands placed on the Ryder Trauma Center in the event of a direct hit of a high category storm, it is imperative that the building be structurally safe, adequately secured, and operationally functional. This funding will be used to structurally reinforce and fortify the trauma center through an exterior skin upgrade. The current construction is unsuitable for a threat of a higher category storm. This is a tremendous vulnerability for the County's only trauma center. As the most critical facility in all of Miami-Dade County, it is imperative that JHS fortify the building to ensure uninterrupted operations.This project is wholly consistent with Federal and agency missions to provide pre-disaster mitigation assistance to critical public entities who serve as vital providers of emergency services. The frequency and foreseeable nature of natural disasters striking densely populated Miami-Dade County make the project a natural priority for federal participation in protecting a safety-net institution such as the Ryder Trauma Center.

THANKING AND CONGRATULATING GEORGE A. DALLEY, CHIEF OF STAFF TO MY OFFICE, ON HIS RETIREMENT FROM THE HILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. RANGEL. Madam Speaker, I rise today to commend a dear friend and colleague, George Albert Dalley, on an illustrious public service career spanning 30 years in federal government, private practice, international affairs, and presidential politics. With a razor-sharp intellect, unmatched mettle and grit, and an undeniable warmth and grace that has made him a beloved figure on the Hill, George returned as my Chief of Staff and Counsel in 2001—his third stint in that capacity—and will this month retire after a successful tenure.

But George is more than just a co-worker to me. We have maintained a personal and working relationship for the larger part of my political life that has proved abundantly edifying and rewarding. The many who have met and been touched by George and his life's work can attest that he is equal parts strong mind and ample heart, a kind soul who cares deeply about the issues of the day and their impact on everyday people—in America and across the globe.

Born in Havana, Cuba, to Jamaican parents in 1941, George immigrated to New York City and became a naturalized citizen, attending the prestigious Columbia University where he earned three degrees: an undergraduate degree, a master's in business administration, and a juris doctorate. He is a member of the Bars of the District of Columbia, New York, and the U.S. Supreme Court, serves as a member of the Council on Foreign Relations, and is on the Board of Directors for the Apollo Theatre Foundation and for Africare as Chair.

Between 1989 and up until he rejoined my staff in 2001, he practiced in the areas of legislative, administrative, and international law. As a former partner at Holland and Knight, he represented the interests of foreign governments—from Trinidad and Tobago, Jamaica, Costa Rica, El Salvador, Honduras, and Nicaragua to Senegal, the Cote d'Ivoire, Kenya, Mali, and Botswana—before the federal government, Congress, and multilateral financial institutions.

He sought to bring economic development to Africa and the Caribbean, working tirelessly to spur private investment in the two regions and working closely with me in securing passage of the African Growth and Opportunity Act and the enhancement of the Caribbean Basin Initiative. As a founding member of the Corporate Council on Africa and as a former U.S. counsel to the African Business Round Table, he promoted greater understanding of the opportunities for successful investment in the private sectors of African nations.

George played an integral, central role in getting Congress to deny tax preferences to companies doing business in apartheid South Africa—a move that hugely undermined that government and was reportedly one of the most influential sanctions in bringing that system down.

Aside from his loyal and dedicated service with me in the early 1970s, mid–1980s, and 2000s, George has served in senior-level posts in our government: as Deputy Assistant Secretary of State for International Organizations Affairs, responsible for U.S. policy on human rights and social issues in the United Nations; as an appointed member of the U.S. Civil Aeronautics Board, advancing the deregulation of the airline industry in the administration of President Jimmy Carter; as Deputy

Director of the Mondale for President campaign.

He is an unabashed lover of people; of politics, policy and law; and of course, of his beloved New York Yankees. He and his late wife, Pearl Elizabeth Love, were a remarkable and loving couple, having raised two great sons, Jason and Benjamin, who have in turn given George two young and vivacious grandchildren, Lilah Pearl and Reid. George has served this country superbly well over the course of his career, and America is the better for it. His insight and guidance will be missed in my office and in offices throughout the Hill, but his dynamic spirit and sense of purpose we take with us as our motivation and driving force.

We thank him for his incredible service, his devoted friendship, and wish him many blessings going forward.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 2009

Mr. KUCINICH. Madam Speaker, I rise today in support of the H.R. 2918, and I commend Chairwoman WASSERMAN SCHULTZ for crafting a bill that acknowledges the importance of a well-funded legislative branch while at the same time considers the challenging economic environment.

The bill provides a modest increase for the Government Accountability Office, which I would like to see increased, possibly in conference with the Senate. A robust and healthy GAO is vital if Congress is going to be able to execute our mandate of rigorous oversight.

I am also glad that the bill addresses the issue of staff-led tours. I, with my staff, take great pride in hosting constituents when they visit Washington, D.C. In years past constituents have told me and my staff that their staff-led tour of the Capitol was the highlight of their trip to the city. I make sure that staff-led tours are relevant to my constituents, something that Capitol Tour Guides, while very knowledgeable, simply cannot do when conducting tours with people from all over the country.

I am disappointed, however, in the success of the motion to recommit, which would eliminate funding for the Wheels 4 Wellness program. Wheels 4 Wellness was created to give House staff an alternate mode of transportation around the Hill campus during the business day. As we also prepare to debate climate change legislation, programs that lessen our carbon footprint should be encouraged and supported, not eliminated. I agree with the Committee Report and with the Chairwoman's comments, and I hope to see the shortcomings of the program addressed so that staff will have access to a stronger and more viable Wheels 4 Wellness program.

RECOGNITION OF MUNICIPAL MAYORS AND PRESIDENTS IN THE 8TH DISTRICT OF ILLINOIS

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. BEAN. Madam Speaker, I submit the following in recognition for their service as past municipal mayors and presidents in the 8th District of Illinois:

Bill Gentes, Round Lake
Scott Gifford, Deer Park
Keith Hunt, Hawthorn Woods
Dick Hyde, Waukegan
Tom Hyde, Island Lake
Cindy Irwin, Fox Lake
Dorothy Larson, Antioch
Catherine Mechert, Bartlett
Ted Mueller, Hainsville
Rita Mullins, Paltine
Timothy Perry, Grayslake
Virginia Povidas, Lakemoor
Salvatore Saccomanno, Wauconda
John Tolomei, Lake Zurich.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally directed funding, I am submitting the following information regarding funding included in H.R. 2892, the Homeland Security Appropriations Act of 2010.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2892

Account: Federal Emergency Management Agency—Emergency Operations Center

Legal Name of Recipient: Kentucky Division of Emergency Management

Address of Recipient: 100 Minuteman Parkway, Frankfort, Kentucky 40601

Description of Request: Funding in the amount of $500,000 will be used to assist with planning and construction of a building addition to the existing Kentucky Emergency Operations Center (7,126 sq ft.) which was built in 1975. Staff are currently scattered across Frankfort in three different locations as far as 8 miles apart. During disasters, FEMA and other local, state, and federal partner agencies have no space available in the existing structure. The EOC serves as the primary in-state operations response center for coordination during an emergency.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2892

Account: Federal Emergency Management Agency—Pre-Disaster Mitigation Program

Legal Name of Recipient: Kentucky Division of Emergency Management

Address of Recipient: 100 Minuteman Parkway, Frankfort, Kentucky 40601

Description of Request: The Martin County Fiscal Court, through the Kentucky Division of Emergency Management, proposes a stream improvement project to mitigate the repetitive damage at Blacklog Fork and Old Route 40 in Inez. The County proposes to widen the channel in key locations and armor eroding banks for the first two stream miles of Blacklog Fork (above its confluence with Coldwater Fork). Roadways and bridges have already been elevated and correction of the drainage problem will alleviate flooding in this area. The bill includes $500,000 in planning and construction funds toward this $700,000 project.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2892

Account: S&T Research, Development, Acquisition, & Operations

Legal Name of Requesting Entity: National Institute for Hometown Security, Kentucky

Address of Requesting Entity: 610 Valley Oak Drive, Suite 1, Somerset, Kentucky 42503

Description of Request: The funding will be used to continue to provide leadership in discovering and developing community-based critical infrastructure protection solutions; facilitate commercialization; and encourage deployment. The $10 million FY10 program will help continue robust research for homeland security solutions and build on this successful partnership.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2892

Account: Federal Emergency Management Agency

Legal Name of Requesting Entity: Rural Domestic Preparedness Consortium

Address of Requesting Entity: Eastern Kentucky University, 50 Stratton Bldg., 521 Lancaster Blvd., Richmond, Kentucky 40475

Description of Request: This $3 million allocation of FEMA funds will continue robust and tailor-made homeland security and disaster response training to the rural first responder community. The non-federal grant managing entity is Eastern Kentucky University (EKU). EKU manages these grant funds on behalf of itself and its partner institutions; East Tennessee State University, Johnson City, Tennessee; Iowa Central Community College, Ft. Dodge, Iowa; NorthWest Arkansas Community College, Bentonville, Arkansas; University of Findlay, Findlay, Ohio and North Carolina Central University, Durham, North Carolina. The funding will be used to continue to provide and deliver training to rural first responders consistent with the National Preparedness Goal.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following:

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R.

Account: STAG Water and Wastewater Infrastructure Project

Name of Requesting Entity: City of Homestead

Address of Requesting Entity: 790 N. Homestead, FL, 33030

Description of Request: I have secured $500,000 for the City of Homestead Water Utility Upgrades. This funding will be used for

the installation of telemetry systems that will: (1) allow the City to substantially decrease the carbon footprint associated with driving to check each pump station on a daily basis, (2) free personnel to respond to emergencies and result in the reduction of response time to emergencies at remote sites, as a result of a disaster, and (3) result in improved efficiencies in man-power, and usage of natural resources, significantly increasing reliability and diminishing sewage back up occurrences. This project is identified in the master plan which was created on the City's behalf in 2003 and updated in 2006, and will produce approximately 10 new jobs in the local economy. The City of Homestead owns and operates a wastewater treatment and sanitary sewer system, which encompasses over 89 miles of sewer lines of various sizes with a total of 50 pump stations. The plant is responsible for treatment of more than 1.63 billion gallons annually and currently serves over 9,200 customers, some of which are located outside the City limits. Now over 50 years old, Homestead's current infrastructure lacks the capacity and the ability to treat the increased wastewater demand as a result of the unprecedented population growth experienced in the last several years. Accordingly, the City has undertaken a multi-phase expansion of its Wastewater Treatment Plant and associated infrastructure. As part of this expansion and renovation, Homestead is requesting federal funding for the procurement and installation of water and wastewater telemetry equipment, which will provide real-time information on performance, demands on the system and water withdrawals. These upgrades are crucial to allowing the staff to coordinate efforts and manage water usage, more efficiently using water from the aquifer and minimizing water losses, thereby conserving the natural resources of the Biscayne Aquifer. The projected cost for this system is $1,538,461 and will provide constant monitoring and control of 64 wastewater pump stations, 3 elevated water tanks, and 6 raw water well pumps. To date, the City has procured several studies and master plans addressing the needs of the wastewater system and has spent over $200,000 to predesign and identify crucial projects necessary to maintain the level of service to the growing community.

EARMARK DECLARATION

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2892, the Department of Homeland Security Appropriations bill of 2010.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 2892

Account: Predisaster Mitigation

Legal Name of Requesting Entity: Lake County Storm Water Management Agency

Address of Requesting Entity: 125 E. Erie St., Painesville, OH 44077, USA

Description of Request: Provide an earmark of $725,000 for the Lamplight Lane Retention Basin Project in Willoughby Hills. This flood control project along a tributary to the Euclid Creek would be funded as a flood mitigation project under FEMA. Funding will be used for excavation and embankment, clearing and grubbing, rock channel protection, 54″ diameter conduit, 16′x14′ box culvert, pavement replacement, restoration, channel erosion matting, engineering, surveying, inspection, construction, and administration. It is a valuable use of taxpayer funds because it will help alleviate substantial flooding of multiple properties. Funding this project will reduce overall risks to people, structures and property, while also reducing the need for funding from an actual disaster declaration.

EARMARK DECLARATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 2009

Mr. COBLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I am requesting as part of H.R. 2892, the Homeland Security Appropriations Act of 2010.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 2892

Account: FEMA Pre-Disaster Mitigation Program

Legal Name of Requesting Entity: City of Kannapolis, North Carolina

Address of Requesting Entity: 614 8th Street, Kannapolis, NC 28081

Description of Request: Bill provides $425,000 for the 8th Street culvert replacement project in Kannapolis, NC. The existing 8th Street culvert is a 65-foot-long, four-inch by eight-inch box that was constructed using granite blocks mortared into place. As a result of Tropical Storm Fay, large cracks in the wall and floor of the culvert have allowed water to enter the area behind it and erode the fill material around it. This situation has caused a slope failure on the downstream side of 8th Street. In addition, a number of blocks used to form the top of the culvert have broken into two pieces, limiting structural support for the roadway above. The 8th Street culvert connector road from Main Street to West A Street is utilized by a number of citizens and the nearby Woodrow Wilson Elementary School as a primary transportation route. The roadway has been closed since early December 2008 due to the culvert's deteriorating condition.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2996—the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Fayetteville

Address of Requesting Entity: 113 West Mountain, Fayetteville, Arkansas 72704

Description of Request: The existing sewer line that provides service to eastern Fayetteville and the city of Elkins was constructed of clay tile pipe in the mid-1970s. This pipe is no longer water tight due to external and internal corrosion, and age. As a result, there is groundwater intrusion, likely small amounts of sewage leakage into groundwater and thence into the White River, and piping failures resulting in sewage overflows. The multi-jurisdictional issues coupled with the absence of adequate local financial resources render this an ongoing environmental challenge. The piping system is in such poor condition that sewage flows are increased by a factor of three due to extraneous rain and ground water that enters the system through the pipe defects. This extra flow overtaxes the entire wastewater system, causing sanitary sewer overflows during heavy rains and requiring greatly oversized wastewater treatment facilities.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of Interior, Environment, and Related Agencies Appropriations Act of 2010.

Project name: Fredericksburg and Spotsylvania National Military Park, Binns property

Amount: $200,000

Account: National Park Service Land Acquisition

Requested by: The Conservation Fund, 1655 N. Ft. Myer Drive, Arlington, VA 22209

Intended recipient of funds: Fredericksburg & Spotsylvania County Battlefields National Military Park

Project description and explanation of the request: This project will provide $200,000 for land acquisition by the U.S. National Park Service, Fredericksburg & Spotsylvania County Battlefields National Military Park to acquire a portion of the 1,100-acre Binns property. The Binns property was the site of significant fighting during the Chancellorsville's campaign in 1863 and is today one of the largest unprotected pieces of the core battlefield area. This project provides $200,000 for land acquisition as part of a $4,228,000 project to acquire the 1,100-acre Binns property. Public funds are justified to be used by a federal agency to acquire and preserve threatened Civil War battlefields.

Project name: Rappahannock River National Wildlife Refuge, Bowers property

Amount: $500,000

Account: Fish and Wildlife Service Land Acquisition

Requested by: The Conservation Fund, 1655 N. Ft. Myer Drive, Arlington, VA 22209

Intended recipient of funds: U.S. Fish and Wildlife Service, Rappahannock River National Wildlife Refuge (RRNWR)

Project description and explanation of the request: The acquisition of the 265-acre Bowers tract at Fones Cliff will provide RRNWR the opportunity to create hiking trails, provide historic interpretation relating to the Captain John Smith National Water Trail, and ensure public access to the Fones Cliff area. This project provides $500,000 for land acquisition as part of a $3,023,000 project to acquire the 265-acre Bowers tract property. Public funds are justified to be used by a federal agency to conserve, protect, and enhance the nation's fish and wildlife and their habitats for continuing benefit of people.

EARMARK DECLARATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

I requested one project in H.R. 2996.

$500,000 for The Conservation Fund located a 2507 Calloway Road, Tallahassee, FL 32303. This funding will go towards the purchase of environmentally sensitive land surrounding Three sisters Springs in Citrus County. This property abuts manatee protection areas and would place a large undeveloped tract of land in public ownership, allowing for the further protection of the spring as well as the endangered manatee species.

EARMARK DECLARATION

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LAMBORN. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information regarding member requests I received as part of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010:

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE, Army, Line 13, PE 0602601A

Legal Name of the Requesting Entity: Sturman Industries

Legal Address of the Requesting Entity: One Innovation Way, Woodland Park, CO 80863

Description of the Request: Requesting $3.5 million funding for Digital Engine/Hydraulic Valve Actuation technology development and testing for combat vehicle and automotive technology allowing the use of alternative and renewable fuels while reducing military vehicle fuel consumption through improved engine efficiency.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Navy, Line 27, PE 0603216N

Legal Name of the Requesting Entity: Global Near Space Services

Legal Address of the Requesting Entity: 8610 Explorer Dr, Ste 140, Colorado Springs, CO 80920

Description of the Request: Requesting $6 million funding for the Lighter-Than-Air Stratospheric UAV for Persistent Communications Relay and Surveillance. This project will develop a lighter-than-air, unmanned aerial vehicle (UAV) that will fly at 85,000 feet for three to four months, providing low cost, persistent surveillance, high bandwidth and over the horizon communications needed to effectively fight terrorism, achieve maritime domain awareness, protect critical infrastructures and secure national borders.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Air Force, Line 8, PE 0602201F

Legal Name of the Requesting Entity: Colorado Engineering, Inc

Legal Address of the Requesting Entity: 1310 United Heights, Suite 105, Colorado Springs, CO 80921

Description of the Request: Requesting $3 million funding for the Unmanned Sense, Track, and Avoid Radar (USTAR) for low rate initial production of an advanced radar system for the Global Hawk unmanned aerial vehicle platform to detect and track large and small targets. USTAR will allow the UAV to identify potential collision risks and increase maneuvering capability in controlled airspace and improve operability in adverse weather conditions.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Air Force, Line 80, PE 0604706F

Legal Name of the Requesting Entity: Goodrich Corporation

Legal Address of the Requesting Entity: 1275 N. Newport Road, Colorado Springs, CO 80916

Description of the Request: Requesting $7 million funding for continued development and testing of the ACES 5 ejection seat for U.S. military aircraft.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Defense-wide, Line 89, PE 0603898C

Legal Name of the Requesting Entity: Not Applicable

Legal Address of the Requesting Entity: Not Applicable

Description of the Request: Requesting $500,000 funding for an Independent Advisory Group to review Ballistic Missile Defense (BMD) Education and Training Needs and recommend a BMD education and training solution to include a recommendation of roles and responsibilities, organizational structure, and/or resources and facilities for integrated missile defense training.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: MCAF

Legal Name of the Requesting Entity: Peterson Air Force Base

Legal Address of the Requesting Entity: Peterson Air Force Base, Colorado Springs, CO 80914

Description of the Request: Requesting $7.2 million funding for the East Gate realignment at Peterson Air Force Base. This project demolishes the existing gate house and road system at the East Gate of Peterson AFB and constructs a new, realigned entry road, gate house, check stations, vehicle inspection buildings and anti-terrorism/force protection measures.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act for 2010:

Requesting Member: ADERHOLT

B0ill Number: H.R. 2892

Account: FEMA—Predisaster Mitigation

Legal Name of Requesting Entity: City of Hartselle, Alabama

Address of Requesting Entity: 200 Sparkman St NW, Hartselle, AL 35640

Description of Request: "City of Hartselle, AL, $245,000"

The funding would be used for construction and initializaing nine new emergency warning sirens. Taxpayer Justification: The citizens of Hartselle and nearby Morgan County residents will benefit from strategic placement of the emergency warning sirens. An estimated 18,000 residents will be served to ensure early warnings against potential devastating disasters. These funds will approximately be used for the following: Equipment ($190,120), Labor ($53,655), and Engineering ($1225).

Requesting Member: ADERHOLT

Bill Number: H.R. 2892

Account: FEMA—State and Local Programs

Legal Name of Requesting Entity:

Address of Requesting Entity:

Description of Request: "Emergency Operations Center, Winston County Commission, AL, $20,000"

The funding would be used to purchase and install necessary equipment, including radios and computers, in the Emergency Operations Center to allow a central meeting place for county and city agencies to operate during emergency situations. Taxpayer Justification: To purchase emergency equipment for a central location to be used by all agencies during times of natural or man-made emergencies. It will provide resources for information and help for the general public during disasters. These funds will approximately be used for the following: $20,000 to purchase and install necessary computers, radios and other equipment.

HONORING THE CREW OF THE ''GENERAL ARNOLD''

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing the heroic crew of the *General Arnold,* a contingent of men who risked and ultimately gave their lives for our country's independence some 230 years ago.

During the course of the Revolutionary War, the American colonies relied on a small, organized navy as well as a vast number of privateers to defend themselves against the British. The privateers chartered vessels both large and small, were commissioned with letters of marque, and dispatched on the high seas. Indeed, it is unlikely that our nation could have achieved its independence without the noble efforts of these privateers, many of whom disrupted British shipping and wrought considerable damage upon the enemy's vessels during the war.

On Christmas Day, 1778, one of these privateer ships—the *General Arnold,* a brigantine with 20 cannons under the command of Captain James Magee—set sail with its own crew and a battalion of marines led by Captain John Russell. Battered by a frightening and terrible nor'easter, the ship was driven back toward Plymouth Harbor, where it ran aground on the White Flat, a sandbar approximately one half-mile from shore.

For three days, the crew remained trapped aboard the ill-fated vessel's quarter-deck, drenched by angry sea and freezing snow and lashed by savage winds. By the time help arrived on December 28, 72 of the 105 men had perished. Many of their bodies were frozen together, locked in an ''embrace of death.'' Some of the survivors were permanently crippled, some forced to undergo amputation, and some died prematurely not long thereafter, making this incident one of the most tragic and gruesome losses of life experienced by either side during our nation's struggle for independence.

As we prepare to celebrate the birthday of our nation next week, it is important that we take a moment to acknowledge the brave men aboard the *General Arnold* who suffered and died for our freedom. Many of them, sadly, remain nameless. Yet we owe them a debt of gratitude for their valiant efforts to champion the cause of life, liberty, and the pursuit of happiness. To the crew and to all those who served on the *General Arnold,* today we honor and give you thanks for your admirable sacrifice.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act of Fiscal Year 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 2647

Account: RDT&E, Defensewide

Recipient: EWA, Inc. 2413 Nashville Road, Bowling Green, KY 42101

Description of Request: Provide $2,000,000 to develop a tactical biometric identification system for the U.S. Special Operations Command. The system will allow intelligence officials to identify and track individuals of high suspicion remotely, without risking injury or loss of life. This project will allow for the development of a field-usable prototype, downsized for tactical mobility. It is a wise investment of taxpayer dollars to ensure, at a time when our nation's enemies attack through suicidal mass-casualty events, that the Special Operations Command be able to track and identify persons of high interest with high accuracy and from a safe distance.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication regarding earmarks I received as part of H.R. 2892—Department of Homeland Security Appropriations Act of 2010.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2892

Account: Infrastructure Protection and Information Security

Legal Name of Requesting Entity: Clarkson University

Address of Requesting Entity: 8 Clarkson Avenue, Potsdam, NY 13699

Description: Provide an earmark of $100,000 to Clarkson University to establish and maintain a collaborative cyber security training center designed to strengthen the nation's ability to educate large numbers of highly qualified individuals in the fields of information assurance and cyber security. This initiative will also update cyber security training modules to anticipate and respond to new threats, improve warning capabilities, accelerate comprehensive responses to real time attacks, and develop next generation cyber security experts.

A TRIBUTE TO BRIG. GEN. JOSEPH ANDERSON

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Brigadier General Joseph Anderson for his service to Fort Knox and our nation. Brig. Gen. Anderson has effectively served as the Deputy Commanding General of the United States Army Recruiting Command (USAREC) since May 27, 2008. Brig. Gen. Anderson will be leaving this post in July 2009.

Brig. Gen. Anderson provided outstanding leadership for USAREC that ensured it would become a successful command for recruiting. He is a talented leader, skilled motivator, and inspiring mentor.

Brig. Gen. Anderson displayed exceptional training skills, innovative ideas, and outstanding performance. His commitment to ensuring the safety of USAREC soldiers, civilian employees, contractors, and family members was extraordinary.

Brig. Gen. Anderson's dedicated effort is an example for all Kentuckians to follow. I thank Brig. Gen. Anderson for his commitment to the people of Fort Knox, the men and women in the Army, and our nation.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010 in Title XXVI, Section 2601 (a) in the Guard and Reserve Forces Facilities Section.

Request information: Representative JACK KINGSTON, H.R. 2647, Department of Defense, Army National Guard Account

Recipient information: Georgia Army National Guard, Hunter Army Aviation Facility, Savannah GA

Description: The Georgia Army National Guard received an earmark in the amount of $8,967,000.

The current facility has exceeded its useful life with several irreparable leaks. The unit is devoting considerable time in overcoming these obstacles to meet its current requirements for training, planning and storage of weapons and information technology.

EARMARK DECLARATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. PLATTS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I have received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

Paladin Integrated Management (PIM): This project would fund the completion of testing and evaluation of the PIM self-propelled howitzer and companion ammunition resupply vehicle. These vehicles are manufactured in part by the BAE Systems facility located in York, Pennsylvania. This is a good use of taxpayer funds because the changes to this vehicle will reduce the logistics footprint thereby reducing operational and support costs. ($9 million above the President's Budget in the Research and Development Account)

BAE Systems, 3811 North Fairfax Drive, Suite 500, Arlington, VA 22203.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 2892—Department of Homeland Security Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2892—Department of Homeland Security Appropriations Act, 2010

Account: FEMA, Predisaster Mitigation

Legal Name of Requesting Entity: Alabama Emergency Management Agency

Address of Requesting Entity: P.O. Drawer 2160, Clanton, AL 35046

Description of Request: Provide $200,000 for the construction of a Safe Room/Tornado and Severe Wind Shelter for the City of Graysville at the Graysville East Pavilion Park on 3rd Avenue N.E. The Shelter will accommodate approximately fifty people. This project directly supports efforts by the City of Graysville to reduce damages and the loss of life and property from natural disasters such as tornados and severe storms. This project's total budget is $250,000. Specifically within the budget, $50,000 will go toward engineering cost, $75,000 toward site preparations, and $125,000 toward construction cost. This request is consistent with the intended and authorized purpose of the FEMA, Predisaster Mitigation account. The City of Graysville will meet or exceed all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Interior and Environment Act of 2010.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 2996

Account: Save America's Treasures

Legal Name of Requesting Entity: Traditional Arts in Upstate New York

Address of Requesting Entity: 53 Main Street, Canton, NY 13617

Description: Provide an earmark of $150,000 to the Traditional Arts in Upstate New York for the renovation of a building that houses the North Country Folk Life Center in Canton, NY. This National Register—listed building has the potential to become a destination point and serve as a vital economic driver in the region.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2647—National Defense Authorization Act for FY2010:

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 2647

Account: Aircraft Procurement, Army

Legal Name of Requesting Entity: Sikorsky Aircraft Corporation

Address of Requesting Entity: 1 Financial Plaza, Hartford, CT 06301

Description of Request: $20,400,000 will be used to convert ''A'' model Black Hawk helicopters to the ''L'' configuration. This additional funding for UH–60L conversions will enable a more rapid standardization of the Black Hawk fleet and assure National Guard units are ready, deployable and available to protect our national interests abroad, and respond to emergencies here at home.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. HELLER. Madam Speaker, on rollcall No. 418, Article IV of impeaching Samuel B. Kent, I was unavoidably detained.

Had I been present, I would have voted ''yea.''

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010:

Requesting Member: DAVID DREIER

Bill Number: H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010

Account: Army, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: Chang Industry, located at 968 Palomares Avenue, La Verne, CA 91750

Description of Request: Provide an earmark of $2,000,000 to develop Fire Shield, an Active Protection System (APS) with the guidance of the U.S. Army Tank Automotive Research, Development and Engineering Center in Warren, Michigan. Fire Shield would be used to protect armored vehicles from the blast effects and the plasma jet of rocket propelled grenades (RPG) by detecting and destroying incoming projectiles. Approximately $800,000 is for directional warhead blast and fragment effects characterization and optimization. $600,000 will be used for static threat defeat characterization, test and evaluation with directional warhead. The remaining $600,000 will be used for threat defeat test and evaluation on a controlled moving platform with directional warhead. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: DAVID DREIER

Bill Number: H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010

Account: Air Force, Air National Guard, Operations and Maintenance

Legal Name and Address of Entity Receiving Earmark: Gentex Corporation, located at 11525 6th Street, Rancho Cucamonga, CA 91730

Description of Request: Provide an earmark of $6,000,000 to complete the Air National Guard's fleet-wide implementation and standardization to the MBU–20A/P Oxygen Mask and Mask Light. Approximately, 34 percent ($2,040,000) of the funding is for manufacturing; 4 percent ($240,000) is for sustainment and systems engineering support; 6 percent ($360,000) is for inspections and tests; 20 percent ($1,200,000) is for general and administrative; 35 percent ($2,100,000) is for material; 1 percent ($60,000) is for packaging handling shipping and transportation. This request is consistent with the intended and authorized purpose of the Air National Guard.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I rise today to provide a description for how funds authorized in response to my requests submitted to the House Armed Services Committee will be allocated. In making those requests, I submitted a financial certification letter to Chairman SKELTON which accompanied my requests, and included the following information:

I hereby certify that to the best of my knowledge these requests (1) are not directed to any entity or program that will be named after a sitting Member of Congress; (2) are not intended to be used by any entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meet or exceed all statutory requirements for matching funds where applicable. I further certify that should any of the requests I have submitted be included in the bill, I will place a statement describing how the funds in each of the included requests will be spent and justifying the use of federal taxpayer funds.

In order to fully comply with these standards, Madam Speaker, I hereby submit a description of how the funds authorized in the National Defense Authorization Act for Fiscal Year 2010 will be used for the projects to follow.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: RDT&E, Air Force

Legal Name of Receiving Entity: THY Enterprises, Inc.

Address of Receiving Entity: 440 Hillabee St., Alexander City, AL 35010

Description of Request: Provide $2,700,000 in funding for Special Mission Clothing for AFSOC. The funding will be used to continue research and development of Special Mission Clothing for AFSOC. Approximately, $1,500,000 is for research and development of a lighter, quieter, water/wind proof, tear resistant and fire retardant material; $375,000 for engineering; $100,000 for laboratory analysis; $25,000 for field assessment; and $700,000 for risk and plan management. This Special Mission Clothing project will focus on producing products suitable for multiple Special Mission Unit requirements, and which meet or exceed military operational specifications.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: Other Procurement, Air Force

Legal Name of Receiving Entity: Telos Corporation

Address of Receiving Entity: 7956 Vaughn Road, Suite 134, Montgomery, AL 36116

Description of Request: Provide $5,000,000 in funding for Application Software Assurance Center of Excellence. This funding will provide the Air Force additional tools, training and subject matter experts to robust the analysis capability at the newly established Application Software Assurance Center of Excellence (ASACoE). To counter the growing threats in information operations, the Air Force established the Application Software Assurance Center of Excellence (ASACoE) to assess and strengthen its defenses against cyber attacks .The center's mission is to develop application security best practices that can be put in place Air Force-wide. Over the last year, the center has successfully assessed and identified vulnerabilities in numerous applications across multiple functional communities. The requested additional funding will ensure the security of the people, systems, and equipment software applications that support the Warfighter. The Center currently has 12 contracted personnel that are charged with reviewing over 3,000 software applications. At the current funding levels, the Center will complete approximately 300 within a year. The requested funding would enable the Center to accelerate the completion of the most critical tasks. The fund would increase local labor by up to 12 advanced security engineers/computer programmers in Alabama. The remaining funds would support the application tools, software and Air Force-wide training. The lead agency executing this mission for the United States Air Force is the 554th Electronic Systems Wing located at Maxwell AFB—Gunter Annex in Montgomery, Alabama. This request is consistent with the intended and authorized purpose of this unit. The funding would be provided on an existing Air Force program line. The funding will provide for software tools that includes approximately $1,000,000 for source code analysis, $750,000 for web pen test tools, and $750,000 for database scanning tools in addition to $400,000 for training and $2,100,000 for subject matter experts and travel. The funding for Long term funds is being pursued in the Department's Future Years Defense Plan.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: RDT&E, Army

Legal Name of Receiving Entity: BAE Systems

Address of Receiving Entity: 1101 Wilson Blvd., Suite 2000, Arlington, VA 22209

Description of Request: Provide $9,000,000 for the Paladin Integrated Management for work to be completed in Anniston, AL. The FY 10 President's Budget contains funding for research and development Army funds to assist in making the M109A6 Paladin and its companion vehicle the Field Artillery Ammunition Support Vehicle (FAASV) sustainable through the year 2050. The changes to this vehicle will incorporate the Bradley's drive train and suspension components that will reduce the logistics footprint thereby reducing operational and support costs. This $9,000,000 in funding is needed in order to insure that this program be reinstated to its original schedule (the program was Congressionally reduced by that same amount during the FY09 budget process). Procurement funds to initiate low rate initial production are in the FY10 procurement budget. The Army intends to fund this program through completion. This is a national defense program which provides firepower to our troops engaged in combat.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: RDT&E, Army

Legal Name of Receiving Entity: Electric Fuel Battery Corporation (Arotech Subsidiary)

Address of Receiving Entity: 354 Industry Drive, Auburn, Alabama 36832

Description of Request: Provide $4,000,000 for the Novel Zinc Air Power Sources for Military. This funding will develop Zinc-Air battery technology that will provide the soldier with a high energy density power source that significantly reduces battery carry weight. Previous advances in the technology have helped to cut warfighter battery carry weight in half. Continued development of body-worn energy distribution systems, coupled with further development of Zinc-Air battery technology, promises to cut warfighter battery carry weight further, while reducing battery quantities carried on long missions. Reducing battery type and count lowers operational risk by reducing the need for re-supply. In addition, Zinc-Air battery's intrinsic safety (cannot combust or explode even when penetrated by hot projectiles) enhances warfighter safety. Lithium-Air battery technology is in its infancy but has the highest possible energy density of any battery system promising a quantum leap in the warfighter mission length.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: RDT&E, Army

Legal Name of Receiving Entity: SCRA, Institute for Solutions Generation (funding will benefit the Anniston Army Depot)

Address of Receiving Entity: 5300 International Boulevard, N. Charleston, SC 29418

Description of Request: Provide $8,200,000 in funding for the Highly Integrated Production for Expediting RESET. This funding was requested by the Calhoun County Chamber of Commerce to benefit the Anniston Army Depot, located at 7 Frankford Avenue, Anniston, AL 36201. A critical readiness issue facing the military today is repairing and restoring military equipment that has been damaged or worn out in battle. Resetting small arms and crew served weapons is particularly challenging, given their sheer numbers and the fact that, there is a growing incidence of nonconforming parts used to support reset operations there. In addition, under the current system, a lot of time and cost are required to design and apply product improvements during reset. HIPER ensure a quick and efficient RESET turn-around for weapons to the theater. The requested funding will drive downstream efficiencies in manufacturing and quality inspection by enabling the utilization of laser scanning technology to significantly shorten the time and lower the cost for resetting and modernizing the military's small arms and crew-served weapons. This funding will provide $4,800,000 for integration, collaboration, scanning and reverse engineering technology, and supply chain improvements to enhance and expedite RESET efforts: $7,596,000 for labor, $544,000 for materials and $60,000 for travel.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010

Account: Military Construction, Army

Legal Name of Receiving Entity:———

Address of Receiving Entity: Anniston Army Depot, 7 Frankford Avenue, Anniston, AL 36201

Description of Request: Provide $3,300,000 in funding for the Industrial Area Electrical System Upgrade. This funding will be used to construct electrical system upgrades to the area south of Third Avenue in the industrial area. Construction will include new power poles, cross arms, insulators, cutouts, re closers, anchor systems, wire, transformers, underground duct and circuit breakers for a couplet 12470 volt electrical service system in the area south of Third Avenue in the industrial area. This construction will provide upgraded overhead lines and underground service from the power poles to pad mounted transformers that supply each building. Construct the secondary for a 10.5 MVA 44.000/12/470 volt substation. The substation secondary will consist of vacuum breakers, voltage regulator, bypass switches and the structural steel. Antiterrorism/force protection measures will include observance of vehicle access sitting distances, landscaping berms, exterior lighting, laminated glass, and walkway bollards.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BUYER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 2996

Account: Environmental Protection Agency, STAG Water and Wastewater project

Legal Name of Requesting Entity: Clinton County Government, Frankfort, IN

Address of Requesting Entity: 125 Courthouse Square, Frankfort, IN 46041

Description of Request: Provide an earmark of $500,000 in STAG monies to continue support of the construction and installation of a multi-pond regional storm water detention facility needed to help alleviate flooding that occurs to low to moderate income households, businesses and restaurants. This area experienced water damage 3 times in 2008.

HAITI'S RECENT DIPLOMATIC ATTENTION—OPPORTUNITY FOR CARICOM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. RANGEL. Madam Speaker, I stand before you today in recognition of CARICOM's participation in the recent Haiti Donor's Conference in April and urge them to take this opportunity to fully embrace Haiti as they transition into a country looking to reach its fullest potential.

I introduce into the RECORD an article from the NY Carib News on June 16, 2009, where Assistant Secretary General of the Organization of American States (OAS), Albert Ramdin, urges CARICOM to provide greater support for Haiti.

Most people would agree that Haiti is at a critical point in its history, receiving unprecedented diplomatic attention with visits from the U.N. Secretary General, U.S. Security Council, and the appointment of President Clinton as special U.N. envoy to Haiti. Now it is especially important that CARICOM live up to its moral obligation and provide Haiti with overwhelming support and commitment.

The mentorship that CARICOM can provide to Haiti at this time is vital to Haiti's development into a country that is self-sustainable. The regional access and cultural commonality that CARICOM presents to the Haitians is one that should not be underscored.

I must acknowledge that the contributions that CARICOM have already made to Haiti are well appreciated, but I am convinced that in this global economic climate, it is especially necessary for CARICOM to reach within itself to offer a renewed commitment to the good people of Haiti.

At this time, I would like to urge CARICOM to look for additional ways to offer support to Haiti and provide them with the mentorship that is key to the country's success.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BRALEY of Iowa. Madam Speaker, I missed votes on Tuesday, June 23, 2009 due to travel delays. If I was present I would have voted:

"Yea" on rollcall 419, On Motion to Suspend the Rules and Pass S. 407—Veterans' Compensation Cost-of-Living Adjustment Act of 2009;

"Aye" on rollcall 420, On Motion to Suspend the Rules and Pass, as Amended H.R. 1016—Veterans Health Care Budget Reform and Transparency Act of 2009;

"Yea" on rollcall 421, On Motion to Suspend the Rules and Pass, as Amended H.R. 1211—Women Veterans Health Care Improvement Act;

"Yea" on rollcall 422, On Motion to Suspend the Rules and Pass, as Amended H.R. 1172—To direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors.

COMMENDING DOORWAYS FOR WOMEN AND FAMILIES

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise to commend Doorways for Women and Families, Arlington County, Virginia's leading provider and advocate for victims of homelessness, violence and abuse, for its deserved honor and recognition by the Center for Nonprofit Advancement as the 2009 winner of the Washington Post Award for Excellence in Nonprofit Management. For its distinguished leadership, Doorways will receive a $10,000 cash grant and a scholarship for one person to attend the Georgetown University Center for Public and Nonprofit Leadership's Nonprofit Management Executive Certificate Program. That is, the organization's hard work and innovation will be rewarded by enhancing its ability to help more families at this time of great need, but also by assisting the organization to be more effective in managing its resources.

As our country faces one its most serious economic challenges in a century, nonprofits will play a critical role. Consequently, coordination between nonprofits and the quality of nonprofit management will play key roles in making a difference in many, many lives. Therefore, this award is an important and richly deserved honor and acknowledgement of Doorways as a stellar example that other organizations could and should follow.

With new legislation we have enacted as part of the American Recovery and Reinvestment Act and a new White House Office on Social Innovation, those nonprofits like Doorways that have dedicated themselves to achieve excellence in management practices will, I believe, be in the position to not only provide some of the best and most efficient services, but also to leverage new and innovative ways to serve. Our country and our citizens are best served by those who constantly rededicate themselves to finding ways and means to transform their services in ways that can make lasting differences and maximum efficiency with resources.

For three decades, Doorways for Women and Families has empowered women and families who are abused, homeless, or at-risk to live safe, secure and self-sufficient lives. The organization has provided shelter and services and educated the larger community about violence and homelessness. Through its three core programs, including an 11-bed Safehouse for women and families in imminent danger; the Freddie Mac Foundation Family Home, which houses 21 homeless adults and children in a state-of-the art residential facility; and the HomeStart Supportive Housing Program, which offers prevention, rapid re-housing and long-term supportive housing for families in crisis; Doorways has become a unique and treasured asset to our community. We are honored to have such special resources in our region.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act, 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2892

Account: Homeland Security, FEMA, State and Local Programs

Legal Name of Requesting Entity: City of Hopewell

Address of Requesting Entity: 300 North Main Street, Hopewell, VA, 23860, USA

Description of Request: Provides $250,000 to construct an Emergency Operations Center for the City of Hopewell. Hopewell has a large industrial presence, heavy in hazardous materials near the downtown area. This project will move these primary public safety facilities away from the primary hazard zone.

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 2010.

Member requesting: GUS. M. BILIRAKIS

Bill number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Name of requesting entity: City of Clearwater, Florida

Address of requesting entity: 112 South Osceola Avenue, Clearwater, Florida 33756

Description: The $500,000 will be used for wastewater treatment facility improvement in the City of Clearwater, Florida. The funds will help the city maintain the community's public water infrastructure, a vital public service, as well as save public sector jobs. The project meets all cost-sharing requirements for projects funded by STAG infrastructure grants.

RECOGNIZING THE ALLIANCE OF ILLINOIS JUDGES

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the formation of a new judicial association—the Alliance of Illinois Judges, AIJ, which has been established to address lesbian, gay, bisexual and transgender issues in the judiciary and the legal system as a whole.

Founded by the Lesbian and Gay Judges of the Circuit Court of Cook County, the Alliance of Illinois Judges will serve to assist judges, lawyers and law students; to make sure that LGBT individuals interacting with the legal system are treated with respect and without regard to their sexual orientation or gender identity; and to help people in the LGBT community better understand how the courts and the legal system work.

The Alliance of Illinois Judges has also been set up to advocate for their members. The formation of AII reminds us that lesbian and gay judges in Illinois—like lesbian and gay employees all over the country—are treated differently than their heterosexual counterparts. All intends to address these inequities.

In the last 15 years, the judiciary in Illinois and in Cook County has been transformed by the addition of many highly talented and dedicated gay and lesbian judges. Their presence in Cook County has brought about a sea change in attitudes in one of the largest consolidated court systems in the world.

In 1993, Cook County and Illinois took a giant step forward when Judge Tom Chiola, one of the founding members of AIJ, was elected not only as the first openly gay judge but also as the first openly gay elected official in Illinois. Then, in 1996, Judge Sebastian Patti was elected in a countywide election in Cook County, the second largest county in the nation. And in 1999, Nancy Katz, the first lesbian judge, was elected an Associate Judge of the Cook County Circuit Court. This month the Alliance of Illinois Judges is being launched with 16 founding members.

Madam Speaker, I want to offer my very best wishes to the Alliance of Illinois Judges and to all its members. The professional achievements of these individuals, their enormous contributions to the civic life of Chicago, Cook County and Illinois and their dedication to the legal profession remind us once again, especially during Gay Pride Month, of what we as a nation owe to lesbian and gay Americans and to the entire LGBT community.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. TIAHRT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, The FY 2010 Department of Homeland Security Appropriations Act:

Heartland Preparedness Center, Wichita, Kansas. This bill includes $500,000 in FEMA State and Local Programs funding to the City of Wichita, Kansas, for the Heartland Preparedness Center. This emergency operations center will be the primary coordination center in the event of a disaster for local, county, state and federal emergency response personnel and officials. Facility enhancements and equipment are needed to increase the communication, cooperation, training and response capabilities of the Wichita Police Dept, Sedgwick Co Sheriff, Kansas Army Nat'l Guard and USMC. Jointly locating the partnering entities will enhance the overall level of cooperation, coordination and preparation for various emergencies, and provide for more efficient use of resources, including training time and costs.

HONORING THE 37TH ANNIVERSARY OF TITLE IX

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mrs. MALONEY. Madam Speaker, I rise today to commemorate the 37th anniversary of Title IX. This landmark legislation prohibits sex discrimination in educational programs and activities that receive federal funding, and has expanded educational and career opportunities for countless young women and girls across the United States.

This legislation is most famous for creating opportunities for women in athletics, but this legislation has done so much more. It is hard to imagine a time when women couldn't enroll in any college or university they wanted, had no chance of getting an athletic scholarship, and were steered away from classes in math and science in favor of home economics. But that was the United States before Title IX. This legislation works to address inequality and injustice in all areas of women's lives, from access to higher education, career training and advancement, and gender stereotyping and sexual harassment in schools, just to name a few.

In large part due to Title IX, more women are receiving higher degrees than at any time in the past, more each year are entering traditionally male dominated fields, and hundreds of thousands of girls are living happier and healthier lives because they have the opportunity to be part of a sports team and have strong women role models to look up to.

Yet despite the demonstrated positive impact of Title IX, opponents have tried to weaken this critical legislation. In 2005, the Department of Education issued a Title IX policy clarification that allows schools to use a less rigorous, e-mail based survey method to prove compliance. If enough young women simply deleted the mass e-mail, that was taken to mean that they were not interested in sports, and sports programs for girls could be cut. Men did not face the same burden, revealing a huge double standard while men's interest in sports was taken for granted, women's had to be proven.

What these actions seem to imply is that Title IX's work is done. I have worked to protect and promote women's rights since my very first day in Congress, and I look forward to the time when there is complete gender equality in the United States. But that day is not today.

While Title IX has undoubtedly opened doors for women faculty in higher education, women still make up just 36% of associate professors and 21% of full professors. Only 2.4% of full professors are women of color. Women only receive 20% of computer science and engineering-related Bachelor's degrees, and a joint study by the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine found that women who are interested in science and engineering careers are lost at every educational transition, and those who do enter these fields very likely to face severe discrimination throughout their careers.

The Obama Administration has already made an admirable start in tackling barriers to women's success by promoting work-family balance, establishing the White House Council on Women and Girls, and signing into law the Lily Ledbetter Fair Pay Act. Strengthening Title IX enforcement at the Department of Education would bolster the progress that has already been made in advancing women's rights, while helping to address the inequalities that remain in so many areas.

Those of us with daughters will probably remember promising them that they can be whatever they want to be when they grow up. Title IX works to make this a reality. I ask my colleagues to join me in celebrating the 37th anniversary of Title IX and acknowledging the essential role it has played in expanding opportunities for women and girls in the United States.

INTRODUCING THE FAMILIES FOR ORPHANS ACT OF 2009

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BOOZMAN. Madam Speaker, today my colleague Rep. DIANE WATSON and I are introducing the Families for Orphans Act of 2009. This bicameral, bi-partisan bill seeks to provide children in the United States and around the world the best opportunity for the full development of his or her potential by growing up in a permanent family.

Despite good efforts of countless governments and nongovernmental organizations, the number of children growing up without parents is at epidemic levels. Thus, these children are forced to live on the streets, in child-headed households or in institutions, hardly the nurturing environments needed for these children to reach their full potential as productive citizens of the world. Permanency is one of the most important things we can offer children and is something that every child craves.

The United States has long been interested in developing a global strategy for providing permanent parental care for orphans; however, we still lack a clear diplomatic authority to represent these interests. This bill aims to establish the Office of Orphan Policy, Development and Diplomacy, a specialized office in the Department of State. A specially appointed Coordinator would head this office, which would be responsible for developing and implementing comprehensive, evidence-based strategy to support the preservation of families and the provision of permanent families and for orphans. As our diplomats work with countries to prevent terrorism and child trafficking,

this office is one more service we can offer. Our government will now be set up to identify and develop government infrastructures, services and programs that help forge permanent family care in different cultures. The ultimate goal is to find children permanent families with the focus on legally-recognized relationships between responsible adults and children without parents. It also provides resources for preserving families, seeking social, therapeutic and financial programs and services designed to enable birth families to provide safe, permanent, and nurturing care to their children and strengthen and support families at risk of dissolution, separation or domestic violence.

The bill establishes a minimum set of standards for the preservation of families and provision of permanent care by foreign governments. These standards are designed to ensure that partner countries are making the necessary steps to reduce the number of abandoned children, to reunify children with family when possible, and to promote adoption and guardianship when appropriate.

The millions of children growing up without parents have a devastating impact on society across the globe. Without a permanent family, the risk of suicide, homelessness, an incomplete education, and teen pregnancy is all far greater. Every child deserves to grow up in a loving family. This bill is a giant step to ensuring just that for all the children of the world.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. WOOLSEY. Madam Speaker, on June 18, 2009, I was unavoidably detained and was not able to record my vote for rollcall Nos. 364, No. 384, No. 406.

Had I been present I would have voted: rollcall No. 364—"no"—Price of Georgia Amendment No. 96; rollcall No. 384—"yes"—Mollohan of West Virginia Amendment No. 11; and rollcall No. 406—"yes"—Obey of Wisconsin Amendment.

Madam Speaker, on June 19, 2009, I was unavoidably detained and was not able to record my vote for rollcall Nos. 410, 418.

Had I been present I would have voted: rollcall No. 410—"yes"—Providing for consideration of H.R. 2918, making appropriations for the Legislative Branch FY 2010 and rollcall No. 418—"yes"—Impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors

EARMARK DECLARATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. EHLERS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010: $500,000 is provided in H.R. 2996 from the EPA STAG Water and Wastewater Infrastructure Project to separate the combined sewers and replace the aging water main in the Eastside portion of the City of Grand Rapids. The funding was requested by the City of Grand Rapids, 300 Monroe Ave. NW., Grand Rapids, MI 49503. Additional funding for this project will be covered by the City's Sewer System and Water System revenue bonds. This project is of national significance and a good use of taxpayer dollars because it will contribute to the cleanup of the Great Lakes, a nationally important water source which suffers from water quality and quantity degradation. This aggressive program and dedication of limited resources will result in the complete elimination of the city's combined sewer overflows to the Grand River and Lake Michigan in 10 years.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act of 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Research and Development, Defense Wide, Joint Experimentation

Legal Name of Requesting Entity: Office of Commonwealth Preparedness, Commonwealth of Virginia

Address of Requesting Entity: Patrick Henry Building, 1111 East Broad Street, Richmond, VA 23218

Description of Request: Provides $2,700,000 for a Tidewater Full-Scale Exercise, to enhance the Commonwealth of Virginia's interdiction, response and recovery capabilities to a WMD event through the conduct of a multi-agency, maritime Full-Scale Exercise, utilizing the experience and unique capabilities of the U.S. Naval Postgraduate School's Center for Asymmetric Warfare (CAW) and Old Dominion University's Virginia Modeling, Analysis and Simulation Center (VMASC).

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Military Construction

Legal Name of Requesting Entity: Fort Lee

Address of Requesting Entity: 3901 A Avenue, Fort Lee, VA 23801

Description of Request: Provides $5,000,000 in the Defense Access Road (DAR) Program which provides a means for the military to pay a share of the cost of public highway improvements necessary to mitigate an unusual impact of a defense activity. This project would fund a roundabout at Adams Avenue at the entrance to Fort Lee to alleviate traffic congestion and improve vehicular and pedestrian safety, following the installation's growth resulting from the 2005 BRAC Round.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 2892

Account: Predisaster Mitigation

Legal Name of Requesting Entity: City of Brooksville

Address of Requesting Entity: P.O. Box 216, 201 Government Street, Brooksville, KY 41004

Description of Request: Appropriate $18,500 to purchase an emergency generator for the City Fire Department/Community Center and City office building. This facility is the only emergency shelter area within the City of Brooksville. The generator will allow for this critical facility to serve as a shelter and emergency operations center during times of hardship and disaster, such as the ice storm in Kentucky in early 2009. This is a valuable use of taxpayer funds because completion of the project will ensure appropriate emergency management and protection the local community during significant weather events and emergencies.

HONORING THE LIFE OF JACK M. FARMER

HON. HEATH SCHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. SHULER. Madam Speaker, I rise today to honor the life of Mr. Jack M. Farmer, a distinguished member of our Western North Carolina community. Mr. Farmer dedicated his life to benefitting his community, and it was with great communal sadness that we mourned Mr. Farmer when he passed away on September 26, 2008. He is survived by his wife, Nancy Leming Farmer, his sons, Bruce Alan Farmer and Phillip Marlowe Farmer, and 6 grandchildren.

Mr. Farmer was born on July 8, 1937, in Haywood County, North Carolina. A graduate of the Florida School of Forestry, he went on to serve as the District Ranger of North Carolina District 9 for 37 years. Because of his outstanding service, Mr. Farmer was awarded the Order of the Long Leaf Pine in 2000 by Governor Jim Hunt. The Order of the Long Leaf Pine is one of the most prominent awards presented by the Governor of North Carolina, only available to those who have dedicated over 30 years of service to the state.

In addition to his forestry service, Mr. Farmer was actively involved in his community. He was instrumental in the establishment of Pinnacle Park, a 1,100 acre public park filled with frequently-used hiking trails. Mr. Farmer also served on the Jackson County Green Ways Committee, on the Board of Directors of Cullowhee Fire Department, and as the President of the Jackson County Habitat for Humanity. Additionally, Mr. Farmer worked with

Jackson County Housing to construct elderly housing and with the Jackson County Department on Aging to build access ramps for the disabled elderly. He was also an active member of the First Baptist Church of Sylva since 1965, where he often served as a Deacon.

I am proud to have had Mr. Farmer as a constituent. I extend my condolences to his family and offer my most sincere appreciation for his service to North Carolina.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MCKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests received as part of H.R. 2996 the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010''

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2996, the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010''

Account: U.S. Forest Service, Land Acquisition

Legal Name of Requesting Entity: Angeles National Forest

Address of Requesting Entity: 701 Santa Anita Avenue, Arcadia, CA 91006

Description of Request: I requested and received a Member priority request totaling $500,000 for land acquisition in the Angeles National Forest. The acquisition of in holdings in Southern California's national forests has been identified as a priority in the state's wildlife action plan because the proximity of the forests to huge population centers puts them at high risk of development and presents significant dangers to the ecology of the region. Acquisition by the Angeles National Forest would protect the scenic values and ecological integrity of this significant in holding.

Requesting Member: Congressman HOWARD P. ''BUCK'' MCKEON

Bill Number: H.R. 2996, the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010''

Account: Environmental Protection Agency (EPA), State Assistance Grant Program (STAG)

Legal Name of Requesting Entity: Palmdale, CA Water District

Address of Requesting Entity: 2029 East Avenue Q, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling $500,000 to replace 35,000 to 40,000 feet of rapidly deteriorating water pipelines and connections throughout the Palmdale area. This project would help conserve water otherwise lost to leakage, improve water quality, decrease maintenance costs for the District and its ratepayers, and create jobs. Additionally, these efforts would ease some of the local pressure to keep pace with reductions in water supply from the Colorado River and the State Water Project.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. TIAHRT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks in H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010. H.R. 2647 contains $8,700,000 for TFI—Upgrade DCGS Facilities (PRQE089032) in the Air Force, Military Construction account. This project is for Air National Guard at McConnell Air Force Base located at 57837 Coffeyville St., Kansas, 67221.

The funds will build an adequately sized and properly configured facility for personnel, equipment, and materials, for near-real time intelligence mission conducting the processing, exploitation, and dissemination of U–2, MQ–1 Predator, and RQ–4 Global Hawk sensor data around the world in support of warfighters by the growing 161st Intelligence Squadron of the new 184th Intelligence Group. Security features, high-capacity environmental control equipment, high-capacity secure fiber optics, and redundant power supplies are all prerequisites to accommodate the sophisticated Intelligence, Surveillance, and Reconnaissance (ISR) Operation Center. No matching funds are required for this military construction project.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act of 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Research and Development, Defense Wide, Joint Experimentation

Legal Name of Requesting Entity: Office of Commonwealth Preparedness, Commonwealth of Virginia

Address of Requesting Entity: Patrick Henry Building, 1111 East Broad Street, Richmond, VA 23218

Description of Request: Provides $2,700,000 for a Tidewater Full-Scale Exercise, to enhance the Commonwealth of Virginia's interdiction, response and recovery capabilities to a WMD event through the conduct of a multi-agency, maritime Full-Scale Exercise, utilizing the experience and unique capabilities of the U.S. Naval Postgraduate School's Center for Asymmetric Warfare (CAW) and Old Dominion University's Virginia Modeling, Analysis and Simulation Center (VMASC).

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Military Construction

Legal Name of Requesting Entity: Fort Lee

Address of Requesting Entity: 3901 A Avenue, Fort Lee, VA 23801

Description of Request: Provides $5,000,000 in the Defense Access Road (DAR) Program which provides a means for the military to pay a share of the cost of public highway improvements necessary to mitigate an unusual impact of a defense activity. This project would fund a roundabout at Adams Avenue at a entrance to Fort Lee to alleviate traffic congestion and improve vehicular and pedestrian safety, following the installation's growth resulting from the 2005 BRAC Round.

HONORING THE 70TH WEDDING ANNIVERSARY OF ROSALYN AND MURRAY KALISH

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. WEXLER. Madam Speaker, I rise today to honor the 70th wedding anniversary of Rosalyn and Murray Kalish, a remarkable couple in my congressional district, whom I am proud to call my friends and who have been leaders and activists in our community for nearly three decades.

Roz and Murray, who met while attending Abraham Lincoln High School in Brooklyn, New York, both had the same last name and the same birth date of February 18th. They instantly became friends, went to their high school prom together, and continued dating until their wedding on June 24, 1939. They lived in Brooklyn, New York, and later moved to East Meadow before relocating to Delray Beach, Florida in 1980, and they are blessed with two children, four grandchildren and four great-grandchildren.

After moving to South Florida, Murray founded the largest Democratic Club of Florida, the United South County Democratic Club, which currently has more than 2,000 members. Together, Roz and Murray have worked on behalf of so many in our community to deal with a range of issues, and it is through their advocacy that I established my friendship with them. As this friendship has grown over the years, their guidance on the needs and concerns of my constituents has grown ever more invaluable.

Madam Speaker, Roz and Murray are the true essence of community leaders. I know I speak not only for myself, but for my family and so many throughout South Florida in congratulating them on reaching this milestone. I wish Roz and Murray many more happy and healthy years together and thank them for having such an impact on my life and that of so many they have come to know.

HONORING THE HARPER J. RANSBERG YMCA FOR 50 YEARS OF SERVICE

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor the Harper J. Ransburg YMCA for 50 years of service to the Indianapolis community.

The Ransburg YMCA facility, which seeks to strengthen the mental, physical and spiritual well-being of its members, is a cornerstone on the Indianapolis Eastside that has responded to the critical social needs of its residents for decades. The legacy of this community center is as diverse as its 9,500 members, touching the lives of individuals of every age and background.

In addition to promoting better health and wellness, the Ransburg YMCA has provided an environment for families and for individuals to build strong bonds to become dynamic and engaged citizens. Through its child outreach programs, this YMCA has sought to reinforce positive values and foster the commitment for community service amongst children.

It is important to mention that the Ransburg YMCA would not have reached this milestone without its dedicated staff, volunteers and community members. I would like to salute them for the hard work and support that made this milestone possible.

I ask my colleagues to join me congratulating the Harper J. Ransburg YMCA as it celebrates its 50th anniversary and hope that the next 50 years bring this center, and the Indianapolis Eastside community, continued success.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BARTON of Texas. Madam Speaker, I submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 2996—FY10 Interior, Environment and Related Agencies Appropriations Bill

Account: Capital Improvement and Maintenance (construction)

Legal Name of Receiving Entity: Davy Crockett National Forest

Address of Receiving Entity: 18551 State Highway 7 East, Kennard, TX 75847–7207

Description of Request: I have secured $475,000 in funding in H.R. 2996 in the Capital Improvement and Maintenance account for the Davy Crockett National Forest.

The funding would be used for developing a detailed site plan, redesigning and upgrading the camping loops, utilities, control systems, facilities, road and parking improvements as well as repairing the historic Dam and spillway.

HONORING THE MINNESOTA NATIONAL GUARD AT THE DISABLED VETERANS REST CAMP, MARINE ON SAINT CROIX, MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mrs. BACHMANN. Madam Speaker, those who return home after serving our Nation, often changed and scarred by their experiences, deserve special recognition and honor. The Disabled Veterans Rest Camp at Marine on St. Croix provides a sanctuary and gathering place for veterans and their families to connect and heal with one another. I rise today, Madame Speaker, to honor the members of the Minnesota National Guard who have spent the past weeks helping to restore the Disabled Veterans Rest Camp so military families from across the Nation can continue to enjoy its tranquility.

For the last several weeks, the Guard has volunteered their time and engineering expertise as part of their training to restore buildings, update facilities and address the needs that come with a nearly century-old campsite. I applaud these Guardsmen and women for giving back to their fellow uniformed service members. I also want to thank our Croatian allies that are sharing in this joint deployment with the Minnesota Guard. We are very grateful that they are able and willing to help our American veterans.

The site started as a camp for World War I disabled veterans in 1926 and has seen expansion and contraction over the years. I first became familiar with it as a State Senator when it faced potential demise in 2005—a fate I was proud to have had at least a small hand in defeating. Maintaining this camp—which has a treasured place in my heart, as do the veterans it serves—as a place for disabled veterans to call their own is one of my proudest moments in my public service career.

A board of representatives from veterans' organizations runs the site and is actively involved in preserving the purpose of the camp. Madam Speaker, I rise today to honor the Minnesota Guard for paying it forward to the men and women who have sacrificed so much for our country. The tireless hours they have given at the Veterans Rest Camp are just one representation of our duty to our veterans—to serve them with gratitude and respect. We should all take these citizen-soldiers' example to heart each day, as we live in a free and prosperous land and owe it all to our veterans.

CELEBRATING THE LOS ANGELES LAKERS 2009 NBA CHAMPIONSHIP

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. WATERS. Madam Speaker, today I am introducing a resolution ''Celebrating the Los Angeles Lakers 2009 NBA Championship''. This legislation will commemorate the Los Angeles Lakers 15th National Basketball Association Championship. Prior to the 2008–2009 season, the Lakers won 14 National Basketball Association (NBA) championships, with a cast of Hall of Fame players and coaches, which included NBA greats such as Jerry West, Wilt Chamberlain, Earvin ''Magic'' Johnson, Kareem Abdul-Jabbar, Shaquille O'Neal, Pat Riley, and current head coach Phil Jackson.

This season Kobe Bryant, Lamar Odom, Derek Fisher, and Pau Gasol led the 2008–2009 Lakers to a 65–17 regular season record and the #1 spot in the Western Conference Playoffs. The Lakers entered the NBA playoffs with home court advantage as a result of the team's regular season performance. In the first round the Lakers defeated the Utah Jazz in 5 games to advance to the Western Conference semifinals. The Lakers then faced the Houston Rockets in the Western Conference semifinals, winning in 7 games; advancing to the Western Conference Finals where they faced the Denver Nuggets.

The Lakers clinched the Western Conference finals in 6 games, thanks to the outstanding play by Pau Gasol and Kobe Bryant, which closed out the series. In the NBA Finals, the Lakers matched up with the Orlando Magic, led by Dwight Howard. The Lakers won the first 2 games of the finals in Los Angeles, including a hard-fought Game 2 during which Kobe Bryant and Pau Gasol combined for 53 points propelling the Lakers to a 101–96 victory. The Lakers lost Game 3 in Orlando by a score of 108–104; however, Lakers' guard Kobe Bryant scored 31 points and played all but 8 minutes of the game. The Lakers followed their loss in Game 3, by winning the next two games in Orlando to win the 2009 NBA Championship.

For his outstanding play during the NBA Finals, Lakers' guard Kobe Bryant was presented with the Bill Russell NBA Finals Most Valuable Player Award; and his fourth NBA Championship. Lakers head coach Phil Jackson, won his 10th NBA Championship as a head coach and his 12th NBA Championship overall. Congratulations to the Lakers players, coaches, and staff on winning the 2008–2009 NBA Championship.

HONORING CITY OF OAKLAND PARK

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is with great pride that I rise today to recognize the 80th anniversary of the City of Oakland Park in Florida's 20th Congressional District.

This once sleepy little town that was home to mostly farmers is now a bustling city with more than 43,000 residents.

Oakland Park is one of the older municipalities in Broward County. In fact, it was originally chartered as the town of Floranada in 1925.

But in September 1926 a hurricane devastated the area. In 1929, city leaders renamed it Oakland Park after the massive oaks that lined the community.

Residents and visitors can tour a piece of history always on display in this fine city. A portion of its oldest elementary school, Oakland Park Elementary School, is a nationally registered historical site. The school was built in 1927 and is the oldest school in continuous operation in Broward County.

The city is also at the forefront of innovation in Florida. It was the first municipality in the state to organize a public safety department. Oakland Park was also the first City to initiate a recycling program.

Madam Speaker, I thank Mayor Steven Arnst, the Members of the City Commission, and the city's staff for their many accomplishments that have made the City of Oakland Park a wonderful place to live, work and raise a family.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act of 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Research and Development, Defense Wide, Joint Experimentation

Legal Name of Requesting Entity: Office of Commonwealth Preparedness, Commonwealth of Virginia

Address of Requesting Entity: Patrick Henry Building, 1111 East Broad Street, Richmond, VA 23218

Description of Request: Provides $2,700,000 for a Tidewater Full-Scale Exercise, to enhance the Commonwealth of Virginia's interdiction, response and recovery capabilities to a WMD event through the conduct of a multi-agency, maritime Full-Scale Exercise, utilizing the experience and unique capabilities of the U.S. Naval Postgraduate School's Center for Asymmetric Warfens (CAW) and Old Dominion University's Virginia Modeling, Analysis and Simulation Center (VMASC).

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 2647

Account: Military Construction

Legal Name of Requesting Entity: Fort Lee

Address of Requesting Entity: 3901 A Avenue, Fort Lee, VA, 23801

Description of Request: Provides $5,000,000 in the Defense Access Road (DAR) Program which provides a means for the military to pay a share of the cost of public highway improvements necessary to mitigate an unusual impact of a defense activity. This project would fund a roundabout at Adams Avenue at the entrance to Fort Lee to alleviate traffic congestion and improve vehicular and pedestrian safety, following the installation's growth resulting from the 2005 BRAC Round.

INTRODUCING THE FOREIGN ADOPTED CHILDREN EQUALITY ACT OF 2009

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BOOZMAN. Madam Speaker, today my colleague Rep. DIANE WATSON and I are introducing the Foreign Adopted Children Equality Act of 2009. This bicameral, bi-partisan bill is designed to improve upon the Child Citizenship Act of 2000, which was enacted to provide automatic U.S. citizenship to internationally adopted children of American citizens.

International adoption has been a rewarding experience for many families across the United States. However, it is a process that is stressful, complicated, and costly. The FACE Act is intended to cut through some of the paper work and to treat internationally adopted children as we treat children born abroad to American citizens.

Under the Child Citizenship Act, an internationally adopted child of a U.S. citizen receives U.S. citizenship once the child enters the U.S. to reside permanently. Once in the U.S., the child then has to go through the naturalization process. The FACE Act is intended to improve this process in many ways.

First, it would amend the CCA so that once an international adoption is completed by an American citizen and the adopted child is determined to be adoptable under U.S. law, citizenship would attach. Therefore, instead of parents having to apply for a costly visa to bring their newly adopted child home to the United States, they would apply for a U.S. passport and Consular Report of Birth, making the process that of what is required from American citizen parents whose child is born while abroad. Passports are much less expensive than visas, and once in the U.S., the passport and Consular Report of birth would serve as proof of U.S. citizenship streamlining the application process for a social security card, filing for the adoption tax credit or even enrolling the child into school thus eliminating additional paperwork burdens for these new parents.

In addition, the FACE Act allows for internationally adopted children who are now over the age of 18 and who were not naturalized by their adoptive parents, to apply for and receive citizenship without going through the naturalization process, if they so desire. Unfortunately there are many cases where adoptive parents failed to naturalize their internationally adoptive children prior to their 18th birthdays and prior to passage of the CCA in 2000. Many of these children grow up believing they are U.S. citizens only to find out they are not when they try to register to vote, enlist in the military, or apply for college. There are even cases of these children being deported to their country of origins, where they do not speak the native language nor know the culture, for committing misdemeanors. This act seeks to rectify this situation and give these children the privilege of two heritages—that of their country of origin and of their new home, the United States.

Finally, this act seeks to amend Section 301 of the Immigration and Nationality Act, the section of law that provides U.S. citizenship from birth to biological children of American citizens who are born abroad. The FACE act would add internationally adopted children of American citizens to this section providing them citizenship from birth. Thus, internationally adopted children would be given the same opportunities given to American children born abroad, such as the chance to run for President.

Together, these changes would finally treat internationally adopted children of American citizens as children of American citizens instead of as immigrants and would provide them equality with biological children born abroad to American citizens.

A SPECIAL TRIBUTE TO EDWIN G. SUAREZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. RANGEL. Madam Speaker, I rise with great sadness as I remember the life of my good friend and former Rangel Staff Alumni, Edwin G. Suarez. As I speak with profound sorrow, I ascend to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable man who, over his many years, etched his name in history as a visionary and innovator who enriched and transformed housing projects and programs in my beloved East Harlem and the City of New York.

Edwin, a man whose life, to a remarkable degree, embodied the reverie of the American dream, was a great man of distinction which reflected his grand Puerto Rican heritage. Born on August 13, 1940, Edwin was a longtime community leader who devoted many years to the betterment of East Harlem. He was born and raised in Manhattan, as the only son of Avelino Suárez and Julia González Suarez and dedicated his live to giving back to his beloved city as an urban planner dedicated to doing his part to ensure safe and affordable housing for all.

In his capacity as a housing manager for the City of New York, and with the NAACP as a sponsor, Edwin was able to travel the world in order to confer with his counterparts in great urban centers, including those in Japan, Ecuador, Italy, France, Holland and Scandinavia. He returned from these fact-finding missions with critical information used to improve the various housing projects and programs in New York City's East Harlem community.

Edwin proceeded to touch more lives when he entered the political arena as an elected District Leader of the 68th New York State Assembly District, Part B. He also served as my Special Legislative Assistant and served as my Congressional Liaison to my East Harlem constituents, a position he served with a tremendous sense of professionalism. He went on to serve on numerous community and municipal boards, including President of the Metro North Housing and Development Corporation, and Vice President of the Union Settlement Federal Credit Union.

The death of Edwin Suarez on June 20, 2006, brought immense sorrow and loss to his family and friends, countless community leaders and colleagues in government, and me personally. He is survived by his three children, Darlene Suárez Casey, Edwin Suárez II and Desiree J. Suárez; his only grandchild, Jasmine Suárez Osorio van Wijgerden, and his former wife, Josephine Suárez Reyes. Such a benevolent amalgamation of intellect, steadfastness, and vigor as that demonstrated by Edwin over a lifetime of sacrifice and dedication to others will greatly be missed.

This past weekend, on June 20, 2009, Edwin was memorialized by those that loved and cherished him with the renaming of the Northwest corner of East 101st Street and First Avenue in my district. It is my hope that this act will help preserve the memory of this remarkable man, not only for the benefit of those who knew him but for all who value the promise of America.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—Department of Homeland Security Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2892

Account: FEMA, State and Local Programs

Legal Name of Requesting Entity: Center for Domestic Preparedness

Address of Requesting Entity: Fort McClellan, Anniston, Alabama 36202

Description of Request: ''Center for Domestic Preparedness—$40,000,000'' Taxpayer justification—It is my understanding that the funding would be used by the Center for Domestic Preparedness in order for it to continue to provide the highest quality all hazards training to first responders from around the nation and world to ensure that they have the necessary skills to keep their communities safe. This is a Federal training facility.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2892

Account: FEMA, State and Local Programs

Legal Name of Requesting Entity: Town of Shorter, Alabama

Address of Requesting Entity: 2521 Old Federal Road, Shorter, Alabama 36075

Description of Request: ''Emergency Operations Center—$500,000'' Taxpayer justification—It is my understanding that the funding would be used to help provide emergency services to the citizens of Shorter, Alabama. Shorter is a small community in Macon County and as it develops economically it needs to be able to provide coordinated emergency services. This project will enhance community safety by allowing improved communications and coordination between first responders.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. HELLER. Madam Speaker, on rollcall No. 417, Article III of impeaching Samuel B. Kent, I was unavoidably detained.

Had I been present, I would have voted ''yea''.

EARMARK DECLARATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that were included at my request in H.R. 2996, the Fiscal Year 2010 Department of Interior, Environment and Related Agencies Appropriations Bill:

Clearwater Wastewater Biosolids Project

Account: Environmental Protection Agency, State and Tribal Assistance Grants Infrastructure Grants

Legal name and address of requesting entity: City of Clearwater, 112 S. Osceola Avenue, Clearwater, FL 33756

Description of request: $500,000 is included in the bill for the City of Clearwater to upgrade its wastewater treatment plant by making biosolids improvements; headworks repairs; renewal and replacement of gravity sewer lines, force mains, and pumping stations; pump station compliance; generator replacement at the wastewater treatment plant; and reclaimed water. Previous federal funding for this project is as follows: FY 2002—$900,000, FY 2003—$450,000, FY 2005—$500,000, and FY 2008—$500,000.

EARMARK DECLARATION

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FLEMING. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting information regarding the following earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. I hereby certify that neither I nor my spouse has any financial interest in these projects.

Congressman JOHN FLEMING

H.R. 2647, National Defense Authorization Act for Fiscal Year 2010, Title I, Acct: APA, Line: 26

Intended Recipient: Sikorsky Aircraft Corporation, Stratford, CT

UH–60A to UH–60L Upgrade for the Army National Guard, $20.4 M, FY10 funds would provide for critical avionics upgrades to modernize Army National Guard Black Hawk medium-lift utility helicopters.

Congressman JOHN FLEMING

H.R. 2647, National Defense Authorization Act for Fiscal Year 2010, Title XXIII, Acct: MCA, Line: N/A

Intended Recipient: Fort Polk, Leesville, LA

Multipurpose Machine Gun Range, $6.4 M, FY10 funds would provide for the construction of a standard design Multi-Purpose Machine Gun Range, required to train and test soldiers on the skills necessary to detect, identify, engage and defeat targets in a tactical environment. Fort Polk does not currently have a suitable training area that meets the requirements needed for machine gunnery. Without this facility, the soldiers of Fort Polk, Reserve, and National Guard units will not be able to maintain efficiency for live fire training for machine gun engagements.

INTERIOR PROJECT REQUEST INSERT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: U.S. Representative JUDY BIGGERT

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Naperville Heritage Society

Address of Requesting Entity: 523 S. Webster Street, Naperville, IL 60540

Description of Request: Provide an earmark of $500,000 to improve drainage and management of storm water at Chicagoland's only nationally accredited outdoor history museum. This request will improve the water quality in the DuPage River watershed by mitigating the impact of storm water on Naper Settlement's grounds and in the surrounding neighborhoods.

THE SPECTRUM RELOCATION IMPROVEMENT ACT OF 2009

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. INSLEE. Madam Speaker, I rise today to announce the introduction of the Spectrum Relocation Improvement Act of 2009 along with my colleagues, Mr. UPTON of Michigan and Mr. BOUCHER of Virginia. This bipartisan bill reforms the Commercial Spectrum Enhancement Act (CSEA) to make the current spectrum relocation process more transparent and reduce relocation risks for federal agencies and those interested in bidding in future auctions of federally encumbered spectrum.

Washington State is a leader in the technology industry. It is home to companies large and small that are producing the most cutting edge Internet service technologies that benefit not only my constituents in the first District, but Washington State and the country as a whole. However despite the innovative efforts going on in Washington, and across the country, the United States ranks 15th in broadband adoption of 30 Organization for Economic Cooperation and Development (OECD) countries; a ranking that President Obama has called ''unacceptable.''

Investment in broadband infrastructure and services is a necessary economic driver, and the American Recovery and Reinvestment Act allocated $7.4 billion dollars to aid the build out of our nation's broadband infrastructure over current spectrum, to unserved and underserved communities. This investment demonstrates the importance of broadband services, not only for America's economic recovery, but its ongoing prosperity.

Meeting the broadband infrastructure objectives desired by the American people and outlined by President Obama will require the allocation of additional spectrum for commercial use. In order for consumers to experience the next generation of voice and broadband wireless services, the government must identify more sources of spectrum. Once the government has auctioned spectrum to carriers, it is in everyone's interest to see that consumers

benefit from new services as quickly as possible.

In 2006, the Federal Communications Commission's Advanced Wireless Services (AWS) spectrum auction demonstrated that spectrum auctions can finance (1) all the Federal costs associated with clearing spectrum for commercial use, (2) enhance critical Federal communications capabilities and 3) raise revenue for the Treasury. The AWS auction raised $13.7 billion from wireless companies. That figure included roughly $1 billion to relocate federal communications systems for 12 federal agencies that had been operating in those spectrum bands. Originally, the agencies were slated to clear out of the affected spectrum by March 2010.

While relocation practices and procedures worked well for 10 of the 12 agencies involved, unforeseen problems affecting some agencies took more than a year to resolve and threatened to undermine the spectrum relocation process that the House Energy & Commerce Committee, the Department of Commerce, and the Office of Management and Budget worked for several years to implement. This bill is designed to improve the relocation process for all parties involved and address the problems that surfaced during the AWS relocation process.

Fundamentally, the Spectrum Relocation Improvement Act (1) increases the amount and quality of information available to potential bidders before an auction occurs, and (2) expedites the flow of auction proceeds to the relocating agencies to keep the relocation process on track. I am convinced that more complete information about the affected federal agencies' systems, their relocation cost estimates, and schedules reduces risks for potential bidders and ensures that commercial users' bids in future spectrum auctions more fully reflect the market value of the spectrum at auction.

In my home State of Washington we are already seeing the consumer and economic benefits of the AWS auction. T-Mobile, headquartered in Bellevue, WA, has rolled out 3G broadband service in Seattle, with 560 3G base stations, and by year's end will have built out over 900 3G base stations. This investment is adding to the local economy and job market, while providing services to customers. The company expects to deliver services to an additional 2,721,987 customers by year's end.

But this issue is not only about large companies like T-Mobile, it is about small and regional carriers that provide innovative and affordable services to consumers and often face challenges, relative to the larger carriers, in raising capital in order to bid on FCC licenses.

One successful AWS bidder—Cricket—has been in Washington State for eight years and serves a constituency often not reached by the larger carriers. Cricket provides flat-rate unlimited voice and broadband service to consumers without a long-term contract or early termination fee. Nearly half of Cricket's wireless broadband subscribers had never before subscribed to Internet service—not even dial-up.

This legislation will help ensure that customers, like Cricket's, will get to take advantage of not only the first generation of broadband services, but those still to come; and will provide the necessary structure to make sure that the next spectrum auction is successful for consumers, industry, and government.

I am pleased to introduce this legislation along with my colleague Mr. UPTON who played a major role in drafting the Commercial Spectrum Enhancement Act, and with the distinguished Chairman of the Subcommittee on Communications, Technology and the Internet, Mr. BOUCHER.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding projects that I support for inclusion in H.R. 2892, the Department of Homeland Security Appropriations Act for 2010.

Amount: $12 million

Account: Department of Homeland Security—Science and Technology Directorate Account: Research, Development, and Operations—Laboratory Facilities.

Entity receiving funds: The U.S. Department of Energy's Pacific Northwest National Laboratory (PNNL) located at P.O. Box 999, Richland, WA 22352.

Description: Existing PNNL facilities located in the 300 Area of the Hanford federal nuclear site in Washington state are scheduled for demolition and cleanup by 2010. PNNL capabilities housed in the 300 Area—nearly half of the PNNL's total lab space—support critical national security initiatives. PNNL's lab space supports the Department of Energy (DOE), the Department of Homeland Security (DHS), the intelligence community and other customers, including critical non-proliferation and weapons of mass destruction (WMD) detection work for the National Nuclear Security Administration (NNSA) and DHS.

In Fiscal Year 2005, a joint team of DOE Office of Science, NNSA, and DHS officials formed to plan new lab space for PNNL—known as the CRL. These funds would fulfill DHS's commitments under the Memorandum of Understanding it signed and keep the project on schedule for completion.

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding a request for funding I made of the House Armed Services Committee for inclusion in H.R. 2647 the National Defense Authorization Act for Fiscal Year 2010.

Specifically, the project will be included in Division B, Title XXI, Military Construction—Army.

H.R. 2647 includes $10.2 million for Phase 2 of the Ballistic Evaluation Facility in the Fiscal Year 2010 National Defense Authorization Act. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey 07806–5000.

The actual design and construction will be executed by the U.S. Army Corps of Engineers.

The funding will be used for planning, design and construction of a state-of-the-art Ballistic Experimentation Facility (BEF) for Large Caliber Armaments at Picatinny Arsenal. This process will produce a one-of-kind research and testing facility which will reduce Army's operational overhead and maintenance costs and improve safety for Army employees. The use of U.S. taxpayer funding is justified because this construction will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Armed Services Committee and the GOP Leadership, I list the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of HR 2647, the National Defense Authorization Act for Fiscal Year 2010.

Project Name: Civil Engineer Maintenance Complex at Mountain Home Air Force Base

Amount Requested: $690,000

Account: Air Force Military Construction Account

Recipient: 366th Wing, Mountain Home Air Force Base, Idaho

Recipient's Street Address: 366 Gunfighter Avenue, Ste 107, Mountain Home Air Force Base, Idaho 83648

Description: The civil engineer functions are currently dispersed among 10 WWII–era wood-frame and Korean war-era facilities. Wood frame facilities have a RAC 2 due to failing roof structures and cracked and spreading concrete foundations that have contributed to failing floors and trusses, presenting risk to squadron members who work in the facilities. Currently, employees must evacuate during heavy snowfall or high winds. The fire safety deficiencies are endemic to all buildings, the patchwork electric wiring is maxed out, which increases fire risk, and the HVAC systems can't keep buildings heated and cooled. The dispersed locations and failing conditions of existing facilities adversely affect all daily Civil Engineering operations and negatively impacts the Wing's mission.

I appreciate the opportunity to provide an explanation of the project that was included in the report accompanying the FY2010 Defense Authorization bill on behalf of Idaho and provide an explanation of my support for it.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2467.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Air Force, Military Construction, Air National Guard

Legal Name of Requesting Entity: 177th Fighter Wing

Address of Requesting Entity: 400 Langley Road, Egg Harbor Township, NJ 08234

Description of Request: Provide an earmark of $1.7 million for the construction of a properly sited, adequately sized, and configured functional space to support conventional munitions administration, training and maintenance in support of 18 PAA F–16 aircraft to better enable the 177th to perform its Air Sovereignty Alert mission in defense of the homeland.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Army—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: (1) Drexel University (2) Waterfront Technology Center

Address of Requesting Entity: (1) 3141 Chestnut Street, Philadelphia, PA 19104 (2) 200 Federal Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark of $7.0 million for Applied Communications and Information Networking (ACIN). ACIN enables the warfighter to rapidly deploy state-of-the-practice communications and networking technology for warfighting and National Security. This funding will build on funding from previous years to fully develop this technology.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Air Force—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Accenture

Address of Requesting Entity: 200 Federal Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark of $7.0 million for Distributed Mission Interoperability Toolkit (DMIT). DMIT is a suite of tools that enables an enterprise architecture for on-demand, trusted, interoperability among and between mission-oriented C41 systems. This spending will build on funding from previous years to allow DMIT to be extended to Joint and coalition requirements, and address current weaknesses in Air Force management years ahead of current schedules. Adoption by major programs and commercial entities would lead to savings in the $100 millions on current and future DOD programs.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Navy—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Absecon Mills, Inc.

Address of Requesting Entity: Vienna and Aloe Avenues, PO Box 672, Cologne, NJ 08213

Description of Request: Provide an earmark of $3.586 million for Force Protection—Non-Traditional Weaving Application for Aramid (Ballistic) Fibers and Fabrics. By reevaluating standard Industry design and manufacturing techniques for force protection technology, we believe Non Traditional weave designs of Aramid (ballistic) fiber coupled with new applications of microwave plasma treatments can enhance the strength of the fiber and result in enhanced individual mobility, ease of medical access, reduced weight, increased ballistic protection, cost effective savings and weight reduction of ballistic materials currently used

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Air Force—Advance Procurement

Legal Name of Requesting Entity: L–3 Communications Systems

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103

Description of Request: Provide an earmark of $4.0 million for Senior Scout COMINT (Communications Intelligence) Capability Upgrade. As part of the Senior Scout ongoing mission, there is an immediate need to add improved COMINT capability to detect and characterize new, modern, low-power radio signals at extended standoff ranges in the presence of interference. The current systems are not able to detect these specific signal sets, which limits intelligence collection capabilities.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2467

Account: Army—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Price Systems, LLC

Address of Requesting Entity: 17000 Commerce Parkway, Suite A, Mt. Laurel, NJ 08054

Description of Request: Provide an earmark of $5.0 million for Software Lifecycle Affordability Management (SLAM). The Software Lifecycle Affordability Management (SLAM) project provides decision makers a means to understand cost tradeoffs in relation to both performance and Total Cost of Ownership (TCO). Development of the SLAM Service Oriented Architecture Cost Model (SOA–CM) enables the Army to determine which software lifecycle design/strategies realizes the greatest number of capabilities for the lowest possible cost, following the best possible schedule.

EARMARK DECLARATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. HUNTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, National Defense Authorization Act for Fiscal Year 2010:

I requested $3,000,000 for Trex Enterprises at 10455 Pacific Center Court, San Diego, CA 92121. Funding for this program will be used to complete development, flight testing and integration of the Brownout MMW Sensor that will reduce aircraft accident risk and allow aircrew visibility through the full range of landing and take-off operations in otherwise extremely hazardous flight conditions. ''Brownout'' is a situation Army aviators experience in combat operations daily in Iraq and Afghanistan. Created by helicopter rotor downwash, it continues to cause aircraft accidents and remains a high risk to flight safety.

Specifically, as aircraft approach the ground, a thick plume of brown desert dust, dirt and sand disturbed by high velocity winds from rotor systems engulf the aircraft, causing a complete loss of the pilot's visual reference to the ground. The Brownout Situational Awareness Sensor (BSAS) is a cockpit display system capable of providing the aircrew visibility through the blowing sand and dust. This technology will greatly reduce the loss of aviator lives, loss of aircraft and reduce the amount of maintenance requirements resulting in damages from Brownout situations. Brownout is among the biggest hazards to rotary-wing operations in Iraq and Afghanistan, contributing to more than 71 U.S. helicopter accidents. Providing this capability is critical to aircrew safety and combat readiness.

I also requested $1,000,000 for CHI Systems at 12860 Danielson Court, Suite A, Poway, CA 92064. There is currently insufficient training provided to soldiers on the most crucial battlefield lifesaving situations. Medics and soldiers, in many instances, lack the experience to act swiftly and effectively in combat casualty situations. By combining instrumented manikin parts that support hands-on practice with computer based scenario training, this funding will complete the HapMed Combat Medic Trainer development and provide medics and soldiers the ability to practice critical lifesaving tasks. In addition to providing realistic training scenarios, HapMed is also portable, so soldiers can continue to train while they are deployed. This system has received high praise in its ability to train soldiers for medical treatment on the battlefield. According to a Science and Technology Manager for the Army, ''New technologies such as HapMed are needed to provide medics with greater opportunities to develop and test their decision making and technical medical skills.''

New Army recruits must receive training in Buddy Aid or as Combat Life Savers (CLS). Currently, insufficient training is provided to help soldiers and medics acquire and maintain some of the crucial battlefield lifesaving skills such as tourniquet application, needle chest decompression, and emergency cricothyrotomy, addressing, respectively, the top three causes of preventable death on the battlefield. In order to perform these lifesaving functions under battlefield conditions, military personnel must have the awareness and confidence to act swiftly and effectively.

Further, I requested $3,000,000 for Cubic Solutions at 5650 Kearny Mesa Road, San Diego, CA 92111. The Navy's carriers and large-deck amphibious assault ships serve as the flagships of battle groups and expeditionary forces. Commanders receive intelligence, reconnaissance, and surveillance (ISR) data from airborne manned and unmanned sensor vehicles via the ships' AN/USQ–167 Communications Data Link System (CDL–S) terminals. The AN/USQ–167 securely transports many forms of classified data, including voice communications, tactical data, photographs, and streaming video, using the NSA-approved KI–11 COMSEC equipment. The KI–11 is based on an encryption

device that is no longer available. This initiative will fund a KI–11 replacement based on a new, interoperable, NSA-approved device.

Kinetic energy penetrators fabricated from tungsten offer a means to gain 40% more kill depth if nanoscale tungsten is consolidated to full density with retention of the small crystal sizes during consolidation. It is for this reason that I requested $2,000,000 for San Diego State University Research Foundation at 5250 Campanile Drive, San Diego, CA 92182. This funding will provide the Army the material that will ensure larger stand-off distances in battle (lethal to the enemy while our troops are beyond the lethal zone), earlier kinetic energy kills of incoming missiles, and more armor penetrations events. The current depleted uranium materials are toxic and need to be removed from the battlefield. For example, to avoid poisoning surgery is required on any friendly troops struck by fragments. Dual use applications are outstanding—from automobile vibration suppression to high thermal conductivity heat sinks in computers. For example, wireless telephone networks use tungsten-copper composites to improve heat removal from relay stations to improve performance.

I requested $1,000,000 for Allermed Laboratories, Inc at 7203 Convoy Court, San Diego, CA 92111. Leishmaniasis is a parasitic disease that occurs in many areas of the world in which U.S. Military personnel are deployed. Over 2500 service personnel were diagnosed with leishmaniasis in Iraq and Afghanistan during the present conflict. Funding this program will result in the development of a biological product that meets the specifications of the FDA and the DoD. A phase 1 safety trial was completed in 2007; a phase II dose-response study and sensitivity study were conducted in Tunisia and completed in 2008; a phase IIb trial is presently being conducted in San Diego, CA and will be completed in June 2009. In this trial, the sensitizing properties of the skin test doses that were used in the 2008 Tunisia trial are being evaluated.

The Navy is challenged to conduct ASW localization and small-area search operations in shallow water littoral areas against emerging modern, diesel-electric submarines and these new submarines provide a minimal noise signature making them virtually undetectable to acoustic arrays under many circumstances. $2,000,000 for Information Systems Laboratories at 10070 Barnes Canyon Road, San Diego, CA 92121 will address this issue. The Navy's answer to the quiet diesel-electric submarine localization problem is to rely on active sensors. Active sensor performance in the littorals, however, suffers degraded detection ranges from reverberation and alerts the submarine, enabling it to undertake countermeasures to avoid detection. Recent developments in miniaturization of low cost, low power electromagnetic sensor technology offers new potential for employing non-acoustic sensors to increase the Navy's capability for tactical surveillance, localization, and classification of quiet, modern diesel-electric submarines.

This funding will develop multiple small and inexpensive non-acoustic sensors, or clusters, packaged into "A" size buoys, the size buoy currently being used by U.S. Anti-Submarine Warfare (ASW) airborne assets, which will be demonstrated under this program. This revolutionary "cluster approach" is a development that promises to be equally effective in both the open ocean and the littoral against the evolving threat. A-size sonobuoy launch containers can be designed to deploy the mini-sensors in linear arrays, or clusters, depending on the mission. Ongoing electric-field detection technology research has already demonstrated promising near-term solutions and passive "A"-size air dropped buoy concepts are ready for TRL7/8 demonstration in FY 2009.

Finally, I also requested $5,000,000 for MBDA at 5701 Lindero Canyon Road, Suite 4–100, Westlake Village, CA 91362. This funding will develop for the Navy an innovative missile solution for its requirement for an Affordable Weapon System (AWS) capable of operating from ships and with a potential Navy/USMC airborne launch capability. AWS will defeat targets at stand-off ranges, rapidly completing the engagement phase with a capability to loiter in a target area. The Navy is looking for an AWS that can kill a variety of target sets to include Strategic Fixed, Strategic Mobile, Tactical, Maritime and importantly, Irregular Warfare/Global War on Terrorism targets. Typically these include mobile land and sea targets, time critical targets, and targets of opportunity such as terrorist leadership meeting facilities, mobile missile launchers, communication nodes and weapons caches. AWS is packaged in the existing shipboard Mk–41 Vertical Launch System as a "quad-pack" missile which offers a four-to-one load-out advantage over the existing weapon system to provide combatant commanders the capability to carry a deeper magazine and strike many more targets. AWS also utilizes conventional, low-cost airframe materials and electronics in combination with flexible swarming cooperative attack algorithms to overwhelm and defeat these targets within their range of undefended to heavily defended threat environments. AWS will have a flyaway cost of $250K, less than a third the cost of the existing shipboard strike weapon system.

HONORING OFFICER GARLAND C. THOMPSON

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, today I rise to honor one of Capitol Hill's most devoted and beloved public servants, Officer Garland C. Thompson, who next Tuesday the 30th will serve his last day as a Member of the Capitol Police Service.

Officer Thompson has served this great institution with dignity and honor for 34 years, joining the Capitol Police Service on June 9, 1975, after working as a fingerprint examiner for the FBI.

On September 11th Officer Thompson was one of the first Capitol Police Officers to act. He witnessed a low flying plane over the Capitol, which later was identified as the plane that crashed into the Pentagon. From that first instance, Officer Thompson acted quickly and assertively, escorting frightened citizens, Members of Congress and their families to safe locations. On that devastating day, Officer Thompson and his fellow officers put their own lives at risk by forming a perimeter around the building, using their bodies as a shield against an unpredictable enemy.

Officer Thompson is a true hero to us all, putting his life on the line every day for the last 34 years to protect and defend this great institution. Officer Thompson is truly the "King of Capitol Traffic."

Whether it's his friendly smile, trademark slogans, such as "Remember Capitol Hill is a law making area, not a law breaking area," or his guidance and advice he has provided to the thousands of visitors that cross his path, we all will sorely miss seeing him every day.

I ask my colleagues to all take this opportunity to thank the Capitol Police and specifically Officer Thompson, for his dedicated service. Officer Thompson, we will miss you, but we wish you all the best in your retirement. Capitol Hill will never be the same without you.

CONGRATULATING THE PARTICIPANTS OF THE HOUSE FELLOWS PROGRAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program. The House Fellows Program, run by the Office of the House Historian, is a unique opportunity for a select group of secondary education American history and government teachers to experience firsthand the inner-workings of Congress. These educators have demonstrated excellence in the classroom, are dedicated to educating our nation's youth and are truly deserving of our recognition.

One of the goals of the House Fellows Program is to develop curriculum on the history and practice of the House for use in schools. During the program, fellows prepare a brief lesson plan on a Congressional topic of their choosing, which is then shared with the other fellows. These plans will become part of a larger teaching resource database on the House. During the school year following their participation in the House Fellows Program, each Fellow is responsible for presenting his or her experience and lesson plans to at least one in-service institute for teachers of history and government.

The House Fellows Program began in 2006, and since then 63 teachers from across the country have participated in this innovative program. Twelve more teachers will be taking part this summer. With plans to select a teacher from every congressional district over the next several years, the House Fellows Program will impact thousands of high school teachers and their students and will energize thousands of students to become informed and active citizens.

As a former U.S. history teacher, I believe strongly in the importance of civic education. We must continue our efforts to get our youth involved in the political process in districts across the country. Educating teachers about the "People's House" is one of the best ways to do that. I congratulate the following educators who are participating in the 7th session of the House Fellows Program:

Ms. Ashley Greeley (BUYER, IN–4); Ms. Susan Hunter Hilton (SPRATT, SC–5); Mr. Wayne Williams, Mr. Gregory Cosgrove (DIAZ-

BALART, FL–21); Ms. Dodie Kasper and Ms. Maria Arena (JOHNSON, TX–3); Mr. Jeffrey Boogaard (ANDREWS, NJ–1); Mr. Christopher Moreno (LOWEY, NY–18); Ms. Latasha Jones (ENGEL, NY–17); Mr. Eric Major (COSTELLO, IL–12); Ms. Mollie Huber and Ms. Yvonne Jackson Pittman (PAUL, TX–14).

Madam Speaker, I urge all of my colleagues to join me in thanking the Office of the Historian for sponsoring this program. Thanks to Dr. Robert Remini and Dr. Fred Beuttler for their outstanding leadership, and Dr. Thomas Rushford, Dr. Charles Flanagan, Mr. Anthony Wallis and Mr. Benjamin Hayes for providing the crucial staff support. Thank you also to the Office of the Historian interns: Mr. Maurice Robinson, Mr. Parker Williams, Ms. Kaitlin Utz and Ms. Debbie Kobrin.

HONORING THE JUNIOR MATRONS OF MORRISTOWN, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Junior Matrons of Morristown, New Jersey who are celebrating their 50 Anniversary this year.

The Junior Matrons of Morristown was started in 1959 by a motivated group of young African American women. They concentrated their time and energy on addressing the lack of young African American high school graduates pursuing post secondary education. For the past 50 years the Junior Matrons have focused on fulfilling their motto, ''Service through Scholarship''. This has been done through providing financial assistance to over 3,000 high school students, totaling over $2 million over the past half century. The beneficial and residual impact of this assistance cannot be over-estimated.

The Junior Matrons sponsor an annual Graduation Ball and Cotillion. The purpose of this night is threefold. First, it helps to raise awareness among the African American community about how a college education can provide an avenue to economic, political and social advantage. Second, it recognizes and rewards those who have been committed to achieving their first major educational milestone. And finally, it generates the funds necessary for a high school graduate's dream of college to become a reality. This single evening can be summed up in a statement that these women pride themselves on, ''There were a lot of things we didn't know were impossible so we just went ahead and did them.''

The passion and energy behind the founding of the Junior Matrons has continued unabated for these last 50 years, and is a credit to the collective vision of twelve charter members: the late Sue Graddick, Harriet Britt, the late Frances Younginer, my dear friend Dr. Felicia B. Jamison, Emma L. Martin, Mattile Drew, Muriel Hiller, Nadine Alston, the late Emanualine Smith, Natalie Holmes, the late Marie Davis, the late Natalie Thurmond Lattimore and Cecelia Dowdy.

Over the years the Junior Matrons have been honored by the National Association for the Advancement of Colored People and the National Urban League, among many others. Although a few of the original group are no longer with us, new leaders have taken on the mantle and are endowed with the same zeal and vision.

Madam Speaker, I am quite certain that the Junior Matrons will continue to promote the cause quality education and help provide opportunities for our young people to pursue college degrees and productive, fulfilling careers. I ask you and my colleagues to join me in congratulating the Junior Matrons of Morristown as they celebrate 50 dedicated years of serving our community.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BRADY of Texas. Madam Speaker, I was unable to be present for several votes on Tuesday, June 23, 2009 due to a personal situation I needed to attend to in Texas. Nevertheless, I would request that the record indicate that I would have voted ''yes'' on each of the bills considered in the House had I been present. Specifically, S. 407, the Veterans' Compensation Cost-of-Living Adjustment Act of 2009; H.R. 1016, the Veterans Health Care Budget Reform and Transparency Act of 2009; H.R. 1211, the Women Veterans Health Care Improvement Act; and H.R. 1172 are each common sense reforms that will improve the health and education benefits provided by the Veterans Administration. Our veterans and their families sacrifice so much on our behalf, it is important that Congress continue to do all it can to ensure that they receive the respect and support they deserve.

PERSONAL EXPLANATION

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MCHENRY. Madam Speaker, had I been present to vote on S. 407 ''Veterans' Compensation Cost-of-Living Adjustment Act of 2009'' my vote would have been cast in support of this bill. In addition, had I been present I would have cast my vote in support of the following bills, H.R. 1016 ''Veterans Health Care Budget Reform and Transparency Act of 2009'', H.R. 1211 ''Women Veterans Health Care Improvement Act'', H.R. 1172 ''To direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors'' and H.R. 1777 ''Making technical corrections to the Higher Education Act of 1965, as amended''.

IN OPPOSITION TO CAP-ON-A-TAX LEGISLATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. TIAHRT. Madam Speaker, I heard of a climatologist who went to apply for a job recently. During his interview, he was asked, ''What do you predict will happen with the earth's climate next year?'' He immediately replied, ''Whatever you want me to predict.''

Unfortunately, this joke seems to hit a little too close to home, when we are considering global warming legislation. Rather than responding to serious questions with serious answers, Congress is replying with what we think people want to hear. Rather than considering all angles before offering a solution, Congress is rushing through legislation in hopes to score points with voters back home. And instead of basing a bill on sound scientific data, we will be considering legislation that is devoid of input from this side of the aisle.

I rise today to express my strong opposition to Waxman-Markey ''cap and tax'' bill. I believe there are three interrelated problems with this misguided legislation. I am concerned with the process by which we have arrived at the point we are today. I am concerned with the political showmanship that has gone on as the bill was written. And I am concerned with the policy itself, which bears the tragic scars of both the process and the politics.

Madam Speaker, from the beginning of the 111th Congress to the present, the cap-and-tax bill has been subjected to unfortunate abuses of the legislative process. In April, the Energy and Commerce Committee held four days of hearings, with the intention of, according to the Committee's website, ''examine the views of the Administration and a broad range of stakeholders,'' on a discussion draft of Chairman WAXMAN's bill. However, these hearings reflected only the Chairman's perspective. Only four of the twenty-one witnesses called before the Committee expressed any opposition to cap-and-tax, despite a petition signed by more than thirty thousand meteorologists, climatologists, and other scientists stating their skepticism about the evidence of man-made greenhouse gases being responsible for increases in the earth's temperature. Contrary to claims made by the Committee, and witnesses at the hearing, there is no ''overwhelming consensus'' in favor of the hypothesis of human-caused global warming.

The bill was drafted without input from our side of the aisle. At no point was any Republican consulted regarding the contents of the bill. In the rush to get the legislation passed through Committee, it seems no one had time to read the entire bill, or figure out what it means. Committee members repeatedly asked questions regarding the potential cost of particular provisions or amendments, but received no answers.

All of this raises the question, ''why''? Why was the bill rushed through the Committee, with hardly enough time to read it, let alone determine the impact that it would have on American taxpayers, farms, and businesses? The only answer I can come up with is the desire on the part of some in this body to score points with their voters back home.

What I see happening here is similar to what happened at the end of World War II. When American soldiers first reached Nazi extermination camps, they found men, women and children that were gaunt, emaciated, and starving. A few soldiers offered children chocolate bars, not realizing that the very thing they thought would be helpful actually ended up killing the children, because their digestive systems were unable to handle the chocolate. The same sort of thing is happening here. In

order to look like a hero to one part of their constituency, this cap and tax bill is being pushed through Congress, and forced on the American people, much to their detriment.

Which brings me to the third problem with Chairman WAXMAN's cap and tax bill—its just bad policy. Earlier this week, Investor's Business Daily had a front page article about the failures of Europe's program, called the Emissions Trading Scheme, or ETS. The article cites numerous studies finding that the ETS has significantly increased energy prices, ''with 'uncertain' effects on greenhouse gas emissions.'' That hardly sounds like a model of success that we should be emulating here in the United States.

Proponents of the cap and tax bill claim that they have learned from Europe's mistakes, but I disagree, Madam Speaker. The article identifies the giving away of the program's carbon allowances as the largest reason for the program's failure. This bill follows that same model, giving away roughly 85 percent of the emissions allowances.

The entire idea of a cap and trade program fails in practice. We are told, ''The cost of polluting will be paid by the polluters.'' And believe me, the authors of this bill expect them to pay a hefty price. In fact, President Obama's budget assumes that even with the sale of only 15 percent of the total emissions permits, the federal government will still take in more than $650 billion. As the cap gets lower, and there are fewer permits available, the cost for ''polluters'' is going to grow ever higher. But that is exactly what the authors want. President Obama recently stated that the only way for a cap-and-trade system to work is for energy prices to ''skyrocket.''

There is nothing in the bill to keep the ''polluters'' from passing those skyrocketing costs on to the consumers. In fact, they will be forced to so. Any business that cannot pass the costs on to consumers runs the risk of being driven out of business. In the end, it will be the American taxpayer that foots the bill for this program, in the form of higher prices at the pump, higher home energy bills, and lost economic growth. But don't just take my word for it. Even the director of the Congressional Budget Office has said that, ''under a cap-and-trade program, consumers would ultimately bear most of the costs of emission reductions.''

One analysis of this bill found that if the standards within the bill are met, by 2035 Americans will see gas prices rise 74 percent, electricity prices increase by 90 percent, and a loss of at least 850,000 jobs every year. The average American household will see its annual energy bill go up by nearly $1,500. For my home state of Kansas in particular, we are going to have to purchase an estimated $206.8 million worth of carbon credits. That is $206 million more that Kansans are going to have to pay in energy costs every year. My district will be particularly hard-hit, as estimates show my district standing to lose nearly half a billion dollars of production in 2012, and more than 5,000 non-agriculture jobs. It's this kind of economic pain that advocates are counting on to force a reduction in carbon emissions.

The European system proves this idea doesn't work. With no signs of a reduction in carbon emissions, Europeans have seen their household energy costs rise by 16 percent, and the industrial energy costs increase by 32 percent.

Spain is an especially poignant example of the failure of the European system. They committed to reaching the benchmarks set out by the Kyoto Protocol, with renewable energy standards, so-called green-collar jobs, and a commitment to reduce their carbon emission levels. But the high cost of energy in Spain has destroyed their economy, which is currently facing a 17.5 percent unemployment rate. Proponents of this bill say that we will be creating new, green jobs. But most of these jobs are temporary construction jobs that go away once facilities, like wind farms for example, are built. In Spain, for every 4 jobs that were created, 9 were lost due to the higher cost of doing business under the Emissions Scheme. We should avoid going down this same path.

There is huge potential for exploitation of the system, on multiple levels. Especially with permits being given out, rather than auctioned, government officials are in a prime position to divert additional credits towards industries or companies of their choice. There is also the possibility that utilities here in the United States could follow the lead of one European company that immediately raised their rate by 70 percent, explaining to customers that the rate hike was necessary to cover the costs of cap-and-trade. But this utility company was given more credits than it needed, and sold them on the open market.

Tack on a renewables standard to this bill, and we have the perfect recipe for failure. No place that has implemented a renewable standard has ever been able to meet the required levels. And there is little to indicate that a federal standard would be any different. As a 2008 article in the Energy Law Journal stated, ''The DOE has little, if any, experience in administering a program on the scale of a national RPS, and has shown no indication that enforcement of a major program is within the agency's capabilities...[this is] an area in which the DOE has already failed to show effective leadership.''

So what we have here is a bill that has been rammed through with no minority input, to create a system that is ripe for abuse, costs the American taxpayer thousands of dollars, cripples our businesses, and in the end, has no measureable result. This is a bill I cannot support, and urge my colleagues to reject as well. Instead, I would encourage my colleagues to join me in supporting the American Energy Act, a comprehensive energy bill that increases access to domestic energy sources, encourages conservation, and promotes the increased use of renewable sources of energy.

Across this country, we are, once again, seeing gas prices rise. Since the beginning of the year, gas prices are up 60 cents, and crude oil has raised more than $20 a barrel, with no end in sight. Just last week, Russian oil executives predicted that crude prices could reach $250 per barrel.

It is possible for us to relieve some of this pressure by tapping into our own vast resources. The Department of Energy estimates that nearly 20 billion barrels of recoverable oil lie offshore beneath restricted waters, the equivalent to nearly 30 years worth of current imports from Saudi Arabia. Substantial offshore natural gas reserves are also restricted. Even though longstanding restrictions on offshore energy production were lifted last year, the process of leasing these areas falls under the jurisdiction of the Department of the Interior.

Unfortunately, new Secretary of the Interior Ken Salazar refuses to allow additional drilling permits, dredging up every excuse not to produce energy in these areas. The Alaskan National Wildlife Refuge, reported to hold more than 10 billion barrels of oil continues to remain off-limits. He has also sought to block progress on oil shale, a promising source of oil trapped in rock under parts of Colorado, Utah, and Wyoming. The Department of the Interior has even cancelled some existing oil and gas leases.

Often, environmental concerns are cited as the reason for opposing additional drilling. However, technological advances have greatly increased the safety of drilling. During hurricanes Rita and Katrina, less than one cup of oil was spilled in the Gulf of Mexico, despite damage to more than 120 drilling platforms. There is absolutely no reason why permits for additional drilling should be denied. Furthermore, revenue generated by these oil leases will be invested in the development of cleaner, alternative sources of energy. The end result is a reduced dependency on foreign oil, lower levels of pollution, and new jobs for Americans, all without crippling our economy.

Lastly, Madam Speaker, the American Energy Act includes one key source that could provide clean energy without emissions—nuclear power. The Department of Energy has stated that the best way for energy companies to reduce their carbon emissions is to increase their use of nuclear energy. Despite encouragement from DoE, and the fact that that it has been proven safe by countries like France, where more than 80 percent of their electricity is generated by nuclear power, the Waxman-Markey bill does nothing to encourage nuclear power.

Instead, this administration has begun to walk away from the hundreds of millions of dollars spent on the nuclear storage facility at Yucca Mountain, Nevada. The American Energy Act would provide the Nuclear Regulatory Commission authority to complete its review of the Yucca Mountain facility, repeal the limitations on Yucca's Mountain's storage capacity, and establishes a method for recycling spent nuclear fuel in the U.S. Furthermore, it would reduce the bureaucratic hoops and length of time required to receive a permit for the construction of new nuclear plants.

In conclusion, let me again encourage my colleagues to join me in rejecting the Waxman-Markey cap-and-tax bill that would cripple our economy, without addressing their environmental concerns. Instead, lets support the American Energy Act, which provides real solutions for our energy problems in an economically, and environmentally sound manner.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for regarding the earmark I secured as part of H.R. 2892, Department of Homeland Security Appropriations Act, 2010.

My request, totaling $350,000, will come from the Predisaster Mitigation account at the Federal Emergency Management Agency, FEMA, within the Department of Homeland Security, DHS, for the County of DeKalb, Illinois. This request will assist in the permanent relocation of the residents who currently live in the Evergreen Village mobile home park to protect them from future floods along the southeast branch of the Kishwaukee River. Severe storms and flooding have hit DeKalb County, Illinois, four times over the past 40 years, causing extensive property damage. Evergreen Village, which is located in an unincorporated area of DeKalb County, has been severely affected by flooding. Evergreen Village is a 19.9-acre, 130-unit mobile home park, just east of Sycamore, Illinois, and located in the southeast branch of the Kishwaukee River floodway. During major flood events, DeKalb County must evacuate Evergreen Village, which imposes high costs on the county and the residents of Evergreen Village.

DeKalb County has examined alternatives to mitigate this issue, including the construction of a levee, and concluded that the relocation and acquisition of Evergreen Village is the only viable option for protecting residents from future floods. The acquisition would involve the purchase of the mobile homes, the 19.69 acre parcel of land, three permanent buildings, and the relocation of the residents. While most residents of Evergreen Village own their mobile homes, they are nevertheless technically renters on the land they currently occupy. Thus, under the Uniform Relocation Act, URA, these mobile home owners cannot receive full relocation assistance given to other owners of primary residences in similarly situated circumstances. Factoring in the approximate appraised $30,000 cost for each mobile home and land acquisition in Evergreen Village, DeKalb County estimates that the total cost of the relocation effort will be $6.781 million. State and local resources will contribute more than the minimum matching Federal requirement to complete the project. The entity to receive funding for the Evergreen Village relocation project is the County of DeKalb, Illinois, which is located at 200 North Main Street in Sycamore, Illinois 60178.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the Chairman of the Homeland Security Appropriations Subcommittee, Representative DAVID PRICE, and the Ranking Minority Member, Representative HAL ROGERS, for working with me in a bipartisan manner to include this critical request in this spending bill.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, legislation that makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010. I have received $750,000 in the FEMA, Predisaster Mitigation Account for the City of Flagler Beach located at P.O. Box 70, Flagler Beach, FL 32136. To the best of my knowledge, the funding would be used for the construction of a new EOC facility in Flagler Beach, FL.

As the population of the City of Flagler Beach has grown, the demand for services has increased. The City Hall and Emergency Operations Center share the same building, creating a constrained environment when responding to emergency situations. The city needs assistance to build a new facility that will accommodate not only current staff, but also the emergency response teams that will use the facility to respond to natural disasters, such as hurricanes that frequent Florida. The new building will expand the necessary space for city departments which will more adequately and efficiently serve the people of the community.

EARMARK DECLARATION

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information regarding earmarks I requested that were included as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 2996

Account: Environmental Protection Agency, STAG Water and Wastewater Infrastructure

Legal Name of Requesting Entity: City of Ridgecrest, California

Address of Requesting Entity: 100 West California Avenue, Ridgecrest, California 93555

Description of Request: $400,000 is included for the City of Ridgecrest, California, to help fund Phase I (planning, environmental studies, engineering design and construction monitoring, and legal and administrative issues) of the city's new wastewater treatment facility. Ridgecrest, located in northeast Kern County, serves as a support community to the Naval Air Warfare Center Weapons Division at China Lake (NAWCWD), and receives and treats all of the base's wastewater, which accounts for more than one-third of the water treated at the existing facility. As the existing plant has limited capacity and with additional personnel expected on the naval base in the future, the current wastewater treatment facility will reach and exceed its capacity requiring another treatment plant in the next few years. The city recognizes the challenges it faces on this front and is proactively working to address this issue before acceptable discharge limitations are exceeded at the current plant.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—the Department of Homeland Security Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 2892—the Department of Interior, Environment and Related Agencies Appropriations Act, 2010, provides for the Audubon Institute, New Orleans, LA in support of an Endangered Whooping Crane Propagation Facility. This is in the Fish and Wildlife Service—Resource Management Account in the amount of $500,000. This will benefit the Audubon Nature Institute, P.O. Box 4327, New Orleans, LA 70178 in the form of additional specially-designed whooper breeding pens to hold new crane pairs, increasing Audubon's egg production capacity by 20% and contributing greatly to whooping crane preservation. In addition to benefitting Louisiana, Audubon's success in breeding cranes prompted the USFWS to select Audubon to hold 10 whooping cranes from the captive flock for potential breeding. The project will help preserve an endangered species native to Louisiana and inform similar projects on a national level.

EARMARK DECLARATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Act.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Interior and Environment Appropriations Bill

Account: Environmental Protection Agency—STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: St. Tammany Parish

Address of Requesting Entity: St. Tammany Parish, 21490 Koop Drive, Mandeville, LA 70471

Description of Request: I have secured $500,000 for St. Tammany Parish. This funding will be used to create an on-line retention pond at the western intersection of Bayou Chinchuba and U.S. Highway 59. This will reduce floodwater heights in order to reduce risk to homes, streets, highway flooding, and protect over 16,000 citizens in the Bayou Chinchuba area of St. Tammany Parish. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BRADY of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Interior, Environment and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 2996—Interior, Environment and Related Agencies Appropriations Act, 2010

Project: Big Thicket National Preserve

Account: National Park Service, Land Acquisition

Requesting Entity: The Conservation Fund, Texas Office

Address of Requesting Entity: 101 W 6th Street, Suite 601, Austin, TX

The Big Thicket National Preserve is one of America's ecological treasures. It is an unusually shaped preserve whose boundaries include land once owned by major timber companies. This request enables the National Park Service to acquire critical land within the congressionally authorized boundary of the Big Thicket National Preserve to diversify the economic potential of southeast Texas through increased tourism opportunities. This project works only with voluntary, ''willing-seller'' landowners.

The $5,000,000 included in this bill for this project combined with previous funding will allow the National Park Service to purchase over 2500 acres of land on 23 tracts acquired from willing sellers or by voluntary donation. When funded in full, this request represents the final year in a seven-year land acquisition program.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act, 2010.

Requesting Member: JOHN R. CARTER

Bill Number: H.R. 2892

Account: Other

Requesting entity: Texas Engineering Extension Service

Address of Requesting Entity: 301 Tarrow, College Station, TX 77842

Description: $23 million was received for The National Emergency Response and Rescue Training Center (NERRTC), a member of the National Domestic Preparedness Consortium (NDPC), to provide relevant and effective Weapons of Mass Destruction (WMD)/terrorism training and education to our nation's emergency responders and their supervisors, managers and senior officials. NERRTC integrates the TEEX world-class training facilities with experienced, professional instructors and trainers to provide the nation's emergency responders with a ''one-stop'' shop for training, technical assistance and exercises. NERRTC works with over 40,000 emergency responders annually and delivers training and services in all 50 states, five U.S. territories, and the District of Columbia. This funding is important to taxpayers because of its potential to save lives in emergency situations.

Salaries: $15,339,463*

Travel: $ 9,025,662*

Equipment: 0*

Supplies: $ 53,281*

Contracts: $ 259,556*

Training Materials: $10,322,038*

*Based on a $35 million request

EARMARK DECLARATION

HON. FRANK. A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2892.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: H.R. 2892

Account: FEMA, State and Local Programs

Legal Name of Requesting Entity: City of Brigantine

Address of Requesting Entity: 1417 West Brigantine Avenue, Brigantine, NJ 08203

Description of Request: Provide an earmark of $300,000 to be used to create a fully functioning and stand alone Emergency Operations Center with adequate backup power generation and the ability to communicate with governmental agencies, as well as other neighboring Emergency Operations Centers if a catastrophic event or incident were to occur.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standard put forth by the House Appropriations Committee and the GOP Leadership, I would like to place in the RECORD a listing of the congressionally-directed project I requested in my home state of Idaho that is contained in the report of HR 2892, the FY2010 Homeland Security Appropriations bill.

Project Name: Power and Cyber Systems Protection, Analysis, and Testing Program

Amount $3,000,000

Account: NPPD Infrastructure Protection and Information Security

Recipient: Idaho National Laboratory

Recipient's Street Address: 2525 North Freemont Street, Idaho Falls, Idaho 83415

Description: This funding will be used to conduct vulnerability analysis, testing, and protection of power and cyber connected systems for the Department of Homeland Security, utilizing the unique resources available at the Idaho National Laboratory, such as the electric grid, SCADA and control systems, cyber and communication test beds, and the explosives test range. The project entails collaboration with leading universities and other National Laboratories to leverage ongoing research at these institutions and advance the state-of-the-art in building resilience into infrastructure systems. The funding will be used to obtain full-scale systems in sectors of interest to DHS for testing of vulnerabilities, identification of protection strategies, and evaluation of resilient designs; partner with universities and National Laboratories to develop resilient control systems; and establish a program that develops new protection schemes. The INL is uniquely placed to carry out this program, which leverages its ongoing work in this area sponsored by DOD, DHS, and Intelligence Agencies and its established relationships with industry, universities, and National Laboratories.

I appreciate the opportunity to provide a list of the Idaho project that has received funding in the FY2010 Homeland Security Appropriations bill and provide an explanation of my support for it.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, legislation that makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010. I have received $350,000 in the FY2010 FEMA, Emergency Operations Center account for a new EOC in Palm Coast, FL. The entity to receive funding for this project is the City of Palm Coast, 160 Cypress Point Parkway Suite B–106, Palm Coast, FL 32164. To the best of my knowledge, the funding would be used for the construction of a new EOC facility in Palm Coast, FL.

The FY 2010 funding will assist in the construction of an Emergency Operations Center in Palm Coast. The new EOC will replace the 36 year old obsolete facility. The new location of the replacement facility will better serve the community by having its location in a central area of the City.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 10 Homeland Security Appropriation Act.

Requesting Member: Rep. CHRISTOPHER H SMITH

Bill Number: H.R. 2892

Account: Federal Emergency Management Agency's Pre-Disaster Mitigation

Legal Name of Requesting Entity: City of Trenton

Address of Requesting Entity: 319 East State Street, Trenton, NJ 08608

Description of Request: Funding will be used to help fortify the City's water filtration plant from ongoing flooding and contamination risk. The plant is responsible for providing safe drinking water to 225,000 people in Trenton, Hamilton and surrounding Mercer County areas.

Work supported with the $300,000 in federal funds—which the city of Trenton will match with $100,000—will protect the drinking water supply by eliminating vulnerabilities to contamination resulting from future flood events. The city will use it to waterproof open areas, relocate vulnerable controls and electronics, and make improvements to the sump pump system and the Chlorination storage facility.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Department of the Interior, Environment, and Related Agencies Appropriations Act, Fiscal Year 2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 2996—Department of the Interior, Environment, and Related Agencies Appropriations Act, Fiscal Year 2010

Account: U.S. Forest Service, Land Acquisition

Legal Name of Requesting Entity: Florida National Scenic Trail

Address of Requesting Entity: 5416 SW 13th Street, Gainesville, FL 32608

Description of Request: I have secured $500,000 to acquire critical and strategic holdings buffering or adjacent to Eglin Air Force Base, its flyways over the Northwest Florida Greenway, the National Forests in Florida and other Federal and State land.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge the request I have detailed below is (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on a project I requested and was included in H.R. 2996—the Interior, Environment, and Related Agencies Appropriations Act, 2010.

Account: National Park Service—Construction

Project Name: Crater Lake Visitor Education Center, Crater Lake National Park, Crater Lake, OR

Legal Name and Address of Requesting Entity: Crater Lake National Park Trust, PO Box 62, Crater Lake, OR 97604

Project Location: Crater Lake, Oregon

Description of Project: H.R. 2996 appropriates $350,000 for the Crater Lake Visitor Education Center project. According to the requesting entity, this funding will be used by Crater Lake National Park for construction and renovation of the Crater Lake Visitor Education Center. Crater Lake National Park was created by President Theodore Roosevelt and is the sixth oldest National Park in America. Furthermore, Crater Lake is the deepest lake in America and holds the purest water in the world. This is a beneficial use of taxpayer funding because the Crater Lake Visitor Center will provide valuable educational opportunities for over 2,000 grade school students and around 500,000 other visitors who visit Crater Lake from throughout the United States and the World each year.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010 contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 2647

Account: Military Construction, Army

Legal Name Requesting Entity: Fort Campbell, Kentucky

Address: 39 Normandy Avenue, Fort Campbell, Kentucky

Description of Request: There is inadequate chapel space at Ft. Campbell. The current facilities are scattered across the entire installation in several substandard World War II buildings that are in disrepair. The construction of a chapel complex will provide every Fort Campbell soldier, their family members and retirees a quality facility in which to worship and practice their religious faith. As overseas deployments remain high, an increasing number of soldiers and families will rely on the chapel to support their spiritual needs. The local Clarksville Chamber of Commerce has strongly advocated for a new chapel on Ft. Campbell.

Distribution of funding: Chapel, 72 percent; Antiterrorism/Force Protection Measures, 1 percent; Infrastructure (electric, water), 11 percent; Supervision, Inspection & Overhead, 16 percent.

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 2647

Account: Military Construction, Army

Legal Name Requesting Entity: Fort Campbell, Kentucky

Address: 39 Normandy Avenue, Fort Campbell, Kentucky

Description of Request: A consolidated physical fitness facility is required to enable soldiers to maintain required fitness levels, provide facilities for recreational use and increase the quality of life for military dependents. The designated location for the fitness center is in a remote part of the installation where no facilities exist. The local Clarksville Chamber of Commerce has strongly advocated for an improved physical fitness center on Ft. Campbell.

Distribution of funding: Planning and Design, 100 percent.

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 2647

Account: National Nuclear Security Administration

Legal Name Requesting Entity: Y–12 National Security Complex

Address: Y–12 National Security Complex, Oak Ridge, TN 37830

Description of Request: The Operations of Facilities Program contributes to the transformation of the Y–12 site into a smaller, less expensive and more responsive enterprise. The Operations of Facilities Program provides the facilities and infrastructure required to support dismantlement, weapons production and other national security missions.

Distribution of funding: Service Contract, 100 percent.

EARMARK DECLARATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. TURNER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847.

(1) Project—Wilmington Police Department—Equipment Replacement and Modernization

Requesting Member: MICHAEL R. TURNER

Bill Number: H.R. 2847

Account: OJP—Byrne

Legal Name of Requesting Entity: Wilmington Police Department

Address of Requesting Entity: 69 N South St., Wilmington, Ohio 45177

Description of Project: Located in rural Clinton County, Ohio, the Wilmington Police and Fire Department are in need of equipment modernization in order to more effectively serve the first responder needs of the community. Funds for this request will be used to replace computer equipment for the Department in order to increase public safety.

(2) Project—Improved Solutions for Urban Systems—21st Century Jobs for Disengaged Youth

Requesting Member: MICHAEL R. TURNER

Bill Number: H.R. 2847

Account: OJP—JJ

Legal Name of Requesting Entity: Improved Solutions for Urban Systems (ISUS)

Address of Requesting Entity: 140 N. Keowee St., Dayton, OH 45402

Description of Project: Improved Solutions for Urban Systems is looking to expand upon their already successful model of providing education and job training for at-risk youth. Funds for this project will be used to support and train disengaged youth for 21st Century jobs, such as "green collar" jobs.

EARMARK DECLARATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. PAUL. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I obtained as part of HR 2996.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 2996

Account: Fish and Wildlife Service, Land Acquisition

Legal Name of Requesting Entity: San Bernard Wildlife Refuge

Address of Requesting Entity: 2547 CR 316, Brazoria, TX 77422

Description of Request: An earmark of $2,500,000 to fund Land Acquisition for the San Bernard Wildlife Refuge in Brazoria County, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 2996

Account: EPA, STAG Water and Wastewater infrastructure project

Legal Name of Requesting Entity: City of Baytown

Address of Requesting Entity: 2401 Market Street, Baytown, TX 77522

Description of Request: An earmark of $500,000 to fund Water and Wastewater infrastructure improvement in Baytown, Texas.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Ms. WOOLSEY. Madam Speaker, on June 23, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 419–423.

Had I been present I would have voted:

Rollcall No. 419—"yea"—Veterans' Compensation Cost-of-Living Adjustment Act of 2009.

Rollcall No. 420—"yea"—Veterans Health Care Budget Reform and Transparency Act of 2009.

Rollcall No. 421—"yea"—Women Veterans Health Care Improvement Act.

Rollcall No. 422—"yea"—To direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors.

Rollcall No. 423—"yea"—To make technical corrections to the Higher Education Act of 1965, and for other purposes.

EARMARK DECLARATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. BISHOP of New York. Madam Speaker, on June 19, 2009, I was detained by a previously scheduled commitment in my district. Due to my absence, I request unanimous consent for the record to reflect that had I been here, I would have voted in the following manner:

Rollcall No. 409, I would have voted "aye";

Rollcall No. 410, I would have voted "aye";

Rollcall No. 411, I would have voted "aye";

Rollcall No. 412, I would have voted "aye";

Rollcall No. 413, I would have voted "aye";

Rollcall No. 414, I would have voted "present";

Rollcall No. 415, I would have voted "aye";

Rollcall No. 416, I would have voted "aye";

Rollcall No. 417, I would have voted "aye";

Rollcall No. 418, I would have voted "aye."

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge the requests I have detailed below are (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on projects I requested and were included in H.R. 2647—The National Defense Authorization Act of Fiscal Year 2010.

Account: Navy; Research, Development, Test & Evaluation; Line 3, Defense Research Sciences; PE #0601153N

Project Name: ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology (N3I) Initiative

Legal Name and Address of Requesting Entity:

Portland State University; Oregon State University; University of Oregon; Oregon Nanosciences and Microtechnologies Institute

Portland State University

Portland, OR 97207

Project Location: Portland, OR; Corvallis, OR; Eugene, OR; Corvallis, OR

Description of Project: H.R. 2647 appropriates $2,000,000 for the ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology (N3I) Initiative. According to the requesting entity, this project would support collaborative research to generate new applications such as nanoelectronic devices to address the end of Moore's Law scaling, advanced solar cells, nanoscale chemical imaging for catalysis improvements in areas such as bioremediation and ethanol production, nanoscale biosensors for point-of-care health management, and biological cell imaging and measurement capabilities.

Account: Defense-wide (DOD); Research, Development, Test & Evaluation; Line 238, Industrial Preparedness; PE # 0708011 S

Project Name: Northwest Manufacturing Initiative

Legal Name and Address of Requesting Entity:

Manufacturing 21 Coalition

1100 SW 6th Avenue, Suite 1425

Portland, OR 97204

Project Location: Portland, Oregon

Description of Project: H.R. 2647 appropriates $1,200,000 for the Northwest Manufacturing Initiative. According to the requesting entity, funds for this project would improve the performance of manufacturing companies and the products they create as part of the defense logistics pipeline.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 2647, National Defense Authorization Act for Fiscal Year 2010

Account: Military Construction

Legal Name of Requesting Entity: United States Southern Command

Address of Requesting Entity: City of Doral, Florida

Description of Request: I have secured an authorization for $55.4 million for construction of a new headquarters for the U.S. Southern Command. Currently, the Department of Defense is leasing the land on which SOUTHCOM is now located from a private individual. The funds would be used by the Department of Defense to build the new SOUTHCOM headquarters adjacent to the current SOUTHCOM facility in Doral, Florida. The land for this facility will be leased from the State of Florida. SOUTHCOM received $100 million in the FY08 Military Construction Appropriations bill and $81.6 million in the FY09 Military Construction Appropriations bill as the first two installments of $237 million, previously authorized in the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504).

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the FY10 Interior Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY–26)

Bill Number: H.R. 2996

Account: Environmental Protection Agency—STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Town of Pendleton, NY

Address of Requesting Entity: 6570 Campbell Boulevard, Lockport, NY 14094

Description of Request: Provide an earmark of $500,000 for the sewer grinder pumps

project in order to convert the low pressure system to a gravity system and will provide residents with a higher level of services and alleviate flooding of homes and roads.

Of the total amount received, 100% is for the purchase of replacement units (as a cost of $2,716 each). The Town of Pendleton will provide the labor to install each unit, which takes 4 hours and 4 laborers to complete.

The Town of Pendleton operates and maintains a sanitary sewer system on behalf of Town sewer districts. These districts currently provide sanitary services to more than half of the Town residents. The sanitary system is primarily a low-pressure system, with the exception of several new subdivisions served by gravity systems. The low-pressure system was constructed during the 1970s and is comprised of approximately 14 miles of sewer mains and 453 pump stations. The pump stations are pre-assembled package stations that were installed within individual service laterals. The stations grind residential waste and discharge it under pressure to the system. Years of harsh environmental conditions, improper waste products and normal wear and tear have caused significant deterioration in the pump stations. The stations are becoming increasingly problematic for the Town. System maintenance has steadily intensified with a current average of over 30 maintenance calls per month.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 25, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 26

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2010.
SR–222

JULY 14

9:30 a.m.
Veterans' Affairs
To hold hearings to examine bridging the gap in care of women veterans.
SR–418

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 796, to modify the requirements applicable to locatable minerals on public domain land.
SD–366

JULY 29

9:30 a.m.
Veterans' Affairs
To hold hearings to examine veteran's disability compensation.
SR–418

Daily Digest

HIGHLIGHTS

Senate began consideration of the impeachment proceedings of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The House passed H.R. 2892, Department of Homeland Security Appropriations Act, 2010.

Senate

Chamber Action

Routine Proceedings, pages S6959–S7024

Measures Introduced: Sixteen bills and four resolutions were introduced, as follows: S. 1332–1347, and S. Res. 202–205. **Pages S6992–93**

Measures Passed:

Issuance of Summons and Related Procedures for Impeachment Against Judge Samuel B. Kent: Senate agreed to S. Res. 202, to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Samuel B. Kent. **Page S6961**

Appointment of Committee for Impeachment Against Judge Samuel B. Kent: Senate agreed to S. Res. 203, to provide for the appointment of a committee to receive and to report evidence with respect to articles of impeachment against Judge Samuel B. Kent. **Page S6961**

Enhanced Partnership with Pakistan Act: Senate passed S. 962, to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, after agreeing to the committee amendments. **Pages S7015–22**

John Arthur "Jack" Johnson Sense of the Congress: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 29, expressing the sense of the Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation, and the resolution was then agreed to. **Page S7022**

African American Bone Marrow Awareness Month: Senate agreed to S. Res. 205, supporting the goals and ideals of African American Bone Marrow Awareness Month. **Page S7022**

Measures Considered:

Impeachment of Judge Samuel B. Kent: Senate, sitting as a Court of Impeachment, began consideration of the impeachment proceedings of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, taking the following action:

Subsequently, the Senate received the managers appointed by the House of Representatives who presented and exhibited Articles of Impeachment against Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, and the oath was administered to Senators by the Acting President pro tempore. **Pages S6959–61**

Appointments:

Impeachment Trial Committee: The Chair, upon the recommendations of the Majority Leader, and in accordance with the resolution on the appointment of an impeachment trial committee, appointed the following Senators to the Impeachment Trial Committee: Senators McCaskill (Chairman), Klobuchar, Whitehouse, Udall (NM), Shaheen, and Kaufman. **Pages S6961–62**

Impeachment Trial Committee: The Chair, upon the recommendations of the Republican Leader, and in accordance with the resolution on the appointment of an impeachment trial committee, appointed the following Senators to the Impeachment Trial Committee: Senators Martinez (Vice-Chairman), DeMint, Barrasso, Wicker, Johanns, and Risch. **Pages S6961–62**

Impeachment Trial Committee and Impeachment Rule XI: The Chair, upon the recommendations of the two Leaders, and pursuant to the resolution on the appointment of an impeachment trial committee and Impeachment Rule XI, appointed the following Senators to be members of the committee to receive and report evidence in the impeachment of Judge Samuel B. Kent: Senators McCaskill (Chair), Klobuchar, Whitehouse, Udall (NM), Shaheen, Kaufman, Martinez (Vice-Chairman), DeMint, Barrasso, Wicker, Johanns, and Risch.

Pages S6961–62

Message From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13466 of June 26, 2008, with respect to the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–26) **Page S6992**

Koh Nomination—Agreement: Senate resumed consideration of the nomination of Harold Koh, to be Legal Advisor of the Department of State.

During consideration of this measure today, Senate also took the following action:

By 65 yeas to 31 nays (Vote No. 212), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the nomination.

Pages S6962–87

A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 10:30 a.m., on Thursday, June 25, 2009, and that any time during any adjournment or period of morning business count post-cloture.

Pages S7023–24

Nominations Received: Senate received the following nominations:

James Legarde Hudson, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development.

John Victor Roos, of California, to be Ambassador to Japan.

James B. Smith, of New Hampshire, to be Ambassador to the Kingdom of Saudi Arabia.

Routine lists in the Air Force and Army.

Page S7024

Messages From the House: **Page S6992**

Measures Referred: **Page S6992**

Measures Read the First Time: **Pages S6992, S7023**

Enrolled Bills Presented: **Page S6992**

Executive Reports of Committees: **Page S6992**

Additional Cosponsors: **Pages S6993–95**

Statements on Introduced Bills/Resolutions: **Pages S6995–S7014**

Additional Statements: **Pages S6988–92**

Notices of Hearings/Meetings: **Page S7014**

Authorities for Committees to Meet: **Pages S7014–15**

Privileges of the Floor: **Page S7015**

Quorum Calls:

One quorum call was taken today. (Total—2) **Page S6959**

Record Votes: One record vote was taken today. (Total—212) **Page S6965**

Adjournment: Senate convened at 9:55 a.m. and adjourned at 6:46 p.m., until 9:30 a.m. on Thursday, June 25, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S7023–24.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies approved for full committee consideration an original bill making appropriations for Commerce, Justice, Science, and Related Agencies for fiscal year 2010.

AUTHORIZATION: DEFENSE

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2010.

TRANSPARENCY IN HEALTH INSURANCE

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine consumer choices and transparency in the health insurance industry, after receiving testimony from Nancy Metcalf, Consumer Reports, Yonkers, New York; Karen Pollitz, Georgetown University Health Policy Institute, Washington, DC; and Wendell Potter, Philadelphia, Pennsylvania.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Colin Scott Cole Fulton, of Maryland, to be

General Counsel, and Paul T. Anastas, of Connecticut, to be Assistant Administrator for the Office of Research and Development, both of the Environmental Protection Agency, after the nominees testified and answered questions in their own behalf.

IRAN

Committee on Foreign Relations: Committee concluded a hearing to examine issues pertaining to Iran, after receiving testimony from Karim Sadjadpour, Carnegie Endowment for International Peace, Michael Singh and Mehdi Khalaji, both of the Washington Institute for Near East Policy, and Suzanne Maloney, Brookings Institution, all of Washington, DC; and Hooman Majd, New York, New York.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Capricia Penavic Marshall, of the District of Columbia, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service, who was introduced by Senator Brown, and Daniel M. Rooney, of Pennsylvania, to be Ambassador to Ireland, who was introduced by Senators Specter and Casey, both of the Department of State, after the nominees testified and answered questions in their own behalf.

DIABETES RESEARCH

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine type 1 diabetes research progress, after receiving testimony from Griffin P. Rodgers, Director, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Department of Health and Human Services; Mary Tyler Moore, Sugar Ray Leonard, and Nick Jonas, all of the Juvenile Diabetes Research Foundation, New York, New York; and Hannah Ryder, Cumberland, Maine, J. Patrick Lacher III, South Glastonbury, Connecticut, Asa Kelly, Charlotte, North Carolina, and Ellen Gould, Nashville, Tennessee, all on behalf of the Juvenile Diabetes Research Foundation Children's Congress.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee continued consideration of Affordable Health Choices Act, but did not complete action thereon, and will meet again on Thursday, June 25, 2009.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of A. Thomas McLellan, of Pennsylvania, to be Deputy Director of National Drug Control Policy, Alejandro N. Mayorkas, of California, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security, and Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General, Department of Justice, after the nominees testified and answered questions in their own behalf.

DEPARTMENT OF VETERANS AFFAIRS QUALITY MANAGEMENT

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine the Department of Veterans Affairs quality management activities, after receiving testimony from Julie A. Watrous, Director, Combined Assessment Program, Office of Healthcare Inspections, John Daigh, Assistant Inspector General for Healthcare, and Victoria Coates, Director, Atlanta Regional Office, all of the Office of Inspector General, Gerald M. Cross, FAAFP, Acting Under Secretary for Health, William E. Duncan, MACP, Associate Deputy Under Secretary for Health for Quality and Safety, Juan A. Morales, Director, Tennessee Valley Healthcare System, Rebecca J. Wiley, Director, Charlie Norwood Medical Center, and Mary D. Berrocal, Director, Miami Health Care System, all of the Department of Veteran Affairs; Thomas Nolan, Institute for Healthcare Improvement, Silver Spring, Maryland; and Robert A. Wise, The Joint Commission, Oakbrook Terrace, Illinois.

EMERGENCY PREPAREDNESS FOR ELDERLY AND SPECIAL NEEDS

Special Committee on Aging: Committee concluded a hearing to examine emergency preparedness, aging and special needs, after receiving testimony from Richard Besser, Director, Coordinating Office for Terrorism Preparedness and Emergency Response, Centers for Disease Control and Prevention, Department of Health and Human Services; Timothy Manning, Deputy Administrator, National Preparedness Federal Emergency Management Agency, Department of Homeland Security; E. Douglas Beach, Florida Secretary on the Emergency Preparedness, Aging, and Special Needs, Department of Elder Affairs, and LuMarie Polivka-West, Florida Health Care Association, both of Tallahassee; and Sandy Markwood, National Association of Area Agencies on Aging, Washington, DC.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 24 public bills, H.R. 3011–3034 and 2 resolutions, H.J. Res. 58; and H. Res. 579 were introduced.

Pages H7248–50

Additional Cosponsors: **Pages H7250–51**

Report Filed: A report was filed today as follows:

H. Res. 578, providing for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010 (H. Rept. 111–184). **Page H7236**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Shawn L. Kumm, Zion Evangelical Lutheran Church, Laramie, Wyoming.

Page H7149

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H7149, H7235–36**

Motion to Adjourn: Rejected the Boehner motion to adjourn by a yea-and-nay vote of 96 yeas to 308 nays, Roll No. 424. **Pages H7153–54**

Motion to Adjourn: Rejected the Broun (GA) motion to adjourn by a yea-and-nay vote of 73 yeas to 316 nays, Roll No. 425. **Page H7161**

Suspensions: The House agreed to suspend the rules and pass the following measure:

Disabled Military Retiree Relief Act of 2009: H.R. 2990, to provide special pays and allowances to certain members of the Armed Forces and to expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, by a ⅔ yea-and-nay vote of 404 yeas with none voting "nay", Roll No. 433.

Pages H7154–61, H7162–66, H7177–78

Motion to Adjourn: Rejected the Wilson (SC) motion to adjourn by a yea-and-nay vote of 26 yeas to 361 nays, Roll No. 426. **Pages H7166–67**

Motion to Adjourn: Rejected the Tiberi motion to adjourn by a yea-and-nay vote of 25 yeas to 366 nays, Roll No. 427. **Pages H7167–68**

Privileged Resolution—Intent to Offer: Representative Price (GA) announced his intent to offer a privileged resolution. **Pages H7175–76**

Motion to Adjourn: Rejected the Price (GA) motion to adjourn by a recorded vote of 31 ayes to 393 noes, Roll No. 432. **Pages H7176–77**

Motion to Adjourn: Rejected the King (IA) motion to adjourn by a recorded vote of 36 ayes to 381 noes, Roll No. 434. **Page H7178**

Department of Homeland Security Appropriations Act, 2010: The House passed H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, by a yea-and-nay vote of 389 yeas to 37 nays, Roll No. 450.

Pages H7167, H7168–75, H7179–90, H7190–H7215, H7222–34

Agreed to the Rogers (KY) motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment by a recorded vote of 234 ayes to 193 noes, Roll No. 449. Subsequently, Representative Price (NC) reported the bill back to the House with the amendment and the amendment was agreed to. **Page H7233**

Agreed to:

Price (NC) manager's amendment (No. 1 printed in part A of H. Rept. 111–183) that increases funding for the Firefighter grant program, nonprofit security grants, the Metropolitan Medical Response System, and the Western Hemisphere Travel Initiative. In addition, the amendment contains two prohibitions on funds in this bill being used: for first class travel, with certain exceptions, and to close or transfer operations of a FEMA recovery office. Finally, the amendment ensures DHS employees who interact with the public can use personal protective equipment without negative personnel action (by a recorded vote of 345 ayes to 85 noes, Roll No. 435);

Pages H7222–23

Lewis (CA) amendment (No. 5 printed in part B of H. Rept. 111–183) that adds $34 million to U.S. Customs and Border Protection, intending to fund 200 additional Border Patrol agents, offset by reducing funding for the Offices of the Secretary and Executive Management; Under Secretary for Management; Chief Financial Officer; and Chief Information Officer (by a recorded vote of 375 ayes to 55 noes, Roll No. 436); **Page H7223**

King (NY) amendment (No. 8 printed in part B of H. Rept. 111–183) that adds $50 million in funding to the Domestic Nuclear Detection Office, with $40 million intended for the Securing the Cities initiative and $10 million intended for the procurement of radiation portal monitors, offset by a reduction in the Department's Office of the Secretary and Executive Management and the Office of the Under Secretary for Management (by a recorded vote of 282 ayes to 148 noes, Roll No. 437);

Pages H7223–24

Bilirakis amendment (No. 1 printed in part B of H. Rept. 111–183) that increases funding for Immigration and Customs Enforcement (ICE) salaries and expenses by $1.7 million offset by reducing funding for the Office of the Secretary and Executive Management. The funds are intended to be used to expand the Visa Security Program, which places ICE personnel overseas at high-risk locations to screen visa applications (by a recorded vote of 423 ayes to 6 noes, Roll No. 438); **Pages H7224–25**

King (IA) amendment (No. 3 printed in part B of H. Rept. 111–183) that reduces and then increases funding for United States Customs and Border Protection salaries and expenses by $1 million. This funding would go towards removing the lookout posts that have been established along the U.S.-Mexico border (by a recorded vote of 240 ayes to 187 noes with 1 voting ''present'', Roll No. 439); and **Page H7225**

King (IA) amendment (No. 4 printed in part B of H. Rept. 111–183) that prohibits any funds in the Act from being used to employ illegal workers as defined in the Immigration and Nationality Act (by a recorded vote of 349 ayes to 84 noes, Roll No. 442). **Page H7227**

Rejected:

Duncan amendment (No. 2 printed in part B of H. Rept. 111–183) that sought to maintain current (FY2009) funding for the Federal Air Marshals (by a recorded vote of 134 ayes to 294 noes, Roll No. 440); **Pages H7225–26**

Poe (TX) amendment (No. 7 printed in part B of H. Rept. 111–183) that sought to increase by $32 million funds available for the National Predisaster Mitigation Fund, offset by reducing by the same amount funds available for FEMA Management and Administration (by a recorded vote of 202 ayes to 230 noes, Roll No. 441); **Pages H7226–27**

Neugebauer amendment (No. 6 printed in part B of H. Rept. 111–183) that sought to reduce spending in this act by $2,755,000,000 across multiple accounts (by a recorded vote of 113 ayes to 318 noes, Roll No. 443); **Page H7228**

Flake amendment (No. 7 printed in part C of H. Rept. 111–183) that sought to strike an earmark for the City of Emeryville, CA, from FEMA's National Predisaster Mitigation Fund (by a recorded vote of 110 ayes to 322 noes, Roll No. 444); **Pages H7228–29**

Flake amendment (No. 5 printed in part C of H. Rept. 111–183) that sought to strike an earmark for the Harris County Flood Control District, Texas, from FEMA's National Predisaster Mitigation Fund (by a recorded vote of 82 ayes to 348 noes, Roll No. 445); **Page H7229**

Flake amendment (No. 2 printed in part C of H. Rept. 111–183) that sought to prohibit funds in the bill from going to the National Institute for Hometown Security, Kentucky, and would reduce the overall cost of the bill by a commensurate amount (by a recorded vote of 114 ayes to 317 noes, Roll No. 446); **Page H7230**

Flake amendment (No. 1 printed in part C of H. Rept. 111–183) that sought to prohibit funds in the bill from going to Global Solar, Arizona, for portable solar charging rechargeable battery systems, and reduce the overall cost of the bill by a commensurate amount (by a recorded vote of 110 ayes to 318 noes, Roll No. 447); and **Pages H7230–31**

Flake amendment (No. 1 printed in part D of H. Rept. 111–183) that sought to strike the $1 million earmark for SEARCH of Sacramento, CA, for interoperable communications, technical assistance and outreach programs (by a recorded vote of 112 ayes to 320 noes, Roll No. 448). **Page H7231**

H. Res. 573, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 239 yeas to 184 nays, Roll No. 430, and the Westmoreland motion to reconsider the vote was rejected by a yea-and-nay vote of 169 yeas to 251 nays, Roll No. 431. Earlier, agreed to order the previous question by a yea-and-nay vote of 238 yeas to 174 nays, Roll No. 428, and rejected the Broun (GA) motion to reconsider the vote by a recorded vote of 172 ayes to 238 noes, Roll No. 429. **Pages H7173–75**

Public Interest Declassification Board—Appointment: The Chair announced the Speaker's appointment of the following member on the part of the House of Representatives to the Public Interest Declassification Board for a term of 3 years: Mr. David Skaggs of Longmont, Colorado. **Page H7221**

National Defense Authorization Act for Fiscal Year 2010: The House began consideration of H.R. 2647, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2010. Consideration is expected to resume tomorrow, June 25th.

Pages H7215–21, H7234–35, H7236–46

H. Res. 572, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 222 yeas to 202 nays, Roll No. 452, after agreeing to order the previous question by yea-and-nay vote of 245 yeas to 181 nays, Roll No. 451.

Pages H7234–35

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency declared in Executive Order 13466 of June 26, 2008 with respect to North Korea and North Korean nationals is to continue in effect beyond June 26, 2009—referred to the Committee on

Foreign Affairs and ordered printed (H. Doc. 111–52). **Pages H7190, H7221–22**

Senate Messages: Messages received from the Senate today appear on pages H7149, H7166.

Senate Referrals: S. Con. Res. 30 was referred to the Committee on Education and Labor and S. Res. 202 and S. Res. 203 were held at the desk. **Pages H7149, H7166**

Quorum Calls—Votes: Eleven yea-and-nay votes and 18 recorded votes developed during the proceedings of today and appear on pages H7153–54, H7161, H7166–67, H7167–68, H7173, H7173–74, H7174–75, H7175, H7176–77, H7177–78, H7178, H7222–23, H7223, H7223–24, H7224–25, H7225, H7225–26, H7226–27, H7227, H7228, H7228–29, H7229, H7230, H7230–31, H7231, H7233, H7234, H7234–35, H7235. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12 a.m. on Thursday, June 25th.

Committee Meetings

FOOD, CONSERVATION, AND ENERGY ACT IMPLEMENTATION

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management held a hearing to review implementation of the Food, Conservation, and Energy Act of 2008. Testimony was heard from public witnesses.

FAIR DISCLOSURE AND PENSION SECURITY ACT OF 2009

Committee on Education and Labor: Ordered reported, as amended, H.R. 2989, 401(k) Fair Disclosure and Pension Security Act of 2009.

HEALTHCARE REFORM

Committee on Energy and Commerce: and the Subcommittee on Health continued hearings on draft health reform legislation. Testimony was heard from Kathleen Sebelius, Secretary of Health and Human Services; Representative Conyers; Joseph Vitale, Chairman, Committee on Health, Human Services, and Senior Citizens, State Senate, New Jersey; Jay Webber, State Assembly, New Jersey; Michael O. Leavitt, former Secretary of Health and Human Services; and public witnesses.

Hearings continue tomorrow.

U.S.-AFRICA TRADE RELATIONS

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection, and the Subcommittee on Africa and Global Health of the Committee on Foreign Affairs held a joint hearing on U.S.-Africa Trade Relations: Creating a Platform for Economic Growth. Testimony was heard from Florizelle Liser, Assistant U.S. Trade Representative for Africa, Office of the U.S. Trade Representative; Leocadia L. Zak, Acting Director, Trade and Development Agency; Holly Vineyard, Deputy Assistant Secretary for Africa, the Middle East and Asia, Department of Commerce; and public witnesses.

REGULATOR RESTRUCTURING

Committee on Financial Services: Held a hearing entitled "Regulatory Restructuring: Enhancing Consumer Financial Products Regulation." Testimony was heard from Representative Delahunt; William Francis Galvin, Secretary, Commonwealth of Massachusetts; and public witnesses.

U.S.-RUSSIA NUCLEAR ARMS REDUCTION

Committee on Foreign Affairs: Held a hearing on the July Summit and Beyond: Prospects for U.S.-Russia Nuclear Arms Reduction. Testimony was heard from William J. Perry, former Secretary of Defense; Thomas Graham, Jr., former Special Representative to the President for Arms Control, Non-Proliferation, and Disarmament, and Legal Advisor to SALT II, START I and II; and Keith B. Payne, former Deputy Assistant Secretary of Defense for Forces Policy.

HOMELAND SECURITY INTELLIGENCE ANALYSIS BUDGET

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "FY2010 Budget for the Office of Intelligence and Analysis of the Department of Homeland Security." Testimony was heard from Bart Johnson, Acting Under Secretary, Office of Intelligence and Analysis, Department of Homeland Security.

RESOLUTION ADVERSELY REPORTED REGARDING TRANSMISSION TO THE HOUSE MATERIAL RELATING TO DETAINEES

Committee on the Judiciary: Ordered reported adversely H. Res. 537, Requesting that the President and directing that the Attorney General transmit to the House of Representative all information in their possession relating to specific communications regarding detainees and foreign persons suspected of terrorism.

PUERTO RICO DEMOCRACY ACT OF 2009

Committee on Natural Resources: Held a hearing on H.R. 2499, Puerto Rico Democracy Act of 2009. Testimony was heard from Representatives Burton of Indiana and Grayson; the following officials of the

Government of Puerto Rico; Luis G. Fortino, Governor; the following members of the Senate: Ruben Angel Berrios Martinez; Thomas Rivera Schatz, President, Jose L. Dalmau Santiago, Minority Leader; and Eduardo Bhatia Gautier; the following officials of the House; Jennifer Gonzalez Colon, Speaker; and Hector Lerrer Rios, and Carlos Romero-Barcelo, former Governor.

AFGHANISTAN AND PAKISTAN OVERSIGHT—NEW INTERAGENCY STRATEGY

Committee on Oversight and Government Reform: and the Subcommittee on National Security and Foreign Affairs held a joint hearing entitled ''Afghanistan and Pakistan: Oversight of a New Interagency Strategy.'' Testimony was heard from Ambassador Richard C. Holbrooke, U.S. Special Representative to Afghanistan and Pakistan, Department of State; and GEN Wallace Gregson, Assistant Secretary, Asian and Pacific Affairs, Department of Defense.

FEDERAL EMPLOYEE PRESCRIPTION DRUG BENEFITS

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia approved for full Committee action, as amended, H.R. 22, To amend chapter 89, title 5, United States Code, to allow the United States Postal Service to pay its share of contributions for annuitants' health benefits out of the Postal Service Retiree Health Benefits Fund.

The Subcommittee also held a hearing entitled ''FEHBP's Prescription Drug Benefits: Deal or No Deal?'' Testimony was heard from the following officials of OPM: Patrick McFarland, Inspector General; and Nancy Kichak, Associate Director, Human Resources Policy Division; John Dicken, Director, Health Care, GAO; and public witnesses.

THE ''DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010''

Committee on Rules: Granted, by a record vote of 8–3, a structured rule providing for consideration of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The rule makes in order the following amendments: (1) the amendment printed in part A of the Rules Committee report; (2) the amendments printed in part B of the report; (3) not to exceed three of the amendments printed in part C of the report, if offered by Representative Flake of Arizona or his designee; (4) not to exceed one of the amendments printed in part D of the report, if offered by Representative Campbell of California or his designee; and (5) not to exceed one of the amendments printed in part E of the report, if offered by Representative Hensarling of Texas or his designee. The rule provides that each such amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. The rule also provides that the amendments printed in part B, C, D, or E of the report may be offered only at the appropriate point in the reading. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question. The rule provides one motion to recommit with or without instructions. The rule provides that after consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee and that the Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 or rule XVIII). Finally, the rule provides that during consideration of H.R. 2996, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 or rule XX. Testimony was heard from Chairman Dicks, Representatives Kanjorski; Hinojosa; Simpson; Buyer; Conaway; Garrett of New Jersey; King of Iowa; Nunes; McCaul of Texas; Jordan of Ohio; Lamborn and Roe of Tennessee.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Ordered reported, as amended, the following bills: H..R. 2965, Enhancing Small Business Research and Innovation Act of 2009; H.R. 2729, To authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes; and H.R. 1622, To provide for a program of research, development, and demonstration on natural gas vehicles.

SMALL GROUP HEALTHCARE INFORMATION TECHNOLOGY

Committee on Small Business: Held a hearing entitled "Health IT Adoption and the New Challenges Faced by Solo and Small Group Healthcare Practices." Testimony was heard from David Blumenthal, M.D., National Coordinator, Health IT, Department of Health and Human Services; and public witnesses.

SURFACE TRANSPORTATION AUTHORIZATION ACT OF 2009

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit approved for full Committee action the Surface Transportation Authorization Act of 2009

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on the following bills: H.R. 2379, Veterans Group Life Insurance Improvement Act of 2009; H.R. 2713, Disabled Veterans Life Insurance Enhancement Act; H.R. 2968, to amend title 38, United States Code, to eliminate the required reduction in the amount of the accelerated death benefit payable to certain terminally-ill persons insured under Servicemembers' Group Life Insurance or Veterans' Group Life Insurance; H.R. 2774, Families of Veterans Financial Security Act. Testimony was heard from Representatives Buyer, Donnelly, Halvorson, and Kirkpatrick of Arizona; Thomas M. Lostowka, Director, VA Regional Office and Insurance Center, Veterans Benefits Administration, Department of Veterans Affairs; a representative of a veterans organizations; and a public witness.

HEALTH REFORM PROPOSALS

Committee on Ways and Means: Continued hearings on Health Reform in the 21st Century: Proposals to Reform the Health System. Testimony was heard from public witnesses.

BRIEFING—SIGNIFICATION NOTIFICATION

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Significant Notification. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 25, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed budget estimates for fiscal year 2010 for the Commerce, Justice, Science, and Related Agencies and Interior, Environment, and Related Agencies, 3 p.m., SD–106.

Committee on Armed Services: closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2010, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider the nominations of Raphael William Bostic, of California, and David H. Stevens, of Virginia, both to be an Assistant Secretary of Housing and Urban Development, time to be announced, room to be announced.

Committee on Environment and Public Works: to hold hearings to examine impacts of highway trust fund insolvency, 10 a.m., SD–406.

Subcommittee on Water and Wildlife, to hold hearings to examine the impacts of mountaintop removal coal mining on water quality in Appalachia, 3:30 p.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nominations of Maria Otero, to be Under Secretary for Democracy and Global Affairs, and Philip L. Verveer, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic, Energy, and Business Affairs and U.S. Coordinator for International Communications and Information Policy, both of the Department of State, 11 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to continue consideration of Affordable Health Choices Act, subcommittee assignments, and any pending nominations, 10 a.m., SR–325.

Committee on Indian Affairs: to hold hearings to examine S. 797, to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, 2:15 p.m., SD–628.

Committee on the Judiciary: to hold hearings to examine "The Matthew Shepard Hate Crimes Prevention Act", 10 a.m., SD–226.

Full Committee, business meeting to consider S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, H.R. 985 and S. 448, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 396, for the relief of Marcos Antonio Sanchez-Diaz, and the nominations of B. Todd Jones, to be United States Attorney for the District of Minnesota, and John P. Kacavas,

to be United States Attorney for the District of New Hampshire, 12 noon, SD–226.

Committee on Rules and Administration: organizational meeting of the Impeachment Trial Committee on the Articles against Judge Samuel B. Kent, 4:30 p.m., SR–301.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, to continue hearings to review implementation of the Food, Conservation, and Energy Act of 2008, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Energy and Water Development, and Related Agencies, to mark up appropriations for fiscal year 2010 for Energy and Water Development, and Related Agencies, 9 a.m., 2362–B Rayburn.

Subcommittee on Financial Services and General Government, to mark up appropriations for fiscal year 2010 for Financial Services and General Government, 2 p.m., 2358–A Rayburn.

Committee on Armed Services, Subcommittee on Oversight and Investigations, hearing on Raising Thinking from the Tactical to the Operational Level: JPME I and II at the Services' and Joint Command and Staff Colleges, 9 a.m., 2212 Rayburn.

Committee on the Budget, hearing on Statutory PAYGO, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, and the Subcommittee on Health, to continue hearings on draft health reform legislation, 9:30 a.m., 2123 Rayburn.

Subcommittee on Communications, Technology, and the Internet, to mark up H.R. 2994, To reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, 10 a.m., 2322 Rayburn.

Committee on Financial Services, hearing entitled ''Legislative Options for Preserving Federally- and State-Assisted Affordable Housing and Preventing Displacement of Low-Income, Elderly and Disabled Tenants,'' 10 a.m., 2128 Rayburn.

Subcommittee on Financial Institutions, and Consumer Credit, hearing entitled ''Improving Consumer Financial Literacy under the New Regulatory System,'' 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa and Global Health, hearing on Somalia: Prospects for Lasting Peace and a Unified Response to Extremism and Terrorism, 2 p.m., 2172 Rayburn.

Subcommittee on Asia, The Pacific and the Global Environment, hearing on Japan's Changing Role, 10 a.m., 2200 Rayburn.

Subcommittee on Middle East and South Asia, hearing on A Regional Overview of South Asia, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on Accountability, Transparency, and Uniformity in Corporate Deferred and Non-Prosecution Agreements, 11 a.m., 2141 Rayburn.

Committee on Natural Resources, hearing on H.R. 2708, Indian Health Care Improvement Act Amendments of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, and the Subcommittee on Domestic Policy, to continue joint hearings entitled ''Bank of America and Merrill Lynch: How Did a Private Deal Turn Into a Federal Bailout?, Part II,'' 10 a.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, hearing entitled ''Sexual Assault in the Military, Part 3: Context and Causes,'' 2 p.m., 2247 Rayburn.

Committee on Science and Technology, Subcommittee on Investigations and Oversight, hearing on The Science of Security: Lessons Learned in Developing, Testing and Operating Advanced Radiation Monitors, 10 a.m., 2318 Rayburn.

Subcommittee on Technology and Innovation, hearing on Assessing Cybersecurity Activities at NIST and DHS, 2 p.m., 2318 Rayburn.

Committee on Small Business, to mark up H.R. 2965, Enhancing Small Business Research and Innovation Act of 2009, 9:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, hearing on Recovery Act: 120-Day Progress Report for Transportation Programs, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on Post-9/11 G.I. Bill: Is the VA ready for August 1st? 1:30 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Oversight and Investigations and the Subcommittee on Select Revenue Measures, joint hearing on Highway and Transit Investment Needs, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on Iran, 3 p.m., 304 HVC.

Subcommittee on Technical and Tactical, executive, briefing on Overhead, 2 p.m., 304HVC.

Next Meeting of the SENATE

9:30 a.m., Thursday, June 25

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the nomination of Harold Koh, to be Legal Advisor of the Department of State.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 25

House Chamber

Program for Thursday: Continue consideration of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010.

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